

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 137

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-26-4-5, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The Indiana kids first trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve projects and recommend to the department that the projects receive funds under sections 12 and 14 of this chapter.

(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the department and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

(e) The board may establish a nonprofit subsidiary corporation under section 17 of this chapter.

SECTION 2. IC 31-26-4-8, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The board shall meet at least quarterly and at the call of the chair.

(b) ~~Six (6) voting~~ **A majority of the appointed** members of the board ~~constitute~~ **constitutes** a quorum. The board may take action only in the presence of a quorum.

(c) The affirmative vote of a majority of the members of the board **participating in a board meeting** is necessary for the board to take any action **at the meeting**.

(d) **The board shall post the minutes of a meeting on the board's Internet web site not later than ten (10) days after the minutes are approved by the board.**

SECTION 3. IC 31-26-4-9, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the ~~second~~ **fourth** year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

SECTION 4. IC 31-26-4-12, AS AMENDED BY P.L.198-2016, SECTION 660, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from kids first trust license plates issued under IC 9-18-30 (before its expiration) or IC 9-18.5-14.

(4) Money donated to the fund, **including donations from a nonprofit subsidiary corporation established under section 17 of this chapter.**

(5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

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



currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

SECTION 5. IC 31-26-4-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) The board may establish a nonprofit subsidiary corporation 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.**

(b) The board shall study the topic of establishing a nonprofit subsidiary corporation described in subsection (a). Not later than December 31, 2021, the board shall submit a report to the general assembly in an electronic format under IC 5-14-6 addressing the board's findings and determinations under this subsection. If the board determines to establish a nonprofit subsidiary corporation as described in subsection (a), the report must also include an implementation plan and estimated budget for the establishment of the nonprofit subsidiary corporation.

(c) A subsidiary corporation established under this section is governed by a board of directors comprised of members appointed by the Indiana kids first trust fund board. Employees of the Indiana kids first trust fund board may serve on the board of directors of the subsidiary corporation. A subsidiary corporation established under this section:

(1) shall use money received under subsection (a) to carry out, in any manner, the purposes and programs of the board;

(2) shall report to the budget committee each year concerning:

(A) the use of money received; and

(B) the balances in any accounts or funds established by the subsidiary corporation;



(3) may donate money received to the Indiana kids first trust fund; and

(4) may deposit money received in an account or fund that is:
 (A) administered by the subsidiary corporation; and
 (B) not part of the state treasury.

(d) The board of directors of a subsidiary corporation established under this section shall post the minutes of a meeting on the subsidiary corporation's Internet web site not later than ten (10) days after the minutes are approved by the board of directors.

(e) Employees of the Indiana kids first trust fund board shall provide administrative support for a subsidiary corporation established under this section. Employees of the board directly involved in the subsidiary corporation may engage in fundraising activities on behalf of the subsidiary corporation.

(f) The state board of accounts shall annually audit a subsidiary corporation established under this section.

SECTION 6. [EFFECTIVE JULY 1, 2021] (a) The definitions in IC 31-26-4 apply throughout this SECTION.

(b) As used in this SECTION, "appointed board member" means a member of the board appointed under:

- (1) IC 31-26-4-6(1);
- (2) IC 31-26-4-6(2); or
- (3) IC 31-26-4-6(4).

(c) Notwithstanding IC 31-26-4-9, as amended by this act, the term of an appointed board member serving on the board on July 1, 2021, expires July 1 of the second year after the date of the member's appointment.

(d) Notwithstanding IC 31-26-4-9, as amended by this act, when the term of an appointed board member expires under subsection (c), the term of the member appointed to fill the appointed board member's vacancy is as follows:

- (1) The term of one (1) member appointed under IC 31-26-4-6(1) is one (1) year.
- (2) The term of one (1) member appointed under IC 31-26-4-6(1) is four (4) years.
- (3) The term of one (1) member appointed under IC 31-26-4-6(2) is two (2) years.
- (4) The term of one (1) member appointed under IC 31-26-4-6(2) is three (3) years.
- (5) The term of one (1) member appointed under IC 31-26-4-6(4) is one (1) year.
- (6) The term of one (1) member appointed under



IC 31-26-4-6(4) is two (2) years.

(7) The term of one (1) member appointed under IC 31-26-4-6(4) is three (3) years.

(8) The term of one (1) member appointed under IC 31-26-4-6(4) is four (4) years.

(e) This SECTION expires December 31, 2025.



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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