



February 19, 1999

# HOUSE BILL No. 1385

DIGEST OF HB 1385 (Updated February 18, 1999 1:12 pm - DI 02)

**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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January 12, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.  
February 18, 1999, amended, reported — Do Pass.

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HB 1385—LS 7256/DI 77+



February 19, 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.

## HOUSE BILL No. 1385

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,  
18 Jefferson County, more particularly described as follows:

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

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

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

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

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

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

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

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

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

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

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

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



- 1 the state shall be affixed to the deed.
- 2 (l) The grantee shall have the deed to the property recorded in
- 3 Jefferson County, Indiana.
- 4 (m) The department shall inform the superintendent of Madison
- 5 State Hospital when the conveyance is completed.
- 6 (n) This SECTION expires July 1, 2004.
- 7 SECTION 2. [EFFECTIVE JULY 1, 1999] (a) As used in this
- 8 chapter, "city" refers to the city of Madison, Indiana.
- 9 (b) As used in this chapter, "heritage trail" refers to a multiple
- 10 purpose public use trail.
- 11 (c) As used in this SECTION, "hospital" refers to the Madison
- 12 State Hospital or its successor.
- 13 (d) As used in this SECTION, "real estate" refers to the real
- 14 estate and improvements that are:
- 15 (1) held by the hospital;
- 16 (2) located on the grounds of the hospital; and
- 17 (3) designated as a heritage trail by agreement of the city and
- 18 the hospital.
- 19 (e) The city, at its expense, shall have a staked survey performed
- 20 and prepare a legal description of the real estate that meets the
- 21 approval of the governor and the commissioner of the Indiana
- 22 department of administration.
- 23 (f) The governor and the commissioner of the Indiana
- 24 department of administration are authorized and directed on
- 25 behalf of and in the name of the state of Indiana to enter into a
- 26 lease agreement with the city that contains the following:
- 27 (1) A lease of the real estate surveyed and described in
- 28 subsection (e) to the city for twenty-five (25) years at a rental
- 29 of one dollar (\$1) per year.
- 30 (2) A provision for maintenance of the trail by the city or the
- 31 hospital.
- 32 (3) A statement that the city may purchase services from the
- 33 hospital at the cost of those services to the hospital, including
- 34 the method of determining the costs. The method of
- 35 determining costs may be amended with the consent of all
- 36 parties to the lease.
- 37 (4) An easement to the real estate to allow visitor access to the
- 38 real estate. The easement may be amended with the consent
- 39 of all parties to the lease.
- 40 (5) A statement that the state may terminate the lease if any
- 41 part of the real estate is:
- 42 (A) subleased without the consent of the state; or



- 1                   **(B) used for a purpose other than a heritage trail.**
- 2                   **(g) The city shall use the real estate leased under this SECTION**
- 3                   **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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