
SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-4-5-8.

Synopsis: Property disposal after school consolidation. Provides a procedure for the disposal of school property that was originally acquired from a township and that is no longer needed for school purposes after a school consolidation occurs. Provides that the uniform law for disposal of unneeded local unit property applies to property disposal by a consolidated school corporation.

Effective: Upon passage.

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January 10, 2000, read first time and referred to Committee on Public Policy.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 179



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-4-5-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) When any ~~such~~ school
3 town, school city, school township, joint school, or consolidated school
4 shall have become consolidated by resolution or election, and the new
5 school board shall have been appointed and have been duly and legally
6 organized, such school township, school town, school city, joint school,
7 or consolidated school shall be deemed to have been abandoned. All
8 school property, rights, and privileges as well as any indebtedness from
9 the abandoned school shall be deemed to have accrued to and be
10 assumed by the new consolidated school corporation. The title of such
11 property shall pass to and become vested in the new consolidated
12 school corporation. All debts of the former school corporations shall be
13 assumed and paid by such new consolidated school corporation. All the
14 privileges and rights conferred by law upon such school township,
15 school town, school city, joint school, or consolidated school are
16 granted to such newly consolidated school corporation.
17 (b) This subsection applies whenever the consolidated school board

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1 of a consolidated school corporation decides that property acquired
 2 under subsection (a) from a township is no longer needed for school
 3 purposes. The school board shall **do one (1) of the following:**

4 **(1) Offer the property as a gift for park and recreation purposes to**
 5 **the township that owned the property before the school was**
 6 **consolidated for use by the township for recreational,**
 7 **educational, literary, or scientific purposes.** If the township
 8 board accepts the offer, the school board shall give the township
 9 a quitclaim deed to the property. This deed must state **that the**
 10 **purpose for which** the township is required to use the property.
 11 **for park and recreation purposes.** If the township board refuses the
 12 offer, the school board may sell **or exchange** the property in the
 13 manner provided in subsection (c).

14 **(2) Offer the property as a gift to an Indiana nonprofit**
 15 **corporation that is exempt from federal income taxation**
 16 **under Section 501(c)(3) of the Internal Revenue Code for use**
 17 **by the corporation for a purpose that makes the corporation**
 18 **tax exempt. If the corporation accepts the offer, the school**
 19 **board shall give the corporation a quitclaim deed to the**
 20 **property. This deed must state the purpose for which the**
 21 **corporation is required to use the property. If the corporation**
 22 **refuses the offer and the property has not previously been**
 23 **offered to the township under subdivision (1), the school**
 24 **board must offer the property to the township under**
 25 **subdivision (1).**

26 (c) This subsection provides **The school board may sell or**
 27 **exchange property that is no longer needed for school purposes.**
 28 **IC 36-1-11 provides** the procedure for the sale of school property that
 29 is no longer needed for school purposes by the board of a consolidated
 30 school corporation: The board shall cause such property to be appraised
 31 at a fair cash value by three (3) reputable resident freeholders of the
 32 school corporation offering such property for sale. Said appraisals shall
 33 be made under oath and spread of record upon the records of said
 34 board: No sale shall be made for less than the appraised value and must
 35 be made for cash: The sale shall take place after the board gives notice
 36 under IC 5-3-1 of the terms, time, and place of sale: **or exchange.**

37 (d) Proceeds from any sale **or exchange** under subsection (c) shall
 38 be placed in a special school fund of such consolidated school
 39 corporation designated as the capital outlay fund which shall be
 40 available for capital outlay of said school corporation: **any school fund**
 41 **established under applicable law that the school board in its**
 42 **discretion considers appropriate.**



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1 **SECTION 2. An emergency is declared for this act.**

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