



February 23, 2016

ENGROSSED SENATE BILL No. 45

DIGEST OF SB 45 (Updated February 23, 2016 12:14 pm - DI 87)

Citations Affected: IC 4-37; IC 32-34.

Synopsis: Museums. Provides that a majority of the current members serving on the board of trustees of the Indiana state museum and historic sites corporation constitutes a quorum. (Current law specifies that 13 voting members of the board constitute a quorum.) Changes procedures concerning property loaned to a museum, including the acquisition of ownership of property loaned to a museum by the museum.

Effective: July 1, 2016.

Glick, Merritt, Mrvan

(HOUSE SPONSOR — TORR)

January 5, 2016, read first time and referred to Committee on Rules & Legislative Procedure.

January 21, 2016, amended; reassigned to Committee on Natural Resources.

January 25, 2016, reported favorably — Do Pass.

January 28, 2016, read second time, ordered engrossed. Engrossed.

February 1, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Government and Regulatory Reform.

February 23, 2016, reported — Do Pass.

ES 45—LS 6173/DI 13



February 23, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 45

A BILL FOR AN ACT to amend the Indiana Code concerning museums.

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

1 SECTION 1. IC 4-37-3-4, AS ADDED BY P.L.167-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 4. (a) ~~Thirteen (13) voting~~ **A majority of the**
4 **current members of serving on the board constitute constitutes a**
5 **quorum.**

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

8 SECTION 2. IC 32-34-5-9 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A notice given
10 by a museum under this chapter must be mailed to the lender's last
11 known address by certified mail. Proper notice is given if the museum
12 receives proof of receipt of the notice not more than thirty (30) days
13 after the notice was mailed.

14 (b) **If:**
15 (1) **the lender's address; or**
16 (2) **the address of any designated agent of the lender;**
17 **changes, the lender shall provide written notice of the new address**

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1 to the museum.
 2 (c) If the ownership of property loaned to a museum changes
 3 while the museum is in possession of the property, the new owner
 4 of the property shall provide written notice of:
 5 (1) the change of ownership of the property; and
 6 (2) the address of the new owner;
 7 to the museum.

8 SECTION 3. IC 32-34-5-10 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A museum may
 10 give notice by publication under this chapter if the museum does not:

- 11 (1) know the identity of the lender **or any designated agent of**
 12 **the lender;**
 13 (2) have an address last known for the lender **or any designated**
 14 **agent of the lender;** or
 15 (3) receive proof of receipt of the notice by the person to whom
 16 the notice was sent within thirty (30) days after the notice was
 17 mailed.

18 (b) Notice by publication under subsection (a) must be given at least
 19 once a week for two (2) consecutive weeks in a newspaper of general
 20 circulation in:

- 21 (1) the county in which the museum is located; and
 22 (2) the county of the lender's last known address, if the identity of
 23 the lender is known.

24 SECTION 4. IC 32-34-5-11 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. In addition to any
 26 other information that may be required or seem appropriate, a notice
 27 given by a museum under this chapter must contain the following:

- 28 (1) The name of:
 29 (A) the lender; **or**
 30 (B) **any designated agent of the lender;**
 31 if known.
 32 (2) The last known address of:
 33 (A) the lender; **or**
 34 (B) **any designated agent of the lender.**
 35 (3) A brief description of the property on loan.
 36 (4) The date of the loan, if known.
 37 (5) The name of the museum.
 38 (6) The name, address, and telephone number of the person or
 39 office to be contacted regarding the property.

40 SECTION 5. IC 32-34-5-12 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A museum may
 42 acquire title in the following manner to property that is on permanent



1 loan to the museum or that was loaned for a specified term that has
2 expired:

3 (1) The museum must give notice that the museum is terminating
4 the loan of the property.

5 (2) The notice that the loan of the property is terminated must
6 include a statement containing substantially the following
7 information:

8 "The records at (name of museum) indicate that you have
9 property on loan to it. The museum hereby terminates the loan.
10 If you desire to claim the property, you must contact the
11 museum, establish your ownership of the property, and make
12 arrangements to collect the property. If you do not contact the
13 museum, you will be considered to have donated the property
14 to the museum."

15 (3) If the lender does not respond to the notice of termination
16 within ~~one (1) year~~ **sixty (60) days** after receipt of the notice by
17 filing a notice of intent to preserve an interest in the property on
18 loan, clear and unrestricted title is transferred to the museum
19 ~~three hundred sixty-five (365)~~ **sixty (60)** days after the notice was
20 received.

21 **(b) If the loan of property to a museum is not considered a**
22 **permanent loan and does not have a specific expiration date, the**
23 **property is considered abandoned if there has not been any written**
24 **communication between:**

25 **(1) the lender or the lender's designated agent; and**

26 **(2) the museum;**

27 **for at least seven (7) years after the date the museum took**
28 **possession of the property.**

29 SECTION 6. IC 32-34-5-13 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A museum may
31 acquire title to undocumented property held by the museum for at least
32 ~~seven (7)~~ **three (3)** years as follows:

33 (1) The museum must give notice that the museum is asserting
34 title to the undocumented property.

35 (2) The notice that the museum is asserting title to the property
36 must include a statement containing substantially the following
37 information:

38 "The records of (name of museum) fail to indicate the owner
39 of record of certain property in its possession. The museum
40 hereby asserts title to the following property: (general
41 description of property). If you claim ownership or other legal
42 interest in this property, you must contact the museum,



1 establish ownership of the property, and make arrangements
2 to collect the property. If you fail to do so within ~~three (3)~~
3 ~~years;~~ **sixty (60) days**, you will be considered to have waived
4 any claim you may have had to the property."
5 (3) If a lender does not respond to the notice within ~~three (3) years~~
6 **sixty (60) days** by giving a written notice of intent to retain an
7 interest in the property on loan, the museum's title to the property
8 becomes absolute.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 45, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning museums.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Natural Resources.

(Reference is to SB 45 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 45, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 45 as printed January 22, 2016.)

GLICK, Chairperson

Committee Vote: Yeas 7, Nays 0

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 45, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 45 as printed January 26, 2016.)

MAHAN

Committee Vote: Yeas 11, Nays 0

