

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.

SENATE ENROLLED ACT No. 45

AN ACT to amend the Indiana Code concerning museums.

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

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

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

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

(b) If:

(1) **the lender's address; or**

(2) **the address of any designated agent of the lender;**

changes, the lender shall provide written notice of the new address to the museum.

(c) **If the ownership of property loaned to a museum changes while the museum is in possession of the property, the new owner of the property shall provide written notice of:**

(1) **the change of ownership of the property; and**

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**(2) the address of the new owner;
to the museum.**

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

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

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

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

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

- (1) The name of:
 - (A) the lender; **or**
 - (B) **any designated agent of the lender;**
 if known.
- (2) The last known address of:
 - (A) the lender; **or**
 - (B) **any designated agent of the lender.**
- (3) A brief description of the property on loan.
- (4) The date of the loan, if known.
- (5) The name of the museum.
- (6) The name, address, and telephone number of the person or office to be contacted regarding the property.

SECTION 5. IC 32-34-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A museum may acquire title in the following manner to property that is on permanent loan to the museum or that was loaned for a specified term that has expired:

- (1) The museum must give notice that the museum is terminating the loan of the property.
- (2) The notice that the loan of the property is terminated must



include a statement containing substantially the following information:

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

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

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

- (1) the lender or the lender's designated agent; and**
- (2) the museum;**

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

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

- (1) The museum must give notice that the museum is asserting title to the undocumented property.
- (2) The notice that the museum is asserting title to the property must include a statement containing substantially the following information:

"The records of (name of museum) fail to indicate the owner of record of certain property in its possession. The museum hereby asserts title to the following property: (general description of property). If you claim ownership or other legal interest in this property, you must contact the museum, establish ownership of the property, and make arrangements to collect the property. If you fail to do so within ~~three (3) years;~~ **sixty (60) days**, you will be considered to have waived any claim you may have had to the property."

(3) If a lender does not respond to the notice within ~~three (3) years~~



sixty (60) days by giving a written notice of intent to retain an interest in the property on loan, the museum's title to the property becomes absolute.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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