

### **IC 21-33-3**

#### **Chapter 3. Projects for Land, Buildings, and Facilities; Repair and Rehabilitation Projects**

### **IC 21-33-3-1**

#### **Application of chapter; state educational institutions**

Sec. 1. This chapter applies to all state educational institutions.  
*As added by P.L.2-2007, SEC.274.*

### **IC 21-33-3-2**

#### **Application of chapter; property**

Sec. 2. This chapter applies to the following property:

- (1) Land.
- (2) Buildings.
- (3) Facilities.
- (4) Equipment.

*As added by P.L.2-2007, SEC.274.*

### **IC 21-33-3-3**

#### **Approved or authorized projects subject to review by the commission**

Sec. 3. (a) The commission for higher education shall complete a review of a project approved or authorized by the general assembly.

(b) This subsection does not apply to a project approved or authorized by the general assembly for which a state appropriation will be used. The commission for higher education shall complete the review required under subsection (a) within ninety (90) days after the project is submitted for review. If the review is not completed within ninety (90) days, the budget agency or the budget committee may proceed without the commission's review.

*As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.3; P.L.229-2011, SEC.236.*

### **IC 21-33-3-4**

#### **Advisory recommendation**

Sec. 4. (a) The budget agency may refer to the budget committee budgetary and fiscal matters under this chapter for which it would like an advisory recommendation.

(b) If a matter is referred to the budget committee, the budget committee:

- (1) shall hold hearings;
- (2) may exercise any powers under IC 4-12-1-11; and
- (3) shall make an advisory recommendation to the budget agency.

The advisory recommendation may recommend that the matter as referred be approved, disapproved, referred to the general assembly, or resolved in another way.

*As added by P.L.2-2007, SEC.274.*

### **IC 21-33-3-5**

#### **Board; authority to engage in certain projects**

Sec. 5. (a) Subject to this section, in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project to:

- (1) construct buildings or facilities of a cost greater than two million dollars (\$2,000,000); or
- (2) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds two million dollars (\$2,000,000);

only if there are funds available for the project, the project meets any of the applicable conditions, and the project is reviewed by the commission for higher education and approved by the governor upon recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If:

- (1) any part of the cost of a project described in subsection (a) is paid by state appropriated funds or by mandatory student fees assessed all students for the project; and
- (2) the project is to:
  - (A) construct new buildings or facilities of a cost greater than two million dollars (\$2,000,000); or
  - (B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds two million dollars (\$2,000,000);

the project must also be approved by the general assembly.

(c) This section does not limit the board of trustees in supplementing a project approved by the general assembly from gifts or other available funds so long as approval for the expansion of the project is given by the governor on review by the commission for higher education and recommendation of the budget agency.

(d) The review and approval requirements of this section do not apply to a project to:

- (1) construct buildings or facilities; or
- (2) purchase or lease-purchase land, buildings, or facilities;

if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

*As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.4; P.L.229-2011, SEC.237; P.L.143-2014, SEC.7.*

### **IC 21-33-3-6**

#### **Board; authority to engage in repair and rehabilitation projects**

Sec. 6. (a) Subject to subsection (b), in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a repair and rehabilitation project for which:

- (1) the cost of the project exceeds two million dollars

(\$2,000,000); and

(2) any part of the cost of the project is paid by state appropriated funds or by mandatory student fees assessed all students for the project;

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If no part of the cost of a repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students for the project, the review and approval requirements of this section apply only if the project exceeds two million dollars (\$2,000,000).

*As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.5; P.L.229-2011, SEC.238; P.L.143-2014, SEC.8.*

### **IC 21-33-3-7**

#### **Board; authority to lease property**

Sec. 7. In addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project:

(1) to lease, other than a project to lease-purchase, a building or facility; and

(2) for which the annual cost of the project exceeds five hundred thousand dollars (\$500,000);

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

*As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.6; P.L.143-2014, SEC.9.*

### **IC 21-33-3-8**

#### **Items included in cost of projects**

Sec. 8. The cost of any project authorized under this chapter includes the following:

(1) The estimated cost of architectural, engineering, and consulting services.

(2) The estimated cost of the construction and any repair and rehabilitation project.

(3) The purchase price of any land to be purchased for the project.

(4) For lease-purchase projects, the total rent to be paid over the terms of the lease and over any additional period for which the state educational institution has an option for extension or renewal.

(5) The cost of equipment.

- (6) The interest costs during construction.
- (7) Other costs approved by the budget agency.

*As added by P.L.2-2007, SEC.274.*

### **IC 21-33-3-9**

#### **Use of certain funds for the cost of projects**

Sec. 9. To pay the cost of a project authorized under this chapter, the following funds may be used:

- (1) Funds appropriated in any state fiscal year for the project by the general assembly, subject to allocation of the funds by the budget agency, with approval of the governor.
- (2) Funds derived from the issuance and sale of bonds by the board of trustees of any of the state educational institutions, so long as the issuance of the bonds that are to be supported by mandatory student fees assessed all students has been approved by the general assembly for each applicable project.
- (3) Funds derived from earnings, farm and miscellaneous sales, or other receipts, so long as a project to:

- (A) construct buildings or facilities with a cost greater than three hundred thousand dollars (\$300,000); or

- (B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

- (4) Federal funds granted and allowed a state educational institution for a project to construct buildings or facilities, so long as each project:

- (A) with a cost greater than three hundred thousand dollars (\$300,000); or

- (B) to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

- (5) Available funds derived from gifts, bequests, devises, or other source not listed in subdivisions (1) through (4), so long as each project to:

- (A) construct buildings or facilities with a cost greater than three hundred thousand dollars (\$300,000); or

- (B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

*As added by P.L.2-2007, SEC.274. Amended by P.L.229-2011,*

*SEC.239.*

**IC 21-33-3-10**

**Fee replacement money**

Sec. 10. The general assembly may appropriate fee replacement money for the replacement of student fees dedicated to pay:

- (1) the principal and interest costs of bonds as approved by the general assembly; and
- (2) lease-purchase costs.

*As added by P.L.2-2007, SEC.274.*