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# SENATE BILL No. 537

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-37; IC 14-8-2; IC 14-9-4-1; IC 14-10; IC 14-12-2-14; IC 14-20; IC 35-43-1-6.

**Synopsis:** State museum and historic sites. Establishes the Indiana state museum and historic sites corporation (corporation) as a public body corporate and politic to govern the state museum and historic sites. Establishes the corporation's board of trustees to oversee and govern the corporation. Establishes the state museum and historic sites development fund, and make a continuing appropriation to the fund. Establishes the state museum foundation. Includes transitional provisions to transfer the museum and historic sites functions and funds from the department of natural resources (DNR) to the corporation. Repeals laws governing the state museum and historic sites as entities administered by the DNR. Makes conforming changes.

**Effective:** July 1, 2011.

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**Merritt**

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January 18, 2011, read first time and referred to Committee on Appointments and Claims.

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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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## SENATE BILL No. 537



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

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

- 1 SECTION 1. IC 4-37 IS ADDED TO THE INDIANA CODE AS A
- 2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2011]:
- 4 **ARTICLE 37. STATE MUSEUM AND HISTORIC SITES**
- 5 **Chapter 1. Definitions**
- 6 **Sec. 1. Except as otherwise provided, the definitions in this**
- 7 **chapter apply throughout this article.**
- 8 **Sec. 2. "Board" refers to the corporation's board of trustees**
- 9 **established by IC 4-37-3-1.**
- 10 **Sec. 3. "Chief executive officer" refers to the chief executive**
- 11 **officer of the Indiana state museum and historic sites corporation**
- 12 **appointed under IC 4-37-2-5 and the director of the state museum.**
- 13 **Sec. 4. "Corporation" refers to the Indiana state museum and**
- 14 **historic sites corporation established by IC 4-37-2-1.**
- 15 **Sec. 5. "Foundation" refers to the Indiana state museum**
- 16 **foundation established under IC 4-37-8-1 or its successors.**
- 17 **Sec. 6. "Fund" refers to the state museum and historic sites**



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development fund established by IC 4-37-7-1.

**Sec. 7. "Historic site" refers to a state historic site established and maintained by the board under the criteria established by the board.**

**Sec. 8. "Museum" refers to the state museum.**

**Sec. 9. "State museums" refers to the following:**

- (1) The state museum located in the White River State Park.
- (2) The historic sites.

**Chapter 2. State Museum and Historic Sites Corporation**

**Sec. 1. The Indiana state museum and historic sites corporation is established.**

**Sec. 2. (a) The corporation is:**

- (1) a public body corporate and politic; and
- (2) an instrumentality of the state.

**(b) The corporation is separate from the state. However, the exercise by the corporation of its powers is an essential governmental function.**

**Sec. 3. The corporation may:**

- (1) sue and be sued; and
- (2) plead and be impleaded.

**Sec. 4. The corporation is subject to a biennial audit by the state board of accounts.**

**Sec. 5. The board shall appoint, subject to the governor's approval, an individual to serve as chief executive officer of the corporation.**

**Sec. 6. The corporation is not subject to the requirements under IC 5-13-6-1.**

**Sec. 7. (a) After June 30, 2011, rules that concern the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the corporation.**

**(b) After June 30, 2011, a reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the corporation.**

**Chapter 3. Members and Organization**

**Sec. 1. The corporation is governed by a board of trustees that consists of the following members:**

- (1) Thirteen (13) persons appointed by the governor who are voting members. The governor's appointments must meet the following criteria:
  - (A) Each member must be a resident of Indiana.

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- (B) Not more than two (2) members may reside in the same county.**
- (C) At least one (1) member must be a recognized supporter of historic sites.**
- (D) Not more than seven (7) members may be from the same political party.**
- (2) Twelve (12) persons appointed by the board who are voting members. The board's appointments must meet the following criteria:**
  - (A) Each member must be a resident of Indiana.**
  - (B) Not more than two (2) members may reside in the same county.**
  - (C) At least one (1) member must be a recognized supporter of historic sites.**
  - (D) Not more than six (6) members may be from the same political party.**
- (3) The following persons serve as nonvoting members of the board:**
  - (A) The chief executive officer.**
  - (B) The governor or the governor's designee.**
  - (C) One (1) member of the house of representatives appointed by the chairman of the legislative council.**
  - (D) One (1) member of the senate appointed by the chairman of the legislative council.**
  - (E) The director of the department of natural resources or the director's designee.**
- The members appointed under clauses (C) and (D) must be from different political parties and serve at the pleasure of the chairman of the legislative council.**
- Sec. 2. (a) The members appointed in section 1 of this chapter:**
  - (1) begin their terms July 1;**
  - (2) shall serve for terms of three (3) years; and**
  - (3) may be reappointed or replaced by the appointing authority, but may not serve more than three (3) consecutive terms.**
- (b) A member appointed under this section to fill a vacancy shall fill the vacancy for the remainder of the unexpired term.**
- (c) Each member shall continue to serve until the member's successor is appointed and qualified.**
- Sec. 3. (a) The governor shall appoint the chair of the board, who shall serve for a one (1) year term or until the governor appoints a successor.**

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1 (b) The board shall elect a vice chair, secretary, and treasurer  
2 for a term of two (2) years each.

3 Sec. 4. (a) Thirteen (13) voting members of the board constitute  
4 a quorum.

5 (b) The board shall adopt bylaws establishing procedures for the  
6 board.

7 Sec. 5. Board members are not liable in an individual capacity  
8 for any act done or omitted in connection with the performance of  
9 duties under this article. This section does not apply to an act or  
10 omission that constitutes gross negligence or willful misconduct.

11 Sec. 6. (a) Each member of the board who is not a state  
12 employee is entitled to the minimum salary per diem provided by  
13 IC 4-10-11-2.1(b). The member is also entitled to reimbursement  
14 for traveling expenses as provided under IC 4-13-1-4 and for other  
15 expenses actually incurred in connection with the member's duties  
16 as provided in the state policies and procedures established by the  
17 Indiana department of administration and approved by the budget  
18 agency.

19 (b) Each member of the board who is a state employee but who  
20 is not a member of the general assembly is entitled to  
21 reimbursement for traveling expenses as provided under  
22 IC 4-13-1-4 and for other expenses actually incurred in connection  
23 with the member's duties as provided in the state policies and  
24 procedures established by the Indiana department of  
25 administration and approved by the budget agency.

26 (c) Each member of the board who is a member of the general  
27 assembly is entitled to receive the same per diem, mileage, and  
28 travel allowances paid to legislative members of interim study  
29 committees established by the legislative council. Per diem,  
30 mileage, and travel allowances paid under this subsection shall be  
31 paid from appropriations made to the legislative council or the  
32 legislative services agency.

33 **Chapter 4. General Powers, Duties, and Exemptions**

34 **Sec. 1. The title to the following shall be held in the name of the**  
35 **state of Indiana:**

36 (1) Property constituting the state museums, except to the  
37 extent that the property is subject to a use and occupancy  
38 agreement between the state office building commission and  
39 the Indiana department of administration.

40 (2) Property acquired by the board.

41 **Sec. 2. The board shall do the following:**

42 (1) Operate and administer the state museums.

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- 1           **(2) Maintain accreditation of the state museums.**
- 2           **(3) Collect, preserve, display, and interpret artifacts and**
- 3           **materials reflecting the cultural and natural history of**
- 4           **Indiana.**
- 5           **(4) Prepare and maintain a statewide inventory of the**
- 6           **artifacts and materials described in subdivision (3).**
- 7           **(5) Uphold the highest professional and ethical standards, as**
- 8           **adopted by the American Association of Museums.**
- 9           **Sec. 3. The board may do the following:**
- 10           **(1) Do any and all acts and things necessary, proper, or**
- 11           **convenient to carry out this article.**
- 12           **(2) Hold meetings under IC 5-14-1.5 at the times and places in**
- 13           **Indiana that are prescribed by the board's bylaws.**
- 14           **(3) Adopt an official seal.**
- 15           **(4) Adopt bylaws.**
- 16           **(5) Make and execute contracts and other instruments**
- 17           **necessary or convenient to the exercise of the commission's**
- 18           **powers.**
- 19           **(6) Acquire by grant, purchase, gift, devise, or lease or**
- 20           **otherwise and hold, use, sell, lease, manage, operate, clear,**
- 21           **improve, encumber, transfer, convey, exchange, or dispose of**
- 22           **the following:**
  - 23               **(A) Real and personal property and any interest in real or**
  - 24               **personal property.**
  - 25               **(B) Facilities.**
  - 26               **(C) Money or stocks.**
  - 27               **(D) Any right or interest necessary or useful for carrying**
  - 28               **out the board's powers and duties under this article.**
- 29           **(7) Procure insurance against any loss in connection with the**
- 30           **board's operations.**
- 31           **(8) Enter into contractual or other arrangements with the**
- 32           **Indiana department of administration in connection with the**
- 33           **financing of the state museums under IC 4-13.5.**
- 34           **(9) Notwithstanding IC 4-13.5-4-5, allocate space in museums**
- 35           **financed by the state office building commission under**
- 36           **IC 4-13.5.**
- 37           **(10) Fix and collect rents, admission charges, fees, tolls, and**
- 38           **other user charges for:**
  - 39               **(A) the state museums;**
  - 40               **(B) restaurants;**
  - 41               **(C) other facilities; and**
  - 42               **(D) programs, lectures, classes, tours, and trips.**

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**(11) Maintain shops and restaurants on property that the board manages and at other locations and employ or contract with persons to manage the shops and restaurants.**

**(12) Make or sell the following:**

**(A) Pictures, models, books, and other representations of the museum and its artifacts and exhibits.**

**(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.**

**(13) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.**

**(14) Own copyrights, trademarks, and service marks and enforce the board's rights with respect to ownership.**

**(15) Conduct market research concerning the state museums.**

**(16) Adopt rules under IC 4-22-2 to carry out the purposes of this article.**

**Sec. 4. (a) The board may accept or refuse to accept an offered gift of historic property to be administered by the board.**

**(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the board may sell, lease, or exchange historic property administered by the board.**

**(c) Notwithstanding IC 5-22-22, the board may, in accordance with the board's policies, sell, donate, or exchange artifacts in the state museums' collections to or with other public or nonprofit museums or historical societies.**

**(d) The board may by rule establish a procedure for evaluating the merits of proposals to:**

- (1) accept gifts of;**
- (2) sell; or**
- (3) exchange;**

**artifacts or historic property.**

**(e) The board may donate or make short term loans of artifacts in the museums' collections to other:**

- (1) public or nonprofit museums; or**
- (2) historical societies.**

**Sec. 5. The board is not required to pay any taxes or assessments upon any property acquired or used by the board under this article, or upon the income from the property.**

**Sec. 6. The board is exempt under IC 6-2.5-5-16 from the state gross retail tax for transactions involving tangible personal property, public utility commodities, and public utility service.**

**Sec. 7. The board is exempt from the following:**

- (1) The requirements of IC 4-13-2-20 prohibiting payment in**

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advance.

(2) The procurement requirements under IC 5-22.

Sec. 8. (a) The board shall annually evaluate the performance of the chief executive officer.

(b) Subject to approval by the governor, the board may dismiss the chief executive officer.

Chapter 5. Personnel Matters

Sec. 1. Employees of the corporation are not employees of the state.

Sec. 2. The board may do the following:

(1) Establish policies for the governance and management of the staffs of the state museums.

(2) Establish the rights and duties of corporation employees, including a pay scale and benefit package.

(3) Employ or contract with consultants, attorneys, or other persons as are required in the judgment of the board and pay compensation from funds available to the board.

Sec. 3. The board may develop a separate personnel system for employees of the corporation. However, if the board does not adopt a personnel system under this section, corporation employees are subject to the state personnel system under IC 4-15-1.8.

Sec. 4. (a) The board may adopt a resolution providing that the corporation's employees who are eligible to participate in the public employees' retirement fund under the eligibility requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate in the fund.

(b) The board may adopt a resolution to allow the corporation's employees to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees.

Sec. 5. (a) The board may hire, fix the compensation of, review the performance of, and dismiss, subject to the governor's approval, a chief executive officer who:

(1) is the director of state museums;

(2) is the chief administrative officer of the corporation; and

(3) supervises and directs the work of the state museums' staffs and contractors.

(b) The chief executive officer may hire, fix the compensation of, review the performance of, and dismiss employees of the corporation.

Sec. 6. (a) The board shall adopt a code of ethics for the corporation's employees. The ethic rules must be substantially the

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1 same as the ethics rules for executive branch employees of state  
2 government. However, the board may adopt ethics rules that are  
3 stricter than the ethics rules for executive branch employees of  
4 state government.

5 (b) The state ethics commission shall enforce the code of ethics  
6 adopted under this section.

7 Sec. 7. The board may assist in the professional development of  
8 the museums' staffs.

9 Chapter 6. Budget, Finance, and Planning

10 Sec. 1. (a) The chief executive officer shall annually present to  
11 the board the needs and requests of the corporation and a  
12 proposed budget.

13 (b) The chief executive officer shall present the proposed  
14 biennial and board approved annual budget of the corporation to  
15 the governor.

16 Sec. 2. The board may qualify the museum for federal and other  
17 aid to preserve historic property, materials, items, and memorials.

18 Chapter 7. State Museum and Historic Sites Development Fund

19 Sec. 1. The state museum and historic sites development fund is  
20 established. The corporation or an entity designated by the board  
21 shall administer the fund.

22 Sec. 2. The corporation may invest the money in the fund not  
23 currently needed to meet the obligations of the fund in a manner  
24 consistent with policies adopted by the board.

25 Sec. 3. The expenses of administering the fund shall be paid  
26 from the fund.

27 Sec. 4. The corporation may spend the money in the fund for  
28 any purpose of the corporation that complies with this article,  
29 including the acquisition of real property and historical artifacts  
30 and specimens, construction of facilities, and betterments and  
31 improvements at historic sites.

32 Sec. 5. The following shall be deposited in the fund:

- 33 (1) Proceeds from admission and user fees.
- 34 (2) Sales at museum shops.
- 35 (3) Facility rentals.
- 36 (4) Restaurant sales.
- 37 (5) Any other income generated by the state museums.
- 38 (6) Gifts of money or the proceeds from the sale of gifts  
39 donated to the state museums.

40 Sec. 6. (a) All money accruing to the fund is appropriated  
41 continuously for purposes of this article.

42 (b) Money in the fund at the end of a state fiscal year does not

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1 revert to the state general fund.

2 Sec. 7. The chief executive officer shall report annually to the  
3 board on the activities, revenues, expenditures, and profits of the  
4 museums' shops, facility rentals, and restaurants.

5 Chapter 8. Indiana State Museum Foundation

6 Sec. 1. The board may establish a nonprofit subsidiary  
7 corporation, to be known as the Indiana state museum foundation,  
8 that is exempt from federal income taxation under Section  
9 501(c)(3) of the Internal Revenue Code to solicit and accept private  
10 funding, gifts, donations, bequests, devises, and contributions.

11 Sec. 2. The foundation:

12 (1) shall use money received under section 1 of this chapter to  
13 carry out in any manner the purposes and programs under  
14 this article; and

15 (2) may deposit money received under section 1 of this  
16 chapter in an account or fund that is:

17 (A) administered by the foundation; and

18 (B) not part of the state treasury.

19 Sec. 3. The foundation is governed by a board of directors. The  
20 directors are the members of the board.

21 Sec. 4. Employees of the corporation shall provide  
22 administrative support for the foundation.

23 Sec. 5. The state board of accounts shall annually audit the  
24 foundation.

25 Chapter 9. Governor Frank O'Bannon Great Hall

26 Sec. 1. The museum's great hall shall be known as the  
27 "Governor Frank O'Bannon Great Hall".

28 Sec. 2. The chief executive officer of the museum shall install  
29 and maintain the following:

30 (1) Appropriate public signage on and around the museum  
31 that displays the name of the great hall.

32 (2) A plaque located at an appropriate spot in the museum  
33 describing the highlights of the life and career of Governor  
34 Frank O'Bannon.

35 SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.69-2009,  
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2011]: Sec. 77. "Division" has the following meaning:

38 (1) For purposes of IC 14-9-8, the meaning set forth in  
39 IC 14-9-8-2.

40 (2) For purposes of ~~IC 14-20-1~~ and ~~IC 14-20-16~~; the meaning set  
41 forth in ~~IC 14-20-1-2~~.

42 (3) (2) For purposes of IC 14-21, the division of historic

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- 1 preservation and archeology.
- 2 ~~(4)~~ (3) For purposes of IC 14-22, the division of fish and wildlife.
- 3 ~~(5)~~ (4) For purposes of IC 14-24, the division of entomology and
- 4 plant pathology.
- 5 ~~(6)~~ (5) For purposes of IC 14-25.5, the division of water.
- 6 ~~(7)~~ (6) For purposes of IC 14-31-2, the meaning set forth in
- 7 IC 14-31-2-4.
- 8 ~~(8)~~ (7) For purposes of IC 14-32, the division of soil conservation
- 9 of the Indiana state department of agriculture established by
- 10 IC 15-11-4-1.
- 11 ~~(9)~~ (8) For purposes of IC 14-37, the division of oil and gas.

12 SECTION 3. IC 14-8-2-103, AS AMENDED BY P.L.66-2008,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2011]: Sec. 103. ~~(a)~~ "Foundation" refers to the Indiana natural  
 15 resources foundation.

16 ~~(b)~~ For purposes of IC 14-20-1, "foundation" refers to:

- 17 ~~(1)~~ the Indiana state museum foundation; or
- 18 ~~(2)~~ another nonprofit organization established to promote:
  - 19 ~~(A)~~ interest in; and
  - 20 ~~(B)~~ the use of;
- 21 the Indiana state museum system.

22 SECTION 4. IC 14-8-2-107, AS AMENDED BY P.L.85-2008,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2011]: Sec. 107. "Fund" has the following meaning:

- 25 (1) For purposes of IC 14-9-5, the meaning set forth in
- 26 IC 14-9-5-1.
- 27 (2) For purposes of IC 14-9-8-21, the meaning set forth in
- 28 IC 14-9-8-21.
- 29 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
- 30 IC 14-9-8-21.5.
- 31 (4) For purposes of IC 14-9-9, the meaning set forth in
- 32 IC 14-9-9-3.
- 33 (5) For purposes of IC 14-12-1, the meaning set forth in
- 34 IC 14-12-1-1.
- 35 (6) For purposes of IC 14-12-2, the meaning set forth in
- 36 IC 14-12-2-2.
- 37 (7) For purposes of IC 14-12-3, the meaning set forth in
- 38 IC 14-12-3-2.
- 39 (8) For purposes of IC 14-13-1, the meaning set forth in
- 40 IC 14-13-1-2.
- 41 (9) For purposes of IC 14-13-2, the meaning set forth in
- 42 IC 14-13-2-3.

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- 1 (10) For purposes of IC 14-16-1, the meaning set forth in
- 2 IC 14-16-1-30.
- 3 (11) For purposes of IC 14-19-8, the meaning set forth in
- 4 IC 14-19-8-1.
- 5 ~~(12)~~ For purposes of IC 14-20-1, the meaning set forth in
- 6 ~~IC 14-20-1-3.~~
- 7 ~~(13)~~ **(12)** For purposes of IC 14-20-11, the meaning set forth in
- 8 IC 14-20-11-2.
- 9 ~~(14)~~ **(13)** For purposes of IC 14-21-4, the meaning set forth in
- 10 IC 14-21-4-10.
- 11 ~~(15)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in
- 12 IC 14-22-3-1.
- 13 ~~(16)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in
- 14 IC 14-22-4-1.
- 15 ~~(17)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in
- 16 IC 14-22-5-1.
- 17 ~~(18)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in
- 18 IC 14-22-8-1.
- 19 ~~(19)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in
- 20 IC 14-22-34-2.
- 21 ~~(20)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in
- 22 IC 14-23-3-1.
- 23 ~~(21)~~ **(20)** For purposes of IC 14-24-4.5, the meaning set forth in
- 24 IC 14-24-4.5-2(5).
- 25 ~~(22)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in
- 26 IC 14-25-2-4.
- 27 ~~(23)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in
- 28 IC 14-25-10-1.
- 29 ~~(24)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth
- 30 in IC 14-25-11-19.
- 31 ~~(25)~~ **(24)** For purposes of IC 14-25.5, the meaning set forth in
- 32 IC 14-25.5-1-3.
- 33 ~~(26)~~ **(25)** For purposes of IC 14-28-5, the meaning set forth in
- 34 IC 14-28-5-2.
- 35 ~~(27)~~ **(26)** For purposes of IC 14-31-2, the meaning set forth in
- 36 IC 14-31-2-5.
- 37 ~~(28)~~ **(27)** For purposes of IC 14-25-12, the meaning set forth in
- 38 IC 14-25-12-1.
- 39 ~~(29)~~ **(28)** For purposes of IC 14-32-8, the meaning set forth in
- 40 IC 14-32-8-1.
- 41 ~~(30)~~ **(29)** For purposes of IC 14-33-14, the meaning set forth in
- 42 IC 14-33-14-3.

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1           ~~(31)~~ **(30)** For purposes of IC 14-33-21, the meaning set forth in  
2           IC 14-33-21-1.

3           ~~(32)~~ **(31)** For purposes of IC 14-34-6-15, the meaning set forth in  
4           IC 14-34-6-15.

5           ~~(33)~~ **(32)** For purposes of IC 14-34-14, the meaning set forth in  
6           IC 14-34-14-1.

7           ~~(34)~~ **(33)** For purposes of IC 14-37-10, the meaning set forth in  
8           IC 14-37-10-1.

9           SECTION 5. IC 14-8-2-124 IS AMENDED TO READ AS  
10          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 124. "Historic  
11          property", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means:

- 12           (1) a historic site;
- 13           (2) a historic structure; or
- 14           (3) other personal or real property located on or in a historic site  
15           or historic structure.

16          SECTION 6. IC 14-8-2-125 IS AMENDED TO READ AS  
17          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 125. "Historic site", for  
18          purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a site that is important  
19          to the general, archeological, agricultural, economic, social, political,  
20          architectural, industrial, or cultural history of Indiana. The term  
21          includes adjacent property that is necessary for the preservation or  
22          restoration of the site.

23          SECTION 7. IC 14-8-2-126 IS AMENDED TO READ AS  
24          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 126. "Historic  
25          structure", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a  
26          structure that is important to the general, archeological, agricultural,  
27          economic, social, political, architectural, industrial, or cultural history  
28          of Indiana. The term includes adjacent property that is necessary for the  
29          preservation or restoration of the structure.

30          SECTION 8. IC 14-8-2-202 IS AMENDED TO READ AS  
31          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 202. (a) "Person"  
32          means, except as provided in subsections (b) through (j), an individual,  
33          a partnership, an association, a fiduciary, an executor or administrator,  
34          a limited liability company, or a corporation.

35           (b) "Person", for purposes of IC 14-12-2, has the meaning set forth  
36           in IC 14-12-2-3.

37           (c) "Person", for purposes of IC 14-16, IC 14-22-28, IC 14-24,  
38           IC 14-26-2, IC 14-28-1, ~~IC 14-28-3~~, ~~IC 14-29-6~~, and IC 14-38-2, means  
39           an individual, a partnership, an association, a fiduciary, an executor or  
40           administrator, a limited liability company, a corporation, other legal  
41           entity, the state, or an agency, a political subdivision, or another  
42           instrumentality of the state.

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1 (d) "Person", for purposes of IC 14-12-1, IC 14-12-2, ~~IC 14-20-1,~~  
2 IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in  
3 this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a  
4 partnership, an association, a fiduciary, an executor or administrator,  
5 a limited liability company, a corporation, or a governmental entity.

6 (e) "Person", for purposes of IC 14-22-31.5, has the meaning set  
7 forth in IC 14-22-31.5-2.

8 (f) "Person", for purposes of IC 14-25-3, has the meaning set forth  
9 in IC 14-25-3-1.

10 (g) "Person", for the purposes of IC 14-25-7, has the meaning set  
11 forth in IC 14-25-7-5.

12 (h) "Person", for purposes of IC 14-34, means an individual, a  
13 partnership, a limited liability company, an association, a society, a  
14 joint stock company, a firm, a company, a corporation, or other  
15 business organization.

16 (i) "Person", for purposes of IC 14-38-1, has the meaning set forth  
17 in IC 14-38-1-2.

18 (j) "Person", for purposes of IC 14-24-12, has the meaning set forth  
19 in IC 14-24-12-4.

20 SECTION 9. IC 14-8-2-208 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 208. "Political  
22 subdivision" has the following meaning:

23 (1) For purposes of IC 14-12-1, the meaning set forth in  
24 IC 14-12-1-2.

25 ~~(2) For purposes of IC 14-20-1, the meaning set forth in~~  
26 ~~IC 14-20-1-4.~~

27 ~~(3)~~ (2) For purposes of IC 14-32-8, the meaning set forth in  
28 IC 14-32-8-2.

29 SECTION 10. IC 14-8-2-258 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 258. "Site", for  
31 purposes of ~~IC 14-20-1~~ and IC 14-21, includes the following:

32 (1) An aboriginal mound, a fort, an earthwork, a village location,  
33 a burial ground, a ruin, a mine, a cave, a battleground, a  
34 shipwreck, or other similar location on land or under water.

35 (2) A location that contains or did contain a structure.

36 SECTION 11. IC 14-8-2-268 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 268. "Structure" has the  
38 following meaning:

39 (1) For purposes of ~~IC 14-20-1~~ and IC 14-21, a manmade  
40 construction.

41 (2) For purposes of IC 14-27-7.5, the meaning set forth in  
42 IC 14-27-7.5-5.

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1 SECTION 12. IC 14-9-4-1, AS AMENDED BY P.L.1-2006,  
2 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: Sec. 1. The following divisions are  
4 established within the department:

- 5 (1) Accounting.
- 6 (2) Administrative support services.
- 7 (3) Budget.
- 8 (4) Engineering.
- 9 (5) Entomology and plant pathology.
- 10 (6) Fish and wildlife.
- 11 (7) Forestry.
- 12 (8) Historic preservation and archeology.
- 13 (9) Human resources.
- 14 (10) Internal audit.
- 15 (11) Land acquisition.
- 16 (12) Law enforcement.
- 17 (13) Management information systems.
- 18 (14) Nature preserves.
- 19 (15) Oil and gas.
- 20 (16) Outdoor recreation.
- 21 (17) Public information and education.
- 22 (18) Reclamation.
- 23 (19) Reservoir management.
- 24 (20) Safety and training.
- 25 ~~(21) State museums and historic sites.~~
- 26 ~~(22)~~ (21) State parks.
- 27 ~~(23)~~ (22) Water.

28 SECTION 13. IC 14-10-2-5, AS AMENDED BY P.L.123-2006,  
29 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2011]: Sec. 5. (a) The department may adopt emergency rules  
31 under IC 4-22-2-37.1 to carry out the duties of the department under  
32 the following:

- 33 (1) IC 14-9.
- 34 (2) This article.
- 35 (3) IC 14-11.
- 36 (4) IC 14-12-2.
- 37 (5) IC 14-14.
- 38 (6) IC 14-17-3.
- 39 (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- 40 (8) IC 14-19-1 and IC 14-19-8.
- 41 ~~(9) IC 14-20-1.~~
- 42 ~~(10)~~ (9) IC 14-21.

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- 1           ~~(+1)~~ **(10)** IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- 2           ~~(+2)~~ **(11)** IC 14-23-1.
- 3           ~~(+3)~~ **(12)** IC 14-25, except IC 14-25-8-3, IC 14-25-11, and
- 4           IC 14-25-13.
- 5           ~~(+4)~~ **(13)** IC 14-26.
- 6           ~~(+5)~~ **(14)** IC 14-27.
- 7           ~~(+6)~~ **(15)** IC 14-28.
- 8           ~~(+7)~~ **(16)** IC 14-29.
- 9           ~~(+8)~~ **(17)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.

10           (b) A rule adopted under subsection (a) expires not later than one  
 11 (1) year after the rule is accepted for filing by the publisher of the  
 12 Indiana Register.

13           SECTION 14. IC 14-10-3-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies  
 15 to the property managers of each of the following divisions of the  
 16 department:

- 17           (1) State parks.
- 18           (2) Forestry.
- 19           (3) Fish and wildlife.
- 20           (4) Reservoir management.
- 21           ~~(5) State museums and historic sites.~~

22           SECTION 15. IC 14-12-2-14 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The Indiana  
 24 heritage trust project committee is established.

25           (b) The project committee consists of the following sixteen (16)  
 26 members:

- 27           (1) The director of the division of fish and wildlife.
- 28           (2) The director of the division of forestry.
- 29           (3) The director of the division of nature preserves.
- 30           (4) The director of the division of state parks.
- 31           (5) The director of the division of outdoor recreation.
- 32           (6) ~~The director~~ **chief executive officer** of the ~~division of Indiana~~  
 33 state ~~museums~~ **museum** and historic sites **corporation**  
 34 **established by IC 4-37-2-1.**
- 35           (7) Ten (10) individuals appointed by the governor. The governor  
 36 shall appoint individuals so that all the following are satisfied:
- 37           (A) The individuals must be residents of Indiana.
- 38           (B) The individuals must have a demonstrated interest or  
 39 experience in:
- 40           (i) conservation of natural resources; or
- 41           (ii) management of public property.
- 42           (C) Each Indiana congressional district must be represented by

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1 at least one (1) individual who is a resident of that  
2 congressional district.

3 (D) The individuals must represent the following:

- 4 (i) The environmentalist community.
- 5 (ii) The academic community.
- 6 (iii) Organized hunting and fishing groups.
- 7 (iv) The forest products community.
- 8 (v) The parks and recreation community.

9 SECTION 16. IC 14-20-4-3 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The commission  
11 is composed of nine (9) members as follows:

- 12 (1) The lieutenant governor or the lieutenant governor's designee.
- 13 (2) The ~~director~~ **chief executive officer of the Indiana state**  
14 **museum and historic sites corporation (IC 4-37-2-1)** or the  
15 ~~director's chief executive officer's~~ designee.
- 16 (3) One (1) individual who must be an elected officer of the New  
17 Harmony town legislative body.
- 18 (4) One (1) individual who must be a representative of the  
19 University of Southern Indiana.
- 20 (5) One (1) individual who must be a representative of the Robert  
21 Lee Blaffer Trust nominated by the trustees of the Robert Lee  
22 Blaffer Trust.
- 23 (6) Four (4) other individuals, at least two (2) of whom must be  
24 residents of Posey County.

25 (b) The governor shall appoint the members of the commission  
26 under subsection (a)(3) through (a)(6).

27 SECTION 17. IC 14-20-4-10 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. The commission  
29 shall do the following:

- 30 (1) Recommend legislation to do the following:
  - 31 (A) Protect the area from the environmental degradation.
  - 32 (B) Assure development of the historic, scenic, aesthetically  
33 pleasing, cultural, educational, and recreational nature of the  
34 community.
- 35 (2) Conduct a survey of New Harmony memorabilia that is in  
36 existence and establish a plan for restoring the memorabilia to the  
37 community.
- 38 (3) Conduct other activities that are necessary for promotion and  
39 enhancement of the area of New Harmony.
- 40 (4) Cooperate with the ~~department~~ **state museum and historic**  
41 **sites corporation (IC 4-37-2-1)** and Indiana department of  
42 transportation on recommending access and egress from New

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Harmony.  
SECTION 18. IC 14-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The real property shall be administered, maintained, managed, and controlled by the ~~department in the same manner as the state parks~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** and shall be known as The James F.D. Lanier Home.

SECTION 19. IC 14-20-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may receive donations for the upkeep of the monument provided for in this chapter.

SECTION 20. IC 14-20-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The real property shall be administered by the ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** as a historic property and shall be known as the William S. Culbertson Mansion.

SECTION 21. IC 14-20-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may receive the following:

- (1) Donations for the maintenance of the mansion.
- (2) Other money that is necessary to carry out this chapter.

SECTION 22. IC 14-20-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter does not apply if:

- (1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or
- (2) the ~~commission board of trustees of the~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** declares the memorial to be surplus to the needs of the ~~commission and the department.~~ **state museum and historic sites corporation.**

SECTION 23. IC 14-20-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** shall administer the real property, which shall be known as the Wilbur Wright Birthplace.

SECTION 24. IC 14-20-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may do the following:

- (1) Receive any appropriations made by the federal government

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1 to assist in memorializing the achievements of Wilbur Wright.  
2 (2) Expend the money received from the federal government in  
3 conformity with this chapter or the federal law making the  
4 appropriation.

5 SECTION 25. IC 14-20-10-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The real property  
7 shall be administered by the ~~department~~ **Indiana state museum and**  
8 **historic sites corporation (IC 4-37-2-1)** as a historic property and  
9 shall be known as the Ernie Pyle Birthplace.

10 SECTION 26. IC 14-20-12-3, AS AMENDED BY P.L.229-2005,  
11 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2011]: Sec. 3. Thousands of Hoosiers all over the nation have  
13 contributed toward the moving and restoration of this historic house  
14 and because the house has already proven to be an outstanding tourist  
15 attraction and in keeping with our great American heritage, it is the  
16 intent of this chapter that the office of tourism development, the  
17 ~~department~~, **Indiana state museum and historic sites corporation**  
18 **(IC 4-37-2-1)**, and other appropriate state boards and agencies give  
19 widespread publicity to this memorial by brochure, pamphlet, or other  
20 means.

21 SECTION 27. IC 14-20-16-1, AS ADDED BY P.L.69-2009,  
22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2011]: Sec. 1. (a) The governors' portraits collection is placed  
24 in the custody of the ~~division~~: **Indiana state museum and historic**  
25 **sites corporation (IC 4-37-2-1)**. The collection shall be permanently  
26 displayed in public areas of the state house under the supervision of the  
27 ~~division~~, **Indiana state museum and historic sites corporation**,  
28 which is charged with its care and maintenance.

29 (b) The ~~director chief executive officer~~ of the ~~division~~ **Indiana**  
30 **state museum and historic sites corporation** shall inspect each  
31 painting in the collection annually in the company of one (1) or more  
32 experts in the field of art conservation selected by the ~~director chief~~  
33 **executive officer** of the ~~division~~: **Indiana state museum and historic**  
34 **sites corporation**.

35 (c) After the inauguration of each governor, the ~~director chief~~  
36 **executive officer** of the ~~division~~, **Indiana state museum and historic**  
37 **sites corporation**, with the concurrence of the governor, shall select  
38 and commission an artist to paint the governor's portrait. The portrait  
39 must be hung in the permanent collection immediately following the  
40 completion and acceptance of the portrait by the ~~director chief~~  
41 **executive officer** of the ~~division~~ **Indiana state museum and historic**  
42 **sites corporation** and the governor.

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1 (d) The ~~division~~ **Indiana state museum and historic sites**  
2 **corporation** shall include in its budget requests the amount the  
3 ~~division~~ **Indiana state museum and historic sites corporation**  
4 considers necessary to:

- 5 (1) provide for the proper care, maintenance, and display of the
- 6 governors' portraits collection; and
- 7 (2) commission the painting of an oil portrait of each governor for
- 8 the collection.

9 The ~~division~~ **Indiana state museum and historic sites corporation**  
10 may use appropriated funds or any other funds provided for these  
11 purposes.

12 (e) The ~~director~~ **chief executive officer** of the ~~division~~, **Indiana**  
13 **state museum and historic sites corporation**, in discharging the  
14 duties under this section, shall use the appropriate cultural and  
15 technical resources of the state, including the **department**, Indiana  
16 historical bureau, and the Indiana department of administration.

17 SECTION 28. IC 14-20-16-2, AS ADDED BY P.L.69-2009,  
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2011]: Sec. 2. (a) The governors' portraits fund is established  
20 as a dedicated fund to be administered by the ~~division~~. **Indiana state**  
21 **museum and historic sites corporation (IC 4-37-2-1)**. Money in the  
22 fund may be expended by the ~~director~~ **chief executive officer** of the  
23 ~~division~~ **Indiana state museum and historic sites corporation**  
24 exclusively for the preservation and exhibition of the state owned  
25 portraits of former governors of Indiana.

26 (b) The proceeds from the sale of items as directed by law or by the  
27 ~~director~~ **chief executive officer** of the ~~division~~, **Indiana state museum**  
28 **and historic sites corporation**, from gifts of money or the proceeds  
29 from the sale of gifts donated to the fund, and from investment earnings  
30 from any portion of the fund, shall be deposited in the governors'  
31 portraits fund.

32 (c) The treasurer of state shall invest the money in the fund not  
33 currently needed to meet the obligations of the fund in the same  
34 manner as other public money may be invested.

35 (d) All money accruing to the governors' portraits fund is  
36 continuously allotted and appropriated for the purposes specified in this  
37 section.

38 (e) Money in the fund at the end of the fiscal year does not revert to  
39 the state general fund.

40 SECTION 29. IC 34-30-2-6.8 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2011]: **Sec. 6.8. IC 4-37-3-5 (Concerning**

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1 actions of members of the board of trustees for the Indiana state  
2 museum and historic sites corporation.

3 SECTION 30. IC 35-43-1-6 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2011]: **Sec. 6. A person who knowingly or intentionally alters,  
6 without a permit, historic property located on property owned or  
7 leased by the state commits a Class B misdemeanor.**

8 SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE  
9 JULY 1, 2011]: IC 14-8-2-266; IC 14-8-2-283; IC 14-20-1.

10 SECTION 32. [EFFECTIVE JULY 1, 2011] (a) **The definitions in  
11 IC 4-37-1, as added by this act, and IC 14-8-2 apply throughout  
12 this SECTION.**

13 (b) **All real property, personal property, and artifacts of the  
14 division of state museums and historic sites are transferred from  
15 the division of state museums and historic sites to the corporation.**

16 (c) **All powers, duties, assets, and liabilities of the department of  
17 natural resources regarding the division of state museums and  
18 historic sites and artifacts of the division of state museums and  
19 historic sites that are attributable to the division of state museums  
20 and historic sites are transferred to the corporation.**

21 (d) **Subject to subsection (e), the budget agency shall transfer to  
22 the corporation all appropriations contained in the budget  
23 appropriation for the department of natural resources for the  
24 period beginning July 1, 2011, and ending June 30, 2013, that were  
25 intended for the operation and improvement of the state museums.**

26 (e) **The budget agency shall, on July 1, 2011, transfer:**

27 (1) **all money in the revolving fund of the division of museums  
28 and historic sites (IC 14-9-5-2), state museum development  
29 fund (IC 14-20-1-1.5, repealed by this act) and the state  
30 museum acquisition fund (IC 14-20-1-24, repealed by this  
31 act); and**

32 (2) **money in any other account intended for the use of state  
33 museums, including program, education, and collections  
34 funds;**

35 **to the state museum and historic sites development fund  
36 (IC 4-37-7-1).**

37 (f) **Notwithstanding IC 4-37-3-2(a)(2), as added by this act, the  
38 initial appointments by the governor to the board of trustees of the  
39 corporation under IC 4-37-3-2(a) shall be staggered as follows:**

40 (1) **Four (4) persons appointed by the governor shall be  
41 appointed to serve a one (1) year term ending June 30, 2012.**

42 (2) **Four (4) persons appointed by the governor shall be**

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1           **appointed to serve a two (2) year term ending June 30, 2013.**  
2           **(3) Five (5) persons appointed by the governor shall be**  
3           **appointed to serve a three (3) year term ending June 30, 2014.**  
4           **(g) This SECTION expires July 1, 2013.**

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