

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.

SENATE ENROLLED ACT No. 193

AN ACT to amend the Indiana Code concerning war memorials and to make an appropriation.

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

SECTION 1. IC 10-18-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The commission may do the following:

- (1) Make and execute contracts and other instruments that may be required in connection with the erection and maintenance of a suitable structure or structures upon or within Memorial Place.
- (2) Adopt rules for the following:
 - (A) The proper management, government, and use of Memorial Place and the structures situated on Memorial Place.
 - (B) The government of employees.
- (3) Acquire by condemnation the right to limit the kind, character, and height of buildings upon and the use of real estate or buildings located within three hundred (300) feet of the outside boundaries.
- (4) Adopt reasonable rules as are proper to limit the kind, character, and height of buildings located or erected within three hundred (300) feet of the outside boundaries of Memorial Place and the use of the buildings or real estate. A building constructed or maintained or business conducted in violation of any rule may be abated as a nuisance in an action begun and prosecuted by the commission.

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(5) Receive donations, gifts, devises, and bequests and use them in connection with the purposes of this chapter.

(6) Establish a nonprofit corporation to do the following:

(A) Promote public support for the purposes of the commission and this chapter.

(B) Preserve and promote the historical and educational activities of the commission.

(C) Operate for the benefit of the purposes of the commission and this chapter.

The corporation is subject to audit by the state board of accounts as if it were a state agency.

(7) Transfer money donated to the commission for the purposes described in subdivision (6) to a corporation established under subdivision (6).

(8) Transfer:

(A) artifacts;

(B) images; or

(C) documents of cultural heritage, historical, or museum relevance;

under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana war memorials commission established by IC 10-18-1-2.

(b) As used in this SECTION, "corporation" refers to the Indiana War Memorials Foundation, Inc., a nonprofit corporation incorporated by articles of incorporation dated November 22, 2000.

(c) The incorporation of the corporation is legalized and is considered done under IC 10-18-1-18(6), as added by this act.

(d) The transfer of money and personal property from the commission to the corporation before April 30, 2005, is legalized.

(e) The commission may transfer the operation of the Indiana War Memorial gift shop and all personal property associated with the gift shop to the corporation.

(f) There is appropriated to the commission the amount of money determined by the state budget agency and the commission that represents the donations to the commission, including earnings, that are in the state treasury as the result of a reversion before the commission could make the transfer to the corporation. The appropriation shall be allocated by the state budget agency

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among the Indiana war memorial fund, the state general fund with respect to earnings, and the souvenir shop fund established by IC 10-18-1-26. The appropriation is to be used for the corporation's purposes, beginning July 1, 2005, and ending June 30, 2007.

(g) This SECTION expires July 1, 2007.

SECTION 3. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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