

## **IC 21-36-4**

### **Chapter 4. Monetizing Capital Assets**

#### **IC 21-36-4-1**

##### **Applicability**

Sec. 1. This chapter applies to all state educational institutions.  
*As added by P.L.205-2013, SEC.335.*

#### **IC 21-36-4-2**

##### **Rule of statutory construction**

Sec. 2. This chapter shall be construed as supplemental to all other statutes governing an agreement regarding a capital asset entered into by a state educational institution.  
*As added by P.L.205-2013, SEC.335.*

#### **IC 21-36-4-3**

##### **"Monetize"**

Sec. 3. As used in this chapter, "monetize" refers to an exchange of part or all of the possession and control of a capital asset or security of a state educational institution, without a transfer of ownership, for a period of time in return for cash or future revenue as specified in a written agreement between the state educational institution and a third party.  
*As added by P.L.205-2013, SEC.335.*

#### **IC 21-36-4-4**

##### **Approval of agreement to monetize a capital asset; conditions**

Sec. 4. Before the board of trustees of a state educational institution may enter into an agreement with a third party to monetize a capital asset, the proposed principal terms of the agreement (including an estimated amount of the monetization proceeds) must be approved by the governor and the budget agency, after the recommendation of the budget committee, if the agreement will have:

- (1) an annual transactional value that exceeds one million dollars (\$1,000,000);
- (2) a total transactional value that exceeds five million dollars (\$5,000,000); or
- (3) a term, including the initial term and any renewal terms, that exceeds ten (10) years.

*As added by P.L.205-2013, SEC.335.*

#### **IC 21-36-4-5**

##### **Property tax exemption**

Sec. 5. Notwithstanding the provisions of IC 21-31-4-3 and IC 6-1.1-10-37:

- (1) tangible real property that is owned by a state educational institution; and
- (2) tangible real property that is constructed or used on real property described in subdivision (1), to the extent that tangible

real property is described in IC 21-35-7-2;  
and that is licensed, leased, or otherwise conveyed to a developer or operator in accordance with the provisions of an agreement under this chapter is exempt from all ad valorem property taxes and special assessments levied against that tangible real property by the state or any political subdivision of the state. The exemption applies to the tangible real property and to the developer's or operator's leasehold estate interest, franchise interest, license interest, and other interests in the tangible real property. Property satisfying the requirements of this section is considered to be public property devoted to an essential public and governmental function and purpose.

*As added by P.L.205-2013, SEC.335.*