



March 30, 1999

**ENGROSSED  
HOUSE BILL No. 1385**

DIGEST OF HB 1385 (Updated March 24, 1999 3:27 pm - DI 94)

**Citations Affected:** Noncode.

**Synopsis:** Madison State Hospital property. Authorizes and directs the state to convey a certain parcel of real estate under the control of Madison State Hospital to the Jefferson County Historical Society for public charitable, educational, scientific, or general museum purposes. Provides conditions for the reversion of title to the state. Allows the city of Madison to lease for 25 years real estate from Madison State Hospital for purposes of a heritage trail. Provides for certain requirements in the lease.

**Effective:** July 1, 1999.

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(SENATE SPONSORS — WHEELER, LEWIS)

January 12, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 18, 1999, amended, reported — Do Pass.

February 22, 1999, read second time, ordered engrossed. Engrossed.

February 25, 1999, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

March 3, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

March 29, 1999, amended, reported favorably — Do Pass.

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EH 1385—LS 7256/DI 77+



March 30, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1385

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A BILL FOR AN ACT concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. [EFFECTIVE JULY 1, 1999] (a) As used in this  
2 SECTION, "commissioner" refers to the commissioner of the  
3 Indiana department of administration.  
4 (b) As used in this SECTION, "department" refers to the  
5 Indiana department of administration created by IC 4-13-1-2.  
6 (c) As used in this SECTION, "grantee" refers to the Jefferson  
7 County Historical Society or its successor.  
8 (d) As used in this SECTION, "historical society" refers to the  
9 Jefferson County Historical Society or its successor.  
10 (e) As used in this SECTION, "hospital" refers to the Madison  
11 State Hospital or its successor.  
12 (f) As used in this SECTION, "real estate" refers to the real  
13 estate and improvements that are:  
14 (1) generally known as the Gate House;  
15 (2) held by the hospital; and  
16 (3) located within a part of the Southwest Quarter of Section  
17 27, Township 4 North, Range 10 East, Madison Township,

EH 1385—LS 7256/DI 77+



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1 **Jefferson County, more particularly described as follows:**

2 **Commencing at the southwest corner of the Southwest**  
 3 **Quarter of Section 27 marked by a brass cap (missing) in a**  
 4 **concrete monument, then on the south line of Section 27 east**  
 5 **2345 feet, then North 0 degrees, 0 minutes, 285 feet to the**  
 6 **place of beginning, continuing North 479 feet to the South**  
 7 **edge of East Lane, then East along the South edge of East**  
 8 **Lane 211 feet to the West edge of East Exit Road, then South**  
 9 **333 feet along the West edge of East Exit Road, then West**  
 10 **parallel to the South Line of Section 27, 144 feet to the place**  
 11 **of beginning. Containing one and one-half (1 1/2) acres, more**  
 12 **or less.**

13 **(g) The historical society, at its expense, shall have a staked**  
 14 **survey performed and prepare a legal description of the real estate**  
 15 **that meets the approval of the governor and the commissioner of**  
 16 **the Indiana department of administration.**

17 **(h) The governor and the commissioner of the Indiana**  
 18 **department of administration are authorized and directed on**  
 19 **behalf of and in the name of the state of Indiana to convey the real**  
 20 **estate to the grantee. The conveyance of the real estate shall be**  
 21 **made without consideration.**

22 **(i) Conveyance of the real estate is subject to the following:**

23 **(1) Highways, easements, and restrictions of record.**

24 **(2) An easement for the historical society from the north**  
 25 **entrance of the hospital to the real estate to allow visitors of**  
 26 **the historical society access to the real estate.**

27 **(3) Use of the parcel by a nonprofit organization for a public**  
 28 **charitable, educational, scientific, or general museum**  
 29 **purpose.**

30 **(j) If any of the following apply, title to the real estate reverts to**  
 31 **the state of Indiana:**

32 **(1) Use of the real estate by a person other than a nonprofit**  
 33 **organization.**

34 **(2) Use of the real estate for other than a public charitable,**  
 35 **educational, scientific, or general museum purpose.**

36 **(3) Ownership of the real estate by a person other than the**  
 37 **grantee.**

38 **(k) The conveyance under this SECTION must comply with**  
 39 **IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this**  
 40 **SECTION. The department shall have a quitclaim deed prepared**  
 41 **to convey the real estate to the grantee. The deed must state the**  
 42 **restrictions and conditions contained in subsections (i) and (j). The**



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1 commissioner and the governor shall sign the deed, and the seal of  
2 the state shall be affixed to the deed.

3 (l) The grantee shall have the deed to the real estate recorded in  
4 Jefferson County, Indiana.

5 (m) The department shall inform the superintendent of Madison  
6 State Hospital when the conveyance is completed.

7 (n) Until July 1, 2003, the hospital shall furnish utilities to the  
8 real estate at no cost to the historical society.

9 (o) The hospital may give to the historical society equipment,  
10 artifacts, and other personal property owned by the hospital that  
11 are relevant to the history of the treatment of mental illness.  
12 However, if any condition listed in subsection (j) occurs, title to the  
13 personal property reverts to the state of Indiana.

14 (p) This SECTION expires July 1, 2004.

15 SECTION 2. [EFFECTIVE JULY 1, 1999] (a) As used in this  
16 chapter, "city" refers to the city of Madison, Indiana.

17 (b) As used in this chapter, "heritage trail" refers to a multiple  
18 purpose public use trail.

19 (c) As used in this SECTION, "hospital" refers to the Madison  
20 State Hospital or its successor.

21 (d) As used in this SECTION, "real estate" refers to the real  
22 estate and improvements that are:

- 23 (1) held by the hospital;
- 24 (2) located on the grounds of the hospital; and
- 25 (3) designated as a heritage trail by agreement of the city and  
26 the hospital.

27 (e) The city, at its expense, shall have a staked survey performed  
28 and prepare a legal description of the real estate that meets the  
29 approval of the governor and the commissioner of the Indiana  
30 department of administration.

31 (f) The governor and the commissioner of the Indiana  
32 department of administration are authorized and directed on  
33 behalf of and in the name of the state of Indiana to enter into a  
34 lease agreement with the city that contains the following:

- 35 (1) A lease of the real estate surveyed and described in  
36 subsection (e) to the city for twenty-five (25) years at a rental  
37 of one dollar (\$1) per year.
- 38 (2) A provision for maintenance of the trail by the city or the  
39 hospital.
- 40 (3) A statement that the city may purchase services from the  
41 hospital at the cost of those services to the hospital, including  
42 the method of determining the costs. The method of



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1           **determining costs may be amended with the consent of all**  
2           **parties to the lease.**  
3           **(4) An easement to the real estate to allow visitor access to the**  
4           **real estate. The easement may be amended with the consent**  
5           **of all parties to the lease.**  
6           **(5) A statement that the state may terminate the lease if any**  
7           **part of the real estate is:**  
8                 **(A) subleased without the consent of the state; or**  
9                 **(B) used for a purpose other than a heritage trail.**  
10           **(g) The city shall use the real estate leased under this SECTION**  
11           **for heritage trail purposes.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1385, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "SECTION," insert **"commissioner" refers to the commissioner of the Indiana department of administration.**

**(b) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.**

**(c) As used in this SECTION, "grantee" refers to the Jefferson County Historical Society or its successor.**

**(d) As used in this SECTION,**

Page 1, line 4, delete **"(b)"** and insert **"(e)"**.

Page 1, line 6, delete **"(c)"** and insert **"(f)"**.

Page 2, line 6, delete **"(d)"** and insert **"(g)"**.

Page 2, line 10, delete **"(e)"** and insert **"(h)"**.

Page 2, line 12, delete "enter into a" and insert **"convey the property to the grantee. The conveyance of the property shall be made without consideration.**

**(i) Conveyance of the property is subject to the following:**

**(1) Highways, easements, and restrictions of record.**

**(2) An easement for the historical society from the north entrance of the hospital to the real estate to allow visitors of the historical society access to the real estate.**

**(3) Use of the parcel by a nonprofit organization for a public charitable, educational, scientific, or general museum purpose.**

**(j) If any of the following apply, title to the property reverts to the state of Indiana:**

**(1) Use of the property by a person other than a nonprofit organization.**

**(2) Use of the property for other than a public charitable, educational, scientific, or general museum purpose.**

**(3) Ownership of the property by a person other than the grantee.**

**(k) The conveyance under this SECTION must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey the property to the grantee. The deed must state the restrictions and conditions contained in subsections (i) and (j). The commissioner and the governor shall sign the deed, and the seal of**

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the state shall be affixed to the deed.

(l) The grantee shall have the deed to the property recorded in Jefferson County, Indiana.

(m) The department shall inform the superintendent of Madison State Hospital when the conveyance is completed.

(n) This SECTION expires July 1, 2004.

SECTION 2. [EFFECTIVE JULY 1, 1999] (a) As used in this chapter, "city" refers to the city of Madison, Indiana.

(b) As used in this chapter, "heritage trail" refers to a multiple purpose public use trail.

(c) As used in this SECTION, "hospital" refers to the Madison State Hospital or its successor.

(d) As used in this SECTION, "real estate" refers to the real estate and improvements that are:

- (1) held by the hospital;
- (2) located on the grounds of the hospital; and
- (3) designated as a heritage trail by agreement of the city and the hospital.

(e) The city, at its expense, shall have a staked survey performed and prepare a legal description of the real estate that meets the approval of the governor and the commissioner of the Indiana department of administration.

(f) The governor and the commissioner of the Indiana department of administration are authorized and directed on behalf of and in the name of the state of Indiana to enter into a lease agreement with the city that contains the following:

- (1) A lease of the real estate surveyed and described in subsection (e) to the city for twenty-five (25) years at a rental of one dollar (\$1) per year.
- (2) A provision for maintenance of the trail by the city or the hospital.
- (3) A statement that the city may purchase services from the hospital at the cost of those services to the hospital, including the method of determining the costs. The method of determining costs may be amended with the consent of all parties to the lease.
- (4) An easement to the real estate to allow visitor access to the real estate. The easement may be amended with the consent of all parties to the lease.
- (5) A statement that the state may terminate the lease if any part of the real estate is:

(A) subleased without the consent of the state; or



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**(B) used for a purpose other than a heritage trail.**

**(g) The city shall use the real estate leased under this SECTION for heritage trail purposes."**

Page 2, delete lines 13 through 40.

and when so amended that said bill do pass.

(Reference is to HB 1385 as introduced.)

STURTZ, Chair

Committee Vote: yeas 11, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1385, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 19, delete "property to" and insert "**real estate to**".

Page 2, line 19, delete "property shall" and insert "**real estate shall**".

Page 2, line 21, delete "property" and insert "**real estate**".

Page 2, line 29, delete "property" and insert "**real estate**".

Page 2, line 31, delete "property" and insert "**real estate**".

Page 2, line 33, delete "property" and insert "**real estate**".

Page 2, line 35, delete "property" and insert "**real estate**".

Page 2, line 40, delete "property" and insert "**real estate**".

Page 3, line 2, delete "property" and insert "**real estate**".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"(n) Until July 1, 2003, the hospital shall furnish utilities to the real estate at no cost to the historical society.**

**(o) The hospital may give to the historical society equipment, artifacts, and other personal property owned by the hospital that are relevant to the history of the treatment of mental illness. However, if any condition listed in subsection (j) occurs, title to the personal property reverts to the state of Indiana."**

Page 3, line 6, delete "(n)" and insert "**(p)**".

and when so amended that said bill do pass.

(Reference is to HB 1385 as printed February 19, 1999.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 0.

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