

**IC 21-34**

**ARTICLE 34. STATE EDUCATIONAL INSTITUTIONS: ACQUISITION AND IMPROVEMENT OF BUILDING FACILITIES AND EQUIPMENT; BONDS**

**IC 21-34-1**

**Chapter 1. General Provisions; Definitions**

**IC 21-34-1-1**

**Applicability of article**

Sec. 1. This article applies to all state educational institutions.  
*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-2**

**Limitations on applicability of article**

Sec. 2. This article does not apply to the acquisition, construction, financing, or refinancing of any revenue producing facility that a state educational institution is authorized to acquire, construct, or finance under IC 21-35-2 or IC 21-35-3.  
*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-3**

**Supplemental effect of article**

Sec. 3. This article does not repeal, modify, or amend any Indiana law in effect on March 10, 1965, but is supplemental to the laws of this state in effect on March 10, 1965.  
*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-4**

**Prior contracts validated**

Sec. 4. This article does not affect the validity of any contracts executed before March 10, 1965.  
*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-5**

**Definitions**

Sec. 5. The definitions in this chapter apply throughout this article.  
*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-6**

**"Bond"**

Sec. 6. "Bond" means

- (1) bonds (including refunding bonds);
- (2) notes;
- (3) temporary, interim, or permanent certificates of indebtedness;
- (4) debentures; or
- (5) other obligations;

evidencing indebtedness for borrowed money under this article. The term does not include installment contracts or similar instruments under IC 21-34-3-4.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-7**

##### **"Building facility"**

Sec. 7. "Building facility" means the following:

- (1) Any buildings, structures, improvements, or facilities.
- (2) Any utilities, other services, and appurtenances related to an item described in subdivision (1) (including facilities for the production and transmission of heat, light, water and power, sewage disposal facilities, streets and walks, and parking facilities).
- (3) The land required for items described in subdivision (1) or (2).

The term includes equipment.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-8**

##### **"Building facilities fee"**

Sec. 8. "Building facilities fee" refers to a building facilities fee imposed under IC 21-34-5-1.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-9**

##### **"Building facilities fund"**

Sec. 9. "Building facilities fund" refers to a building facilities fund established under IC 21-34-5-3.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-10**

##### **"Cost"**

Sec. 10. "Cost" means:

- (1) all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used under this article.
- (2) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved;
- (3) the cost of all machinery and equipment, financing charges, and interest before, during, and for a period not exceeding one (1) year after the estimated date of completion of construction or acquisition;
- (4) the reserves for debt service and for extensions, enlargements, additions, replacements, renovations, and improvements to building facilities;
- (5) the cost of architectural, engineering, trustee, financial, legal,

- and related services;
- (6) the act of underwriters;
- (7) the cost of plans, specifications, studies, surveys, and estimates of cost and of revenues;
- (8) the administrative expenses, expenses necessary or incident to determining the feasibility or practicability of any undertaking under this article; and
- (9) other expenses as may be necessary or incident to the construction, acquisition, and the financing of any undertaking under this article.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-11**

##### **"Eligible members"**

Sec. 11. "Eligible members" includes all:

- (1) state educational institutions; and
- (2) private postsecondary educational institutions.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-12**

##### **"Fee replacement"**

Sec. 12. "Fee replacement" means payments to a state educational institution to be used to pay indebtedness resulting from financing the cost of:

- (1) planning;
- (2) purchasing;
- (3) rehabilitation;
- (4) construction;
- (5) repair;
- (6) leasing;
- (7) lease-purchasing; or
- (8) otherwise acquiring;

land, buildings, facilities, and equipment to be used for academic and instructional purposes.

*As added by P.L.2-2007, SEC.275.*

#### **IC 21-34-1-13**

##### **"Grant"**

Sec. 13. "Grant" means money received under a written agreement or written agreements for a grant or gift from any one (1) or more of the following sources:

- (1) The United States government or its agencies.
- (2) The state or any of its agencies.
- (3) A private corporation, individual, trust, or foundation, if the money is provided for the purpose of acquisition, improvement, renovation, or construction of building facilities that a state educational institution may lawfully undertake.

*As added by P.L.2-2007, SEC.275. Amended by P.L.79-2010, SEC.4.*

**IC 21-34-1-14****"Grant anticipation loan"**

Sec. 14. "Grant anticipation loan" refers to a loan entered into under IC 21-34-7-1.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-14.2****"Grant anticipation note"**

Sec. 14.2. "Grant anticipation note" refers to a note executed to evidence a grant anticipation loan.

*As added by P.L.79-2010, SEC.5.*

**IC 21-34-1-15****"Indenture"**

Sec. 15. "Indenture" refers to an indenture issued under this article for the issuance of bonds.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-16****"Joint use agreements"**

Sec. 16. "Joint use agreements" means agreements between two (2) or more state educational institutions providing for the joint use of building facilities.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-17****"Liability"**

Sec. 17. "Liability" means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons or entities, damage to their property or business, or other damage or loss to those persons or entities resulting from or arising out of activity of an eligible member.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-18****"Liability or other loss insurance reserves"**

Sec. 18. "Liability or other loss insurance reserves" means a fund set aside as a reserve to cover risk retained by the corporation in connection with a liability claim or other loss.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-19****"Resolution"**

Sec. 19. "Resolution" in a provision of this article concerning the issuance of bonds refers to a resolution adopted by the board of trustees of a state educational institution related to the issuance of bonds.

*As added by P.L.2-2007, SEC.275.*

**IC 21-34-1-20**

**"Risk retention group"**

Sec. 20. "Risk retention group" means a trust, pool, corporation, partnership, or joint venture funded by and owned and operated for the benefit of more than one (1) eligible member.

*As added by P.L.2-2007, SEC.275.*