

IC 21-24-2.1

Chapter 2.1. Transitional Provisions Relating to Creation of the University of Southern Indiana

IC 21-24-2.1-1

"ISU board"

Sec. 1. As used in this chapter, "ISU board" means the Indiana State University board of trustees.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-2

"Regional campus"

Sec. 2. As used in this chapter, "regional campus" means Indiana State University - Regional Campus Evansville, a regional campus managed by the ISU board in Vanderburgh County, Indiana.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-3

"University board"

Sec. 3. As used in this chapter, "university board" means the University of Southern Indiana board of trustees established by P.L.218-1985.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-4

Transfer of property and assets; agreements to implement chapter

Sec. 4. (a) Before July 1, 1985, the ISU board shall transfer all property and other assets, regardless of whether the assets are real, personal, tangible, or intangible, located on the regional campus.

(b) Before July 1, 1985, the university board shall accept the transfer of assets described in subsection (a) and assume the liabilities described in section 5 of this chapter.

(c) The university board and the ISU board shall enter into one (1) or more agreements that implement this chapter and that do not conflict with P.L.218-1985. The agreements must:

- (1) list or otherwise describe all assets to be transferred to the university board under subsection (a);
- (2) delineate the means of the transfers described in subsection (a), either by deed, bill of sale, or other appropriate conveyance;
- (3) delineate the required timing for each transfer described in subsection (a);
- (4) list or otherwise describe all obligations to be assumed by the university and the means and procedures for providing for payment and satisfaction of each obligation by the university;
- (5) provide for the joint use contracts described in section 5(d) of this chapter;
- (6) provide for indemnification of the ISU board by the university board, as necessary or appropriate, in regard to any

liabilities of the ISU board assumed by the university board;
and

(7) provide for any other matters that are necessary and consistent with P.L.218-1985.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-5

Assumption of obligations and liabilities

Sec. 5. (a) The university board shall assume all obligations and other liabilities of the ISU board that have been incurred by the ISU board for facilities located on the regional campus before the facilities are transferred to the university board under section 4 of this chapter.

(b) The liabilities described in subsection (a) include the following:

(1) Indiana State University Building Facilities Fee Bonds, Series D of 1971.

(2) Indiana State University Building Facilities Fee Bonds, Series F of 1975.

(3) Indiana State University Building Facilities Fee Bonds, Series G of 1978.

(4) Indiana State University Student Union Building Refunding Bonds (Evansville campus) dated January 1, 1978.

(5) Any interim financing authorized under IC 20-12-6 (before its repeal, now codified at IC 21-34), IC 20-12-7 (before its repeal, now codified at IC 21-35), or IC 20-12-9 (before its repeal, now codified at IC 21-35) and outstanding and unpaid on July 1, 1985.

(c) The university board shall:

(1) assume all other contractual liabilities and responsibilities of the ISU board:

(A) not described in subsection (a) or (b);

(B) expiring after June 30, 1985; and

(C) specifically applicable to activities or properties on the regional campus; and

(2) waive all rights under contracts generally applicable to Indiana State University.

(d) This subsection applies if:

(1) the ISU board may not lawfully delegate a contractual obligation described in subsection (c) to the university board;

(2) the ISU board may not lawfully assign a contractual right described in subsection (c) to the university board;

(3) a contractual obligation described in subsection (c) of the ISU board may not be lawfully extinguished; or

(4) the ISU board and the university board agree to continue a contract in its existing form.

The implementing agreements described in section 4 of this chapter must provide for joint use of the contracts described in this

subsection in the name of the ISU board for the benefit of ISU and the university board, must allocate between the ISU board and the university board the benefits and costs of each contract described in this subsection, and must provide the terms of payment by the university board to the ISU board or on behalf of the ISU board.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-6

University board duties

Sec. 6. The university board, under IC 20-12-6 (before its repeal, now codified at IC 21-34), shall:

- (1) establish, hold, and invest a building facilities fee fund;
- (2) in conformity with the implementation agreements described in section 4 of this chapter, deposit amounts initially collected for a building facilities fee fund from students of the regional campus by Indiana State University into the building facilities fee fund established under subdivision (1);
- (3) fix, charge, and collect building facilities fees in amounts sufficient to provide for required payments of principal, interest, and deposits to reserve accounts, if any, on the obligations assumed by the university board, under section 4(c) of this chapter and described in section 5(b) of this chapter, and incurred by the ISU board under IC 20-12-6 (before its repeal, now codified at IC 21-34);
- (4) transfer the amounts described in subdivision (3) to the ISU board; and
- (5) fix, charge, and collect building fees in amounts sufficient to provide for required payments of principal, interest, and deposits to reserves for obligations incurred by the university board under IC 20-12-6 (before its repeal, now codified at IC 21-34).

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-7

University board duties

Sec. 7. The university board shall:

- (1) fix, maintain, and collect the fees, rates, and charges for the student union building transferred to the university board under section 4 of this chapter;
- (2) levy and collect service fees from students enrolled in the University of Southern Indiana allocable to the student union building transferred to the university board under the authority of section 4 of this chapter;
- (3) transfer to the ISU board amounts necessary to provide for payments on the Indiana State University Student Union Building Refunding Bonds (Evansville campus) dated January 1, 1978; and
- (4) otherwise comply with the requirements in the indenture of

mortgage dated January 2, 1978, for the student union building transferred to the university board under section 4 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-8

Required transfers

Sec. 8. In order to allow the Indiana State University board of trustees to meet its obligations under section 10 of this chapter, the University of Southern Indiana board of trustees shall make the transfers to the Indiana State University board of trustees required by sections 6 and 7 of this chapter before the Indiana State University board of trustees fixes and imposes the fees described in section 10 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-9

Failure to make transfer; notice; auditor of state to issue warrant; amount of warrant

Sec. 9. This section applies if the University of Southern Indiana board of trustees fails to make a transfer required by an agreement described in section 5(d) of this chapter or required by section 6 or 7 of this chapter, when due, to the Indiana State University board of trustees. Upon being notified that the University of Southern Indiana board of trustees has failed to make a transfer described by this section, the auditor of state shall issue a warrant to the Indiana State University board of trustees that is equal to the amount of payment due from the University of Southern Indiana board of trustees to the Indiana State University board of trustees. The amount of the warrant shall be paid by the treasurer of state under IC 4-8.1-2 at the time of its presentation to the extent that the amount of the warrant does not exceed the undistributed amounts appropriated by the general assembly to the University of Southern Indiana board of trustees in that fiscal year. To the extent that the warrant exceeds the amount of undistributed appropriations to the University of Southern Indiana board of trustees, the treasurer of state shall continue to be obligated to pay the excess in future fiscal years from amounts appropriated to the University of Southern Indiana board of trustees in subsequent fiscal years. The amount paid by the treasurer of state under this section in any fiscal year shall be deducted from the amount distributable to the University of Southern Indiana board of trustees from the affected appropriation.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-10

Fees and charges fixed and imposed by Indiana State University board of trustees; obligation for liabilities

Sec. 10. (a) The Indiana State University board of trustees shall

fix, impose, and collect its own fees and charges in an amount sufficient, when added to other funds provided by operation of sections 5(d), 6, 7, and 9 of this chapter and to funds otherwise available, to make the required payments and otherwise meet all requirements on all financial obligations and other liabilities described in section 5 of this chapter.

(b) Except as otherwise provided by section 5 of this chapter, after the assumption of liabilities described in section 5 of this chapter, the Indiana State University board of trustees shall continue to:

- (1) remain liable for the assumed liabilities;
- (2) remain obligated to fix, impose, and collect the fees and charges described in subsection (a); and
- (3) repay the assumed indebtedness as the indebtedness becomes due;

after the University of Southern Indiana board of trustees assumes the liabilities described in section 5 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-11

Contract in existence on April 16, 1985, not impaired

Sec. 11. P.L.218-1985 does not impair any contract in existence on April 16, 1985.

As added by P.L.220-2011, SEC.356.