

## SENATE BILL No. 384

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-17-6-7; IC 21-31-2-12; IC 21-34; IC 21-35; IC 21-41-3-4.

**Synopsis:** Prohibits state university use of eminent domain. Prohibits a university, a college, or another educational institution in Indiana that: (1) provides programs of collegiate or university education or other postsecondary education; and (2) is supported in whole or in part by appropriations made by the general assembly; from exercising the power of eminent domain to acquire real property or personal property.

**Effective:** July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Judiciary.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 384



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

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

1 SECTION 1. IC 21-17-6-7, AS ADDED BY P.L.2-2007, SECTION  
2 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: Sec. 7. **(a) Except as provided in subsection (b),** to  
4 implement an approved redevelopment plan, qualified entities may:  
5 (1) acquire by purchase, gift, grant, condemnation, or lease any  
6 real estate, interests in real estate, or personal property within the  
7 project area or needed for the redevelopment of the project area;  
8 (2) clear or contract for the clearance of all real estate acquired  
9 for redevelopment purposes;  
10 (3) repair and maintain existing structures to be included in the  
11 redevelopment plan;  
12 (4) erect new structures or make major structural improvements  
13 on existing buildings; and  
14 (5) sell, lease, or grant parts of the land acquired for  
15 redevelopment purposes to the municipality or other  
16 governmental agency for street, boulevard, levee, sewerage, park,  
17 playground, school, and other public purposes:



- 1 (A) on terms and conditions; and
- 2 (B) with or without compensation;
- 3 as agreed upon.

4 **(b) Notwithstanding subsection (a)(1), a state educational**  
 5 **institution may not acquire real property or personal property by**  
 6 **exercising the power of eminent domain.**

7 SECTION 2. IC 21-31-2-12, AS ADDED BY P.L.2-2007,  
 8 SECTION 272, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2013]: Sec. 12. The acquisition of so much land  
 10 as may from time to time be needed as a campus by Vincennes  
 11 University is declared to be for public use. **However**, title to land that  
 12 is needed as a campus by Vincennes University may **not** be taken under  
 13 the power of eminent domain.

14 SECTION 3. IC 21-34-3-4, AS ADDED BY P.L.2-2007, SECTION  
 15 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 16 1, 2013]: Sec. 4. (a) The board of trustees of a state educational  
 17 institution may:

- 18 (1) acquire, under this article or any other applicable law, by:
  - 19 (A) purchase (for cash or on contract);
  - 20 (B) lease or sublease for a period not exceeding forty (40)
  - 21 years that the board of trustees approves;
  - 22 ~~(C) condemnation;~~
  - 23 ~~(D) (C) trade or exchange;~~
  - 24 ~~(E) (D) gift, devise, or bequest; or~~
  - 25 ~~(F) (E) other means; and~~

26 (2) improve;  
 27 real property (improved or unimproved) and personal property that the  
 28 board of trustees determines necessary for the purposes set forth in  
 29 subsection (b) on the terms and conditions and subject to the liens and  
 30 encumbrances that the board of trustees approves. **However, the board**  
 31 **of trustees of a state educational institution may not acquire real**  
 32 **property or personal property by exercising the power of eminent**  
 33 **domain.**

34 (b) Any action may be taken under subsection (a) that the board of  
 35 trustees of the state educational institution considers necessary for:

- 36 (1) carrying on the educational research, the public service
- 37 programs, or the statutory responsibilities of the state educational
- 38 institution and the various divisions of the state educational
- 39 institution under the jurisdiction of the board of trustees; or
- 40 (2) managing, operating, or servicing the state educational
- 41 institution.

42 SECTION 4. IC 21-34-4-3, AS ADDED BY P.L.2-2007, SECTION

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1 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 2 1, 2013]: Sec. 3. A joint use agreement may provide, among other  
 3 things, that the board of trustees of each state educational institution  
 4 that is a party to the joint use agreement may for the purpose of  
 5 performing the joint use agreement, exercise jointly any and all of the  
 6 powers that are severally conferred on the board of trustees of each  
 7 state educational institution that is a party to the joint use agreement by  
 8 this article. ~~including the power to acquire property by condemnation.~~

9 SECTION 5. IC 21-34-5-1, AS ADDED BY P.L.2-2007, SECTION  
 10 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2013]: Sec. 1. In order to:

12 (1) provide funds with which to pay part or all of the cost of any  
 13 building facility, work, act, or undertaking authorized by  
 14 IC 21-34-2, IC 21-34-3-1, or IC 21-34-3-3;

15 (2) pay part or all of the cost of acquiring real or personal property  
 16 by purchase, lease, sublease, ~~condemnation~~, trade or exchange, or  
 17 otherwise as provided in ~~section~~ IC 21-34-3-4;

18 (3) pay part or all of the cost of improving any of the property;

19 (4) pay the principal of and interest on bonds issued under this  
 20 article; or

21 (5) perform the obligations of any joint-use agreements made  
 22 under IC 21-34-4;

23 the board of trustees of a state educational institution may, as  
 24 necessary, fix, charge, and collect a building facilities fee or fees.

25 SECTION 6. IC 21-34-6-1, AS ADDED BY P.L.2-2007, SECTION  
 26 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 27 1, 2013]: Sec. 1. The board of trustees of a state educational institution  
 28 may borrow money and evidence the loans by the issuance and sale of  
 29 bonds of the board of trustees of the state educational institution to  
 30 provide funds with which to:

31 (1) pay part or all of the cost of any building facility, work, act, or  
 32 undertaking authorized by IC 21-34-2, IC 21-34-3-1, or  
 33 IC 21-34-3-3;

34 (2) pay part or all of the cost of acquiring (by purchase, lease,  
 35 sublease, ~~condemnation~~, trade, or otherwise) or improving real or  
 36 personal property under IC 21-34-3-4; or

37 (3) perform the obligations of any joint-use agreements under  
 38 IC 21-34-4.

39 SECTION 7. IC 21-35-2-7, AS ADDED BY P.L.2-2007, SECTION  
 40 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2013]: Sec. 7. The board of trustees of a state educational institution  
 42 may acquire under this chapter or any other law, by:

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1 (1) purchase;  
 2 (2) lease;  
 3 ~~(3) condemnation;~~  
 4 ~~(4) (3) gift; or~~  
 5 ~~(5) (4) other means;~~  
 6 any property, real or personal, that in the judgment of the board of  
 7 trustees is necessary for the state educational institution's purposes.  
 8 **However, the board of trustees of a state educational institution**  
 9 **may not acquire real property or personal property by exercising**  
 10 **the power of eminent domain.**  
 11 SECTION 8. IC 21-35-3-8, AS ADDED BY P.L.2-2007, SECTION  
 12 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 2013]: Sec. 8. A state educational institution may acquire by:  
 14 (1) purchase;  
 15 (2) lease;  
 16 ~~(3) condemnation;~~  
 17 ~~(4) (3) gift; or~~  
 18 ~~(5) (4) other means;~~  
 19 any property, real or personal, that in the judgment of the state  
 20 educational institution is necessary for a support facility or a research  
 21 facility. **However, a state educational institution may not acquire**  
 22 **real property or personal property by exercising the power of**  
 23 **eminent domain.**  
 24 SECTION 9. IC 21-41-3-4, AS ADDED BY P.L.2-2007, SECTION  
 25 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2013]: Sec. 4. The board of trustees may acquire by:  
 27 (1) purchase;  
 28 (2) lease;  
 29 ~~(3) condemnation;~~  
 30 ~~(4) (3) gift; or~~  
 31 ~~(5) (4) other means;~~  
 32 property, real and personal, that, in the judgment of the board of  
 33 trustees, is necessary to establish the Ball State University college of  
 34 architecture and planning. **However, the board of trustees may not**  
 35 **acquire real property or personal property by exercising the power**  
 36 **of eminent domain.** The board of trustees may use any property that  
 37 Ball State University acquired before July 1, 1965, for the Ball State  
 38 University college of architecture and planning. Title to all property  
 39 acquired by the university for the Ball State University college of  
 40 architecture and planning, including improvements to property, shall  
 41 be taken and held by and in the name of the board of trustees in its  
 42 corporate capacity for the purposes of this chapter.

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