



April 1, 2005

**ENGROSSED
HOUSE BILL No. 1329**

DIGEST OF HB 1329 (Updated March 30, 2005 3:55 pm - DI 87)

Citations Affected: Noncode.

Synopsis: Evansville State Hospital advisory committee. Reestablishes the Evansville State Hospital advisory committee to study proposed use of the hospital property. Directs the governor and the commissioner of the department of administration to convey certain real property located in Vanderburgh County to the Southwest Indiana Municipal Gardeners Association.

Effective: July 1, 2005.

Becker, Avery, Hoy, Van Haaften

(SENATE SPONSORS — SERVER, LUTZ L)

January 13, 2005, read first time and referred to Committee on Public Health.
January 19, 2005, reported — Do Pass.
January 24, 2005, read second time, ordered engrossed. Engrossed.
January 25, 2005, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
March 31, 2005, amended, reported favorably — Do Pass.

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EH 1329—LS 6832/DI 14+



April 1, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1329



A BILL FOR AN ACT concerning state offices and administration.

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

- 1 SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this
- 2 SECTION, "committee" refers to the Evansville State Hospital
- 3 advisory committee established by this SECTION.
- 4 (b) As used in this SECTION, "hospital" refers to the Evansville
- 5 State Hospital.
- 6 (c) The Evansville State Hospital advisory committee is
- 7 established.
- 8 (d) The committee consists of the following members:
- 9 (1) Two (2) members of the house of representatives
- 10 appointed by the speaker of the house of representatives:
- 11 (A) one (1) of whom represents the district in which the
- 12 hospital is located; and
- 13 (B) one (1) of whom represents a district that includes
- 14 parts of Vanderburgh County.
- 15 The members appointed under this subdivision may not be
- 16 members of the same political party.
- 17 (2) Two (2) members of the senate appointed by the president
- 18 pro tempore of the senate:

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EH 1329—LS 6832/DI 14+



- 1 (A) one (1) of whom represents the district in which the
- 2 hospital is located; and
- 3 (B) one (1) of whom represents a district that includes
- 4 parts of Vanderburgh County.
- 5 The members appointed under this subdivision may not be
- 6 members of the same political party.
- 7 (3) The superintendent of the hospital or the superintendent's
- 8 designee.
- 9 (4) The presiding officer of the legislative body of the
- 10 municipality in which the hospital is located or the presiding
- 11 officer's designee.
- 12 (5) The head of the parks department of the municipality in
- 13 which the hospital is located or the head of the parks
- 14 department's designee.
- 15 (6) An individual representing the Wesselman Woods Nature
- 16 Preserve board. The board shall notify the legislative services
- 17 agency and the staff of the committee of the name of the
- 18 individual representing the board.
- 19 (7) An individual representing the county convention and
- 20 visitor commission. The commission shall notify the legislative
- 21 services agency and the staff of the committee of the name of
- 22 the individual representing the commission.
- 23 (e) The chairman of the legislative council shall appoint the
- 24 chairperson of the committee. After the chairperson of the
- 25 committee is appointed, the vice chairman of the legislative council
- 26 shall appoint the vice chairperson of the committee. The
- 27 chairperson and the vice chairperson of the committee may not be
- 28 members of the same political party.
- 29 (f) The committee shall meet on the call of the chairperson.
- 30 (g) Each legislative member of the committee is entitled to
- 31 receive the same per diem, mileage, and travel allowances paid to
- 32 individuals serving as legislative members on interim study
- 33 committees established by the legislative council. All expenses
- 34 under this SECTION shall be paid from appropriations made to
- 35 the legislative services agency.
- 36 (h) Each member of the committee who is not a member of the
- 37 general assembly is not entitled to the minimum salary per diem
- 38 provided by IC 4-10-11-2.1(b). The member is, however, entitled to
- 39 reimbursement for traveling expenses as provided under
- 40 IC 4-13-1-4 and other expenses actually incurred in connection
- 41 with the member's duties as provided in the state policies and
- 42 procedures established by the Indiana department of

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1 administration and approved by the budget agency.
 2 (i) The committee shall operate under policies and procedures
 3 established by the legislative council.
 4 (j) The affirmative vote of a majority of the members appointed
 5 to the committee is required to take action on any measure.
 6 (k) The division of mental health and addiction established by
 7 IC 12-21-1-1 shall provide staff services to the committee.
 8 (l) The committee shall study proposed uses of the hospital
 9 property, including the existing historic buildings.
 10 (m) This subsection does not apply to a transaction or the
 11 renewal of a transaction if the transaction was entered into before
 12 January 1, 1999, or to a transfer specifically authorized by statute.
 13 Before the state may:
 14 (1) sell, lease, or transfer possession of any part of the real
 15 property constituting the grounds of the hospital or make any
 16 determination concerning the siting of any new building or
 17 related parking facility to be constructed on the grounds of
 18 the hospital; or
 19 (2) enter into an agreement or contract for any transaction
 20 described in subdivision (1);
 21 the governor must submit to the committee a detailed report
 22 describing the proposed transaction and the reasons for the
 23 proposed transaction. Upon receiving a report under this
 24 subsection, the chairperson of the committee shall call a meeting of
 25 the committee to act upon the report. The committee shall act upon
 26 the report and submit its recommendations to the governor not
 27 later than sixty (60) days after the governor submits the report.
 28 The state may not proceed with the transaction until the governor
 29 responds to the committee's recommendation.
 30 (n) The committee shall continue the work done by the
 31 Evansville State Hospital advisory committee, which expired
 32 January 1, 2004.
 33 (o) This SECTION expires January 1, 2007.
 34 SECTION 2. [EFFECTIVE JULY 1, 2005] (a) As used in this
 35 SECTION, "commissioner" refers to the commissioner of the
 36 Indiana department of administration.
 37 (b) As used in this SECTION, "department" refers to the
 38 Indiana department of administration created by IC 4-13-1-2.
 39 (c) As used in this SECTION, "grantee" refers to the Southwest
 40 Indiana Municipal Gardeners Association.
 41 (d) As used in this SECTION, "real estate" refers to the real
 42 property located in Section 26, Township 6 South, Range 10 West

COPY



1 in Knight Township, Vanderburgh County, Indiana, more
2 particularly described as follows:

3 Commencing at the southwest corner of the northwest quarter
4 of Section 26; thence along the west line of the quarter section,
5 North 01 degree, 06 minutes, 58 seconds East 1686.80 feet to the
6 southwest corner of a tract of land conveyed to the City of
7 Evansville in Deed Drawer 11, card 9992 in the office of the
8 Recorder of Vanderburgh County; thence along the boundary of
9 the City of Evansville tract the following seven (7) calls:

10 South 86 degrees, 14 minutes, 29 seconds East 383.18 feet;
11 thence

12 South 23 degrees, 15 minutes, 05 seconds East 99.07 feet;
13 thence

14 South 57 degrees, 37 minutes, 45 seconds East 114.34 feet;
15 thence

16 South 86 degrees, 17 minutes, 39 seconds East 127.75 feet;
17 thence

18 North 00 degrees, 04 minutes, 06 seconds East 113.09 feet;
19 thence

20 South 87 degrees, 28 minutes, 48 seconds East 61.01 feet;
21 thence

22 North 09 degrees, 00 minutes, 19 seconds East 207.54 feet; to
23 the southwest corner of a tract of land conveyed to the Buffalo
24 Trace Council, Inc. of the Boy Scouts of America in Document
25 Number 2004R00010382 in the office of the Recorder of
26 Vanderburgh County; thence along the boundary of the Boy Scout
27 tract, South 88 degrees, 35 minutes, 04 seconds East 909.20 feet;
28 thence continuing along the Boy Scout Tract, North 15 degrees, 07
29 minutes, 50 seconds East 75.92 feet to the point of beginning;
30 thence continuing along the Boy Scout tract the following four (4)
31 calls:

32 North 68 degrees, 20 minutes, 24 seconds West 198.16 feet;
33 thence

34 North 00 degrees, 28 minutes, 12 seconds East 254.18 feet;
35 thence

36 South 73 degrees, 53 minutes, 24 seconds East 195.17 feet;
37 thence

38 South 06 degrees, 59 minutes, 24 seconds East 175.44 feet;
39 thence

40 South 15 degrees, 07 minutes, 50 seconds West 102.58 feet to the
41 point of beginning and containing a gross area of 1.208 acres.

42 (e) The governor and the commissioner are authorized and

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1 directed on behalf of and in the name of the state of Indiana to
2 convey the real estate to the grantee. Except as provided in this
3 SECTION, the conveyance of the real estate shall be made without
4 consideration. Conveyance of the real estate is subject to the
5 following:

6 (1) Use of the real estate for educational, cultural,
7 recreational, art, or museum purposes.

8 (2) The rights of ingress and egress across existing roadways
9 and parking lots as described in the quitclaim deed to the
10 Buffalo Trace Council, Inc. of the Boy Scouts of America in
11 Document Number 2004R00010382 in the office of the
12 Recorder of Vanderburgh County.

13 (3) The use of paths located on the real estate for biking,
14 hiking, and other similar recreational activities.

15 (4) Highways, easements, and restrictions of record.

16 (f) The real estate reverts to the state if the real estate is not
17 used for the purposes described in subsection (e)(1).

18 (g) The conveyance of the real estate must comply with
19 IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this
20 SECTION. The department shall have a quitclaim deed prepared
21 to convey the real estate to the grantee. The deed must state the
22 conditions and restrictions contained in subsections (e) and (f). The
23 commissioner and the governor shall sign the deed, and the seal of
24 the state shall be affixed to the deed.

25 (h) The grantee shall have the deed to the real estate recorded
26 in Vanderburgh County, Indiana.

27 (i) The department shall inform the superintendent of
28 Evansville State Hospital when the conveyance under this
29 SECTION has been completed.

30 (j) SECTION 1 of this act does not apply to the conveyance
31 required by this SECTION.

32 (k) This SECTION expires July 1, 2009.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BECKER, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1329, 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 3, after line 33, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "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 Southwest Indiana Municipal Gardeners Association.

(d) As used in this SECTION, "real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West in Knight Township, Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of Section 26; thence along the west line of the quarter section, North 01 degree, 06 minutes, 58 seconds East 1686.80 feet to the southwest corner of a tract of land conveyed to the City of Evansville in Deed Drawer 11, card 9992 in the office of the Recorder of Vanderburgh County; thence along the boundary of the City of Evansville tract the following seven (7) calls:

South 86 degrees, 14 minutes, 29 seconds East 383.18 feet; thence

South 23 degrees, 15 minutes, 05 seconds East 99.07 feet; thence

South 57 degrees, 37 minutes, 45 seconds East 114.34 feet;



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South 86 degrees, 17 minutes, 39 seconds East 127.75 feet;

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North 00 degrees, 04 minutes, 06 seconds East 113.09 feet;

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South 87 degrees, 28 minutes, 48 seconds East 61.01 feet;

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North 09 degrees, 00 minutes, 19 seconds East 207.54 feet; to the southwest corner of a tract of land conveyed to the Buffalo Trace Council, Inc. of the Boy Scouts of America in Document Number 2004R00010382 in the office of the Recorder of Vanderburgh County; thence along the boundary of the Boy Scout tract, South 88 degrees, 35 minutes, 04 seconds East 909.20 feet; thence continuing along the Boy Scout Tract, North 15 degrees, 07 minutes, 50 seconds East 75.92 feet to the point of beginning; thence continuing along the Boy Scout tract the following four (4) calls:

North 68 degrees, 20 minutes, 24 seconds West 198.16 feet;

thence

North 00 degrees, 28 minutes, 12 seconds East 254.18 feet;

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South 73 degrees, 53 minutes, 24 seconds East 195.17 feet;

thence

South 06 degrees, 59 minutes, 24 seconds East 175.44 feet;

thence

South 15 degrees, 07 minutes, 50 seconds West 102.58 feet to the point of beginning and containing a gross area of 1.208 acres.

(e) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey the real estate to the grantee. Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the real estate is subject to the following:

(1) Use of the real estate for educational, cultural, recreational, art, or museum purposes.

(2) The rights of ingress and egress across existing roadways and parking lots as described in the quitclaim deed to the Buffalo Trace Council, Inc. of the Boy Scouts of America in Document Number 2004R00010382 in the office of the Recorder of Vanderburgh County.

(3) The use of paths located on the real estate for biking, hiking, and other similar recreational activities.



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(4) Highways, easements, and restrictions of record.

(f) The real estate reverts to the state if the real estate is not used for the purposes described in subsection (e)(1).

(g) The conveyance of the real estate 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 real estate to the grantee. The deed must state the conditions and restrictions contained in subsections (e) and (f). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(h) The grantee shall have the deed to the real estate recorded in Vanderburgh County, Indiana.

(i) The department shall inform the superintendent of Evansville State Hospital when the conveyance under this SECTION has been completed.

(j) SECTION 1 of this act does not apply to the conveyance required by this SECTION.

(k) This SECTION expires July 1, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1329 as printed January 20, 2005.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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