

IC 21-35-7

Chapter 7. Revenue Producing Property; Financing Agreements With a Developer or User

IC 21-35-7-1

Purpose

Sec. 1. It is found and declared that:

- (1) there is a need for the development of various facilities to properly service the various campuses of state educational institutions;
- (2) an additional and alternative method for developing and financing facilities should be provided; and
- (3) facilities would provide additional employment opportunities and would otherwise fulfill the public purposes set forth in IC 36-7-12.

This chapter applies to any state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-2

Applicability of chapter

Sec. 2. This chapter applies to buildings and equipment located on or immediately adjacent to a campus of a state educational institution, the primary purpose of which is to make available or provide:

- (1) offstreet parking;
- (2) alternative transportation systems;
- (3) office space;
- (4) convenience, retail, and service establishments;
- (5) bookstores;
- (6) research;
- (7) outpatient and extended care;
- (8) food service;
- (9) temporary lodging quarters or similar structures used by students, faculty, staff, patients, or visitors; or
- (10) housing used by students in connection with hospitals, health care units, hospitality facilities, dormitories, or other residence facilities.

As added by P.L.2-2007, SEC.276. Amended by P.L.205-2013, SEC.332; P.L.165-2016, SEC.19.

IC 21-35-7-3

Supplemental effect of chapter

Sec. 3. This chapter is supplemental to other laws pertaining to state educational institutions and does not repeal any other laws or impair any other powers or responsibilities granted to state educational institutions.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-4

Power of state educational institutions to acquire real and personal property

Sec. 4. In addition to any other powers that a state educational institution has, the board of trustees of a state educational institution may:

- (1) enter into agreements concerning and to acquire by:
 - (A) gift;
 - (B) purchase; or
 - (C) lease;

land or interests in land and personal property needed for the purposes of this chapter;

- (2) purchase, lease as lessee or lessor, construct, remodel, rebuild, enlarge, or substantially improve property;
- (3) enter into financing agreements, including leasing land or property to users or developers, subject to this chapter; and
- (4) enter into agreements with users or developers to allow users or developers to wholly or partially construct and manage property.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-5

Adoption of resolution to develop property

Sec. 5. If the board of trustees of a state educational institution determines that it is desirable to develop property under this chapter, the board of trustees shall adopt a resolution finding that:

- (1) the property is needed to adequately furnish services to the students, faculty, staff, patients in hospitals or health care units operated by the state educational institution, or visitors to hospitals or health care units operated by the state educational institution; and
- (2) the services are not now being adequately furnished by others in the immediate area of the campus.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-6

Resolution; contents

Sec. 6. The resolution under section 5 of this chapter must provide that the plans and specifications for the property and for the development and management of the property shall be approved by the board of trustees.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-7

Requirements for management and operation of property

Sec. 7. If the management and operation of the property are to be by a developer or user, the specifications for the property must require that the property will be generally available to its occupants

and visitors without discrimination and at reasonable charges. These charges shall be reviewed and revised periodically by the board of trustees of the state educational institution to assure that the charges are at all times nondiscriminatory and reasonable.

As added by P.L.2-2007, SEC.276. Amended by P.L.3-2008, SEC.144; P.L.205-2013, SEC.333; P.L.165-2016, SEC.20.

IC 21-35-7-8

Proposals for the development, use, and management of property

Sec. 8. The board of trustees of a state educational institution shall take action to invite proposals for the development, use, and management, if applicable, of property to provide open and competitive proposals.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-9

Award for the development, use, and management of property; considerations

Sec. 9. In making an award for the development, use, and management, if applicable, of property, the board of trustees of a state educational institution may consider:

- (1) the experience and financial ability of a developer or user;
- (2) the plans and specifications for the property;
- (3) the size and cost of the property;
- (4) payments to be made to or from the state educational institution;
- (5) the method of financing and the terms and conditions of any proposed financing agreement; and
- (6) any other factors of benefit to the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-10

Award for the development, use, and management of property; approval by budget agency and governor

Sec. 10. An award for the development, use, and management, if applicable, of property is not final until:

- (1) approved by the governor and the budget agency, with the recommendation of the budget committee; and
- (2) the notice is provided as specified in section 11 of this chapter.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-11

Notice of determination to make an award

Sec. 11. (a) A notice of the determination to make an award for the development, use, and management, if applicable, of property that briefly describes:

(1) the property;
(2) the purpose of the property; and
(3) the principal terms of any financing agreement;
shall be published under this section.

(b) The notice under subsection (a) shall be published in:

- (1) two (2) newspapers of general circulation in Indianapolis;
(2) one (1) newspaper of general circulation in the city where the property is to be located; and
(3) one (1) newspaper of general circulation in the city where the principal campus of the state educational institution is located.

(c) The notice under subsection (a) must be published once each week for two (2) successive weeks.

(d) An action to contest the validity of any financing agreement may not be commenced more than thirty (30) days following the last publication under this section of notice of the determination to make an award.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-12

Tax exemption

Sec. 12. All payments received by a state educational institution under a financing agreement authorized by this chapter are exempt from all taxation.

As added by P.L.2-2007, SEC.276.