



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1246 be amended to read as follows:

- 1           Page 3, between lines 5 and 6, begin a new paragraph and insert:  
2           "SECTION 2. IC 4-9.1-1-7, AS AMENDED BY P.L.84-2014,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2016]: Sec. 7. (a) The board may transfer money between  
5           state funds, and the board may transfer money between appropriations  
6           for any board, department, commission, office, or benevolent or penal  
7           institution of the state. After the transfer is made, the money of the fund  
8           or appropriation transferred is not available to the fund or the board,  
9           department, commission, office, or benevolent or penal institution from  
10          which it was transferred.  
11          (b) In addition to a transfer under subsection (a), the board may  
12          transfer money from an appropriation for any board, department,  
13          commission, office, or benevolent or penal institution of the state to the  
14          Indiana economic development corporation.  
15          **(c) In addition to a transfer under subsection (a) or (b), the**  
16          **board shall transfer money from an appropriation for the Indiana**  
17          **state museum and historic sites corporation to the first state capitol**  
18          **commission established by IC 4-38-2-1. The board may not**  
19          **transfer an amount under this subsection that exceeds the amount**  
20          **determined by the budget agency under IC 4-38-6-1.**  
21          ~~(e)~~ **(d)** An order by the board to make a transfer under this section  
22          is sufficient authority for the making of appropriate entries showing the  
23          transfer on the books of the auditor of state and treasurer of state.  
24          ~~(d)~~ **(e)** The authority given the board under this section to make  
25          transfers does not apply to trust funds. For the purposes of this section,  
26          "trust fund" means a fund which by the constitution or by statute has  
27          been designated as a trust fund or a fund which has been determined by

- 1 the board to be a trust fund.
- 2 (e) (f) Whenever the board takes action to transfer money out of a  
 3 dedicated fund that is attributable to fees credited to the fund, the  
 4 budget agency shall notify the budget committee within thirty (30) days  
 5 and state the reason for the transfer.
- 6 (f) (g) Within thirty (30) days after approving a transfer, the board  
 7 shall post on the Indiana transparency Internet web site:
- 8 (1) a narrative description of each approved transfer under this  
 9 section; and
- 10 (2) the reason for the transfer.
- 11 SECTION 3. IC 4-38 IS ADDED TO THE INDIANA CODE AS A  
 12 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 13 2016]:
- 14 **ARTICLE 38. FIRST STATE CAPITOL COMMISSION**
- 15 **Chapter 1. Definitions**
- 16 **Sec. 1. Except as otherwise provided, the definitions in this**  
 17 **chapter apply throughout this article.**
- 18 **Sec. 2. "Commission" refers to the first state capitol commission**  
 19 **established by IC 4-38-2-1.**
- 20 **Sec. 3. "Corporation" refers to the Indiana state museum and**  
 21 **historic sites corporation established by IC 4-37-2-1.**
- 22 **Sec. 4. "Corydon capitol state historic site" refers to the**  
 23 **following properties within the Town of Corydon, including but not**  
 24 **limited to, the properties maintained by the corporation:**
- 25 (1) **The First State Capitol.**
- 26 (2) **The First Governor's House.**
- 27 (3) **The First State Office Building.**
- 28 (4) **The artifacts or memorials to the Constitutional Elm.**
- 29 **Sec. 5. "Director" refers to the director of the first state capitol**  
 30 **commission appointed under IC 4-38-5-1.**
- 31 **Chapter 2. First State Capitol Commission**
- 32 **Sec. 1. The first state capitol commission is established.**
- 33 **Sec. 2. The commission is a state agency.**
- 34 **Sec. 3. The commission may:**
- 35 (1) **sue and be sued; and**
- 36 (2) **plead and be impleaded.**
- 37 **Sec. 4. The commission is subject to compliance audits by the**  
 38 **state board of accounts.**
- 39 **Sec. 5. The commission is subject to IC 5-13-6-1.**
- 40 **Sec. 6. The records of the commission are subject to IC 5-14-3.**
- 41 **Sec. 7. (a) After June 30, 2016, all powers, duties, agreements,**  
 42 **and liabilities of the corporation concerning a Corydon capitol**  
 43 **state historic site are transferred to the commission, as the**  
 44 **successor agency.**
- 45 (b) **All rules or policies adopted by the corporation concerning**  
 46 **a Corydon capitol state historic site before July 1, 2016, shall be**

1 treated as though the rules were adopted by the commission until  
2 the commission adopts new rules or policies.

3 (c) On July 1, 2016, all records and property of the corporation,  
4 including appropriations and other funds under the control or  
5 supervision of the corporation concerning historic sites, are  
6 transferred to the commission, as the successor agency.

7 (d) After June 30, 2016, any amounts owed to the corporation  
8 concerning a Corydon capitol state historic site before July 1, 2016,  
9 are considered to be owed to the commission, as the successor  
10 agency.

11 (e) After June 30, 2016, a reference to the corporation  
12 concerning a Corydon capitol state historic site in a statute, rule,  
13 or other document is considered a reference to the commission, as  
14 the successor agency.

15 **Sec. 8. Employees of the corporation who are employed by a**  
16 **Corydon capitol state historic site on June 30, 2016, and who**  
17 **become employees of the commission are entitled to have their**  
18 **service under the corporation included for purposes of computing:**

- 19 (1) retention in the event of a layoff; and
- 20 (2) all other applicable employment and retirement benefits.

#### 21 **Chapter 3. Commission Membership and Organization**

22 **Sec. 1. (a) The commission consists of the following five (5)**  
23 **members:**

- 24 (1) Three (3) members appointed by the governor.
- 25 (2) One (1) member appointed by the Harrison County  
26 executive body.
- 27 (3) One (1) member appointed by the Harrison County parks  
28 board.

29 (b) No more than two (2) members appointed under subdivision  
30 (a)(1) may be of the same political party.

31 **Sec. 2. (a) The members first appointed under section 1 of this**  
32 **chapter shall serve an initial term from July 1, 2016, to January 1,**  
33 **2017, with subsequent appointments for four (4) year terms. A**  
34 **member whose term expires may be reappointed to serve another**  
35 **term. If a vacancy occurs, the appointing authority shall appoint**  
36 **a qualified person to serve for the remainder of the term.**

37 (b) Commission members serve without compensation.  
38 However, each member is entitled to the minimum salary per diem  
39 as provided in IC 4-10-11-2.1(b).

40 (c) Membership in the commission is not considered to be a  
41 lucrative office.

42 (d) A majority of the members constitutes a quorum for doing  
43 business.

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

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

- 47 (1) Property constituting a Corydon capitol state historic site,

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except to the extent that the property is subject to a use and occupancy agreement between the Indiana finance authority and the Indiana department of administration.

**(2) Property acquired by the commission.**

**Sec. 2. (a) The commission shall do the following:**

**(1) Operate and administer a Corydon capitol state historic site.**

**(2) Maintain accreditation of a Corydon capitol state historic site, if applicable.**

**(3) Collect, preserve, display, and interpret artifacts and materials reflecting the cultural and natural history of Indiana to the extent the artifacts and materials relate to a Corydon capitol state historic site.**

**(4) Prepare and maintain a statewide inventory of the artifacts and materials described in subdivision (3).**

**(5) Uphold the highest professional and ethical standards, as adopted by the American Association of Museums.**

**(b) In order to comply with this section, the commission shall ensure that any original artifacts and materials relating to a Corydon capitol state historic site:**

**(1) remain in the Town of Corydon; or**

**(2) be recovered and returned to the Town of Corydon.**

**Sec. 3. The commission may do the following:**

**(1) Do any and all acts and things necessary, proper, or convenient to carry out this article.**

**(2) Hold meetings under IC 5-14-1.5 at the times and places in Indiana that are prescribed by the commission's bylaws.**

**(3) Adopt an official seal.**

**(4) Adopt bylaws.**

**(5) Make and execute contracts and other instruments necessary or convenient to the exercise of the commission's powers.**

**(6) Acquire by grant, purchase, gift, devise, or lease or otherwise and hold, use, sell, lease, manage, operate, clear, improve, encumber, transfer, convey, exchange, or dispose of the following:**

**(A) Real and personal property and any interest in real or personal property.**

**(B) Facilities.**

**(C) Money.**

**(D) Any right or interest necessary or useful for carrying out the commission's powers and duties under this article.**

**(7) Procure insurance against any loss in connection with the commission's operations.**

**(8) Enter into contractual or other arrangements with the Indiana department of administration in connection with the financing of a Corydon capitol state historic site under**

- 1           **IC 4-13.5.**  
2           **(9) Fix and collect rents, admission charges, fees, and other**  
3           **user charges for a Corydon capitol state historic site.**  
4           **(10) Maintain shops and restaurants on property that the**  
5           **commission manages and employ or contract with persons to**  
6           **manage the shops and restaurants.**  
7           **(11) Make or sell the following:**  
8               **(A) Pictures, models, books, and other representations of**  
9               **the historic sites and its artifacts and exhibits.**  
10              **(B) Souvenirs, crafts, art, videotapes, digital video discs,**  
11              **and other merchandise.**  
12           **(12) Pay royalties, license fees, or charges for exhibits,**  
13           **artifacts, artwork, or materials.**  
14           **(13) Own copyrights, trademarks, and service marks and**  
15           **enforce the commission's rights with respect to ownership.**  
16           **(14) Conduct market research concerning the historic sites.**  
17           **(15) Adopt rules under IC 4-22-2 to carry out the purposes of**  
18           **this article.**  
19           **Sec. 4. (a) The commission may accept or refuse to accept an**  
20           **offered gift of historic property to be administered by the**  
21           **commission.**  
22           **(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the commission**  
23           **may improve, encumber, sell, lease, transfer, convey, or exchange**  
24           **historic property administered by the commission.**  
25           **(c) The commission may, in accordance with IC 4-20.5, sell,**  
26           **donate, or exchange artifacts in the commission's collections to or**  
27           **with other public or nonprofit museums or historical societies.**  
28           **(d) The commission may by rule establish a procedure for**  
29           **evaluating the merits of proposals to:**  
30               **(1) accept gifts of;**  
31               **(2) sell;**  
32               **(3) encumber;**  
33               **(4) transfer;**  
34               **(5) convey; or**  
35               **(6) exchange;**  
36           **artifacts or historic property to the extent the artifacts or historic**  
37           **property relates to historic sites.**  
38           **Sec. 5. The commission is not required to pay any taxes or**  
39           **assessments upon any property acquired or used by the**  
40           **commission under this article, or upon the income from the**  
41           **property.**  
42           **Sec. 6. The commission is exempt under IC 6-2.5-5-16 from the**  
43           **state gross retail tax for transactions involving tangible personal**  
44           **property, public utility commodities, and public utility service.**  
45           **Sec. 7. The commission must comply with the procurement**  
46           **requirements under IC 5-22.**  
47           **Sec. 8. (a) The commission shall annually evaluate the**

1 performance of the director.

2 (b) Subject to approval by the governor, the commission may  
3 dismiss the director.

4 Chapter 5. Personnel Matters

5 Sec. 1. (a) The commission may employ a director of the  
6 commission.

7 (b) The director shall give a bond in an amount and with surety  
8 to be approved by the commission.

9 (c) The director's duties and compensation shall be prescribed  
10 by the commission.

11 (d) The director may appoint employees and fix their  
12 compensation, subject to the approval of the budget agency under  
13 IC 4-12-1-13.

14 (e) The director may delegate the director's authority to the  
15 appropriate commission staff.

16 Sec. 2. Employees of the commission are employees of the state  
17 and are subject to the state personnel system under IC 4-15-2.2.

18 Sec. 3. Employees of the commission are eligible to participate  
19 in the public employees' retirement fund established by  
20 IC 5-10.3-2-1.

21 Sec. 4. The director may hire, review the performance of, and  
22 dismiss employees of a Corydon capitol state historic site.

23 Sec. 5. The commission and the employees of the commission  
24 are:

25 (1) under the jurisdiction of and rules adopted by the state  
26 ethics commission; and

27 (2) subject to ethics rules and requirements that apply to the  
28 executive branch of state government.

29 Sec. 6. The commission may assist in the professional  
30 development of the staff of a Corydon capitol state historic site.

31 Chapter 6. Budget, Finance, and Planning

32 Sec. 1. The budget agency shall:

33 (1) determine the amount appropriated for the corporation  
34 that has been budgeted for the operation and administration  
35 of the Corydon capitol state historic site for the state fiscal  
36 year beginning July 1, 2016; and

37 (2) notify the state board of finance of the amount determined  
38 under subdivision (1).

39 Sec. 2. The amount budgeted for the state fiscal year beginning  
40 July 1, 2016, by the corporation for the operation and  
41 administration of the Corydon capitol state historic site is the  
42 budget of the commission for that state fiscal year.

43 Sec. 3. For the state fiscal year beginning July 1, 2016, the  
44 employees of the commission must be paid the salaries established  
45 for that state fiscal year by the corporation for the employees  
46 working at the Corydon capitol state historic site.

47 Sec. 4. The commission may qualify a Corydon capitol state

- 1 **historic site for federal aid and other aid to preserve historical**
- 2 **property, materials, items, and memorials.**
- 3 **Sec. 5. The commission may apply for grants."**
- 4 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1246 as printed February 24, 2016.)

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Senator WALTZ