SENATE BILL No. 485

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-23-7.1-42.

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

January 13, 2011, read first time and referred to Committee on Public Policy.

C o p y

Introduced

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.

C o p y

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:

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

(b) A foundation established under this section:

(1) shall use money received under subsection (a) to:

(A) support the state library and libraries in the state; and

(B) carry out the purposes and programs under this chapter; and

(2) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state treasury.

(c) The foundation established under this section is governed by a board of directors consisting of the following members:

(1) Seven (7) voting members appointed by the board of directors.

(2) The state treasurer, who shall serve as a nonvoting member.

(d) The members appointed under subsection (c)(1) shall be appointed for a term of three (3) years but may be removed by the governor for cause.

(e) The affirmative votes of at least four (4) members of the board of directors are required for the foundation to take any official action.

(f) Employees of the state library shall provide administrative support for the foundation.

(g) Money in the foundation at the end of a state fiscal year does not revert to the state general fund.

(h) The state board of accounts shall annually audit the foundation established under this section.

SECTION 2. [EFFECTIVE JULY 1, 2011] **(a) The definitions in IC 4-23-7.1 apply to this SECTION**.

(b) Notwithstanding IC 4-23-7.1-42(d), as added by this act, the initial appointments of the directors of the foundation shall be:

(1) nominated by the director of the state library;

(2) approved by the Indiana library and historical board; and

(3) appointed by the governor.

(c) Notwithstanding IC 4-23-7.1-42 (c) and IC 4-23-7.1-42(d), both as added by this act, the initial appointments of the members of the board of directors of the foundation by the governor under IC 4-23-7.1-42(c)(1), as added by this act, shall be staggered as follows:

(1) Two (2) members appointed by the governor shall be appointed to serve a one (1) year term ending June 30, 2012.

(2) Three (3) members appointed by the governor shall be appointed to serve a two (2) year term ending June 30, 2013.

(3) Two (2) members appointed by the governor shall be appointed to serve a three (3) year term ending June 30, 2014.

(d) This SECTION expires July 1, 2014.

C o p y