



February 4, 2011

## SENATE BILL No. 537

DIGEST OF SB 537 (Updated February 3, 2011 10:57 am - DI 117)

**Citations Affected:** IC 4-37; IC 14-8; IC 14-9; IC 14-10; IC 14-12; IC 14-20; IC 34-30; IC 35-43; noncode.

**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. Makes meetings of the board subject to the open meetings law and makes records of the corporation subject to the open records law. 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.

**Merritt, Lanane**

January 18, 2011, read first time and referred to Committee on Appointments and Claims.  
February 3, 2011, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 537—LS 7409/DI 77+



February 4, 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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## SENATE BILL No. 537

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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. The records of the corporation are subject to IC 5-14-3.

Sec. 8. (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:

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- 1 (A) Each member must be a resident of Indiana.
- 2 (B) Not more than two (2) members may reside in the same
- 3 county.
- 4 (C) At least one (1) member must be a recognized
- 5 supporter of historic sites.
- 6 (D) Not more than seven (7) members may be from the
- 7 same political party.
- 8 (2) Twelve (12) persons appointed by the board who are
- 9 voting members. The board's appointments must meet the
- 10 following criteria:
- 11 (A) Each member must be a resident of Indiana.
- 12 (B) Not more than two (2) members may reside in the same
- 13 county.
- 14 (C) At least one (1) member must be a recognized
- 15 supporter of historic sites.
- 16 (D) Not more than six (6) members may be from the same
- 17 political party.
- 18 (3) The following persons serve as nonvoting members of the
- 19 board:
- 20 (A) The chief executive officer.
- 21 (B) The governor or the governor's designee.
- 22 (C) One (1) member of the house of representatives
- 23 appointed by the chairman of the legislative council.
- 24 (D) One (1) member of the senate appointed by the
- 25 chairman of the legislative council.
- 26 (E) The director of the department of natural resources or
- 27 the director's designee.
- 28 The members appointed under clauses (C) and (D) must be
- 29 from different political parties and serve at the pleasure of the
- 30 chairman of the legislative council.
- 31 Sec. 2. (a) The members appointed in section 1 of this chapter:
- 32 (1) begin their terms July 1;
- 33 (2) shall serve for terms of three (3) years; and
- 34 (3) may be reappointed or replaced by the appointing
- 35 authority, but may not serve more than three (3) consecutive
- 36 terms.
- 37 (b) A member appointed under this section to fill a vacancy shall
- 38 fill the vacancy for the remainder of the unexpired term.
- 39 (c) Each member shall continue to serve until the member's
- 40 successor is appointed and qualified.
- 41 Sec. 3. (a) The governor shall appoint the chair of the board,
- 42 who shall serve for a one (1) year term or until the governor

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**appoints a successor.**

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

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

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

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

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

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

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

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

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

- (1) Property constituting the state museums, except to the extent that the property is subject to a use and occupancy agreement between the state office building commission and the Indiana department of administration.**
- (2) Property acquired by the board.**

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

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

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1                   **(D) programs, lectures, classes, tours, and trips.**  
2                   **(11) Maintain shops and restaurants on property that the**  
3                   **board manages and at other locations and employ or contract**  
4                   **with persons to manage the shops and restaurants.**  
5                   **(12) Make or sell the following:**  
6                   **(A) Pictures, models, books, and other representations of**  
7                   **the museum and its artifacts and exhibits.**  
8                   **(B) Souvenirs, crafts, art, videotapes, digital video discs,**  
9                   **and other merchandise.**  
10                  **(13) Pay royalties, license fees, or charges for exhibits,**  
11                  **artifacts, artwork, or materials.**  
12                  **(14) Own copyrights, trademarks, and service marks and**  
13                  **enforce the board's rights with respect to ownership.**  
14                  **(15) Conduct market research concerning the state museums.**  
15                  **(16) Adopt rules under IC 4-22-2 to carry out the purposes of**  
16                  **this article.**  
17                  **Sec. 4. (a) The board may accept or refuse to accept an offered**  
18                  **gift of historic property to be administered by the board.**  
19                  **(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the board may**  
20                  **sell, lease, or exchange historic property administered by the**  
21                  **board.**  
22                  **(c) Notwithstanding IC 5-22-22, the board may, in accordance**  
23                  **with the board's policies, sell, donate, or exchange artifacts in the**  
24                  **state museums' collections to or with other public or nonprofit**  
25                  **museums or historical societies.**  
26                  **(d) The board may by rule establish a procedure for evaluating**  
27                  **the merits of proposals to:**  
28                       **(1) accept gifts of;**  
29                       **(2) sell; or**  
30                       **(3) exchange;**  
31                  **artifacts or historic property.**  
32                  **(e) The board may donate or make short term loans of artifacts**  
33                  **in the museums' collections to other:**  
34                       **(1) public or nonprofit museums; or**  
35                       **(2) historical societies.**  
36                  **Sec. 5. The board is not required to pay any taxes or**  
37                  **assessments upon any property acquired or used by the board**  
38                  **under this article, or upon the income from the property.**  
39                  **Sec. 6. The board is exempt under IC 6-2.5-5-16 from the state**  
40                  **gross retail tax for transactions involving tangible personal**  
41                  **property, public utility commodities, and public utility service.**  
42                  **Sec. 7. The board is exempt from the following:**

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1           (1) The requirements of IC 4-13-2-20 prohibiting payment in  
 2           advance.  
 3           (2) The procurement requirements under IC 5-22.  
 4           Sec. 8. (a) The board shall annually evaluate the performance of  
 5           the chief executive officer.  
 6           (b) Subject to approval by the governor, the board may dismiss  
 7           the chief executive officer.  
 8           Chapter 5. Personnel Matters  
 9           Sec. 1. Employees of the corporation are not employees of the  
 10          state.  
 11          Sec. 2. The board may do the following:  
 12           (1) Establish policies for the governance and management of  
 13           the staffs of the state museums.  
 14           (2) Establish the rights and duties of corporation employees,  
 15           including a pay scale and benefit package.  
 16           (3) Employ or contract with consultants, attorneys, or other  
 17           persons as are required in the judgment of the board and pay  
 18           compensation from funds available to the board.  
 19          Sec. 3. The board may develop a separate personnel system for  
 20          employees of the corporation. However, if the board does not adopt  
 21          a personnel system under this section, corporation employees are  
 22          subject to the state personnel system under IC 4-15-1.8.  
 23          Sec. 4. (a) The board may adopt a resolution providing that the  
 24          corporation's employees who are eligible to participate in the  
 25          public employees' retirement fund under the eligibility  
 26          requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate  
 27          in the fund.  
 28          (b) The board may adopt a resolution to allow the corporation's  
 29          employees to participate in group insurance and other benefit  
 30          plans, including the state employees' deferred compensation plan,  
 31          that are available to state employees.  
 32          Sec. 5. (a) The board may hire, fix the compensation of, review  
 33          the performance of, and dismiss, subject to the governor's  
 34          approval, a chief executive officer who:  
 35           (1) is the director of state museums;  
 36           (2) is the chief administrative officer of the corporation; and  
 37           (3) supervises and directs the work of the state museums'  
 38           staffs and contractors.  
 39          (b) The chief executive officer may hire, fix the compensation of,  
 40          review the performance of, and dismiss employees of the  
 41          corporation.  
 42          Sec. 6. (a) The board shall adopt a code of ethics for the

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1 corporation's employees. The ethic rules must be substantially the  
2 same as the ethics rules for executive branch employees of state  
3 government. However, the board may adopt ethics rules that are  
4 stricter than the ethics rules for executive branch employees of  
5 state government.

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

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

10 Chapter 6. Budget, Finance, and Planning

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

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

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

19 Chapter 7. State Museum and Historic Sites Development Fund

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

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

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

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

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

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

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

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

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

**Chapter 8. Indiana State Museum Foundation**

Sec. 1. The board may establish a nonprofit subsidiary corporation, to be known as the Indiana state museum foundation, 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.

**Sec. 2. The foundation:**

- (1) shall use money received under section 1 of this chapter to carry out in any manner the purposes and programs under this article; and
- (2) may deposit money received under section 1 of this chapter in an account or fund that is:
  - (A) administered by the foundation; and
  - (B) not part of the state treasury.

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

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

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

**Chapter 9. Governor Frank O'Bannon Great Hall**

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

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

- (1) Appropriate public signage on and around the museum that displays the name of the great hall.
- (2) A plaque located at an appropriate spot in the museum describing the highlights of the life and career of Governor Frank O'Bannon.

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

- (1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.
- (2) For purposes of ~~IC 14-20-1~~ and ~~IC 14-20-16~~, the meaning set forth in ~~IC 14-20-1-2~~.

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- 1           ~~(3)~~ (2) For purposes of IC 14-21, the division of historic
- 2           preservation and archeology.
- 3           ~~(4)~~ (3) For purposes of IC 14-22, the division of fish and wildlife.
- 4           ~~(5)~~ (4) For purposes of IC 14-24, the division of entomology and
- 5           plant pathology.
- 6           ~~(6)~~ (5) For purposes of IC 14-25.5, the division of water.
- 7           ~~(7)~~ (6) For purposes of IC 14-31-2, the meaning set forth in
- 8           IC 14-31-2-4.
- 9           ~~(8)~~ (7) For purposes of IC 14-32, the division of soil conservation
- 10           of the Indiana state department of agriculture established by
- 11           IC 15-11-4-1.
- 12           ~~(9)~~ (8) For purposes of IC 14-37, the division of oil and gas.

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

- 17           ~~(b)~~ For purposes of IC 14-20-1, "foundation" refers to:
- 18           ~~(1)~~ the Indiana state museum foundation; or
- 19           ~~(2)~~ another nonprofit organization established to promote:
- 20           ~~(A)~~ interest in; and
- 21           ~~(B)~~ the use of;
- 22           the Indiana state museum system.

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

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

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

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- 1 IC 14-33-14-3.
- 2 ~~(31)~~ **(30)** For purposes of IC 14-33-21, the meaning set forth in
- 3 IC 14-33-21-1.
- 4 ~~(32)~~ **(31)** For purposes of IC 14-34-6-15, the meaning set forth in
- 5 IC 14-34-6-15.
- 6 ~~(33)~~ **(32)** For purposes of IC 14-34-14, the meaning set forth in
- 7 IC 14-34-14-1.
- 8 ~~(34)~~ **(33)** For purposes of IC 14-37-10, the meaning set forth in
- 9 IC 14-37-10-1.

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

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

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

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

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

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

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

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instrumentality of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 IC 14-27-7.5-5.  
2 SECTION 12. IC 14-9-4-1, AS AMENDED BY P.L.1-2006,  
3 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2011]: Sec. 1. The following divisions are  
5 established within the department:

- 6 (1) Accounting.
- 7 (2) Administrative support services.
- 8 (3) Budget.
- 9 (4) Engineering.
- 10 (5) Entomology and plant pathology.
- 11 (6) Fish and wildlife.
- 12 (7) Forestry.
- 13 (8) Historic preservation and archeology.
- 14 (9) Human resources.
- 15 (10) Internal audit.
- 16 (11) Land acquisition.
- 17 (12) Law enforcement.
- 18 (13) Management information systems.
- 19 (14) Nature preserves.
- 20 (15) Oil and gas.
- 21 (16) Outdoor recreation.
- 22 (17) Public information and education.
- 23 (18) Reclamation.
- 24 (19) Reservoir management.
- 25 (20) Safety and training.
- 26 ~~(21) State museums and historic sites.~~
- 27 ~~(22)~~ (21) State parks.
- 28 ~~(23)~~ (22) Water.

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

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

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- 1           ~~(+0)~~ **(9)** IC 14-21.
- 2           ~~(+1)~~ **(10)** IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- 3           ~~(+2)~~ **(11)** IC 14-23-1.
- 4           ~~(+3)~~ **(12)** IC 14-25, except IC 14-25-8-3, IC 14-25-11, and
- 5           IC 14-25-13.
- 6           ~~(+4)~~ **(13)** IC 14-26.
- 7           ~~(+5)~~ **(14)** IC 14-27.
- 8           ~~(+6)~~ **(15)** IC 14-28.
- 9           ~~(+7)~~ **(16)** IC 14-29.
- 10          ~~(+8)~~ **(17)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.

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

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

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

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

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

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

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- 1 (C) Each Indiana congressional district must be represented by
- 2 at least one (1) individual who is a resident of that
- 3 congressional district.
- 4 (D) The individuals must represent the following:
- 5 (i) The environmentalist community.
- 6 (ii) The academic community.
- 7 (iii) Organized hunting and fishing groups.
- 8 (iv) The forest products community.
- 9 (v) The parks and recreation community.

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

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

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

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

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

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1 transportation on recommending access and egress from New  
2 Harmony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 **sites corporation** and the governor.

2 (d) The ~~division~~ **Indiana state museum and historic sites**

3 **corporation** shall include in its budget requests the amount the

4 ~~division~~ **Indiana state museum and historic sites corporation**

5 considers necessary to:

6 (1) provide for the proper care, maintenance, and display of the

7 governors' portraits collection; and

8 (2) commission the painting of an oil portrait of each governor for

9 the collection.

10 The ~~division~~ **Indiana state museum and historic sites corporation**

11 may use appropriated funds or any other funds provided for these

12 purposes.

13 (e) The ~~director~~ **chief executive officer** of the ~~division~~, **Indiana**

14 **state museum and historic sites corporation**, in discharging the

15 duties under this section, shall use the appropriate cultural and

16 technical resources of the state, including the ~~department~~, Indiana

17 historical bureau, and the Indiana department of administration.

18 SECTION 28. IC 14-20-16-2, AS ADDED BY P.L.69-2009,

19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

20 JULY 1, 2011]: Sec. 2. (a) The governors' portraits fund is established

21 as a dedicated fund to be administered by the ~~division~~. **Indiana state**

22 **museum and historic sites corporation (IC 4-37-2-1)**. Money in the

23 fund may be expended by the ~~director~~ **chief executive officer** of the

24 ~~division~~ **Indiana state museum and historic sites corporation**

25 exclusively for the preservation and exhibition of the state owned

26 portraits of former governors of Indiana.

27 (b) The proceeds from the sale of items as directed by law or by the

28 ~~director~~ **chief executive officer** of the ~~division~~, **Indiana state museum**

29 **and historic sites corporation**, from gifts of money or the proceeds

30 from the sale of gifts donated to the fund, and from investment earnings

31 from any portion of the fund, shall be deposited in the governors'

32 portraits fund.

33 (c) The treasurer of state shall invest the money in the fund not

34 currently needed to meet the obligations of the fund in the same

35 manner as other public money may be invested.

36 (d) All money accruing to the governors' portraits fund is

37 continuously allotted and appropriated for the purposes specified in this

38 section.

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

40 the state general fund.

41 SECTION 29. IC 34-30-2-6.8 IS ADDED TO THE INDIANA

42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 6.8. IC 4-37-3-5 (Concerning**  
 2 **actions of members of the board of trustees for the Indiana state**  
 3 **museum and historic sites corporation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Appointments and Claims, to which was referred Senate Bill No. 537, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 27 and 28, begin a new paragraph and insert:

**"Sec. 7. The records of the corporation are subject to IC 5-14-3."**

Page 2, line 28, delete "Sec. 7." and insert "**Sec. 8.**"

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 537 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 5, Nays 0.

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