

HOUSE BILL No. 1149

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-11-5.7.

Synopsis: Transfer of real property to charter schools. Requires a school corporation to transfer real property owned by the school corporation to the organizer of a charter school at the request of the organizer if the property is not pledged to secure the debt of the school corporation or if the property is not being used for school or school administration purposes by the school corporation.

Effective: July 1, 2004.

Crooks

January 13, 2004, read first time and referred to Committee on Education.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1149



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

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

- 1 SECTION 1. IC 36-1-11-5.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2004]: **Sec. 5.7. (a) The definitions in IC 20-5.5-1 apply**
- 4 **throughout this chapter.**
- 5 **(b) A disposing agent of a school corporation shall, at the**
- 6 **request of an organizer, transfer real property owned by the school**
- 7 **corporation to be used by the organizer for charter school**
- 8 **purposes.**
- 9 **(c) A transfer of real property under this section shall be made**
- 10 **without consideration.**
- 11 **(d) Sections 4, 4.1, 4.2, and 5 of this chapter do not apply to a**
- 12 **transfer of real property under this section.**
- 13 **(e) If a school corporation transfers property under this section,**
- 14 **the school corporation may not remove fixtures or personal**
- 15 **property from the real property if removal of the fixtures or**
- 16 **personal property will impair use of the real property for school**
- 17 **purposes.**



- 1 **(f) The school corporation may provide in the instrument**
- 2 **transferring the real property for the reversion of the real**
- 3 **property to the school corporation if the property is used for a**
- 4 **purpose other than the operation of a charter school.**
- 5 **(g) A school corporation may not transfer real property under**
- 6 **this section if either of the following applies:**
- 7 **(1) The real property is pledged to secure a debt of the school**
- 8 **corporation.**
- 9 **(2) The real property is being used for school purposes or**
- 10 **school administration purposes by the school corporation.**

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