



April 5, 2011

ENGROSSED
SENATE BILL No. 485

DIGEST OF SB 485 (Updated March 31, 2011 3:45 pm - DI 87)

Citations Affected: IC 4-23; noncode.

Synopsis: State library foundation. Authorizes the Indiana library and historical board to establish a nonprofit foundation to solicit and accept private funding. Allows certain funds to be transferred to the foundation. Provides that the foundation is governed by a board of directors. Requires the state board of accounts to annually audit the foundation.

Effective: July 1, 2011.

Gard, Lawson C, Simpson
(HOUSE SPONSORS — SAUNDERS, PIERCE)

January 13, 2011, read first time and referred to Committee on Public Policy.
February 14, 2011, reported favorably — Do Pass.
February 15, 2011, read second time, ordered engrossed.
February 16, 2011, engrossed.
February 17, 2011, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Government and Regulatory Reform.
April 4, 2011, reported — Do Pass.

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ES 485—LS 7442/DI 77+



April 5, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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**ENGROSSED
SENATE BILL No. 485**

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-23-7.1-42 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 42. (a) The board may establish a foundation that is
4 organized as a nonprofit corporation that is exempt from federal
5 income taxation under Section 501(c)(3) of the Internal Revenue
6 Code to solicit and accept private funding, gifts, donations,
7 bequests, devises, and contributions. The board may transfer
8 private funding, gifts, donations, bequests, devises, and
9 contributions intended for the state library that are in the state
10 treasury into the foundation.**

11 **(b) A foundation established under this section:**
12 **(1) shall use money received under subsection (a) to:**
13 **(A) support the state library and libraries in the state; and**
14 **(B) carry out the purposes and programs under this**
15 **chapter; and**
16 **(2) may deposit money received under subsection (a) in an**
17 **account or fund that is:**

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1 (A) administered by the foundation; and
 2 (B) not part of the state treasury.
 3 (c) The foundation established under this section is governed by
 4 a board of directors consisting of the following members:
 5 (1) Seven (7) voting members appointed by the board of
 6 directors.
 7 (2) The state treasurer, who shall serve as a nonvoting
 8 member.
 9 (d) The members appointed under subsection (c)(1) shall be
 10 appointed for a term of three (3) years but may be removed by the
 11 governor for cause.
 12 (e) The affirmative votes of at least four (4) members of the
 13 board of directors are required for the foundation to take any
 14 official action.
 15 (f) Employees of the state library shall provide administrative
 16 support for the foundation.
 17 (g) Money in the foundation at the end of a state fiscal year does
 18 not revert to the state general fund.
 19 (h) The state board of accounts shall annually audit the
 20 foundation established under this section.
 21 SECTION 2. [EFFECTIVE JULY 1, 2011] (a) The definitions in
 22 IC 4-23-7.1 apply to this SECTION.
 23 (b) Notwithstanding IC 4-23-7.1-42(d), as added by this act, the
 24 initial appointments of the directors of the foundation shall be:
 25 (1) nominated by the director of the state library;
 26 (2) approved by the Indiana library and historical board; and
 27 (3) appointed by the governor.
 28 (c) Notwithstanding IC 4-23-7.1-42 (c) and IC 4-23-7.1-42(d),
 29 both as added by this act, the initial appointments of the members
 30 of the board of directors of the foundation by the governor under
 31 IC 4-23-7.1-42(c)(1), as added by this act, shall be staggered as
 32 follows:
 33 (1) Two (2) members appointed by the governor shall be
 34 appointed to serve a one (1) year term ending June 30, 2012.
 35 (2) Three (3) members appointed by the governor shall be
 36 appointed to serve a two (2) year term ending June 30, 2013.
 37 (3) Two (2) members appointed by the governor shall be
 38 appointed to serve a three (3) year term ending June 30, 2014.
 39 (d) This SECTION expires July 1, 2014.

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 485, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 485 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 485, 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.

HINKLE, Chair

Committee Vote: yeas 10, nays 0.

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