



January 30, 2004

HOUSE BILL No. 1301

DIGEST OF HB 1301 (Updated January 27, 2004 7:41 pm - DI 92)

Citations Affected: IC 9-18; IC 14-20; noncode.

Synopsis: Lewis and Clark bicentennial. Converts the Lewis and Clark bicentennial commission to a permanent commission. (Under current law the commission expires January 1, 2008.) Permits the commission to establish a nonprofit corporation to carry out the duties of the commission. Requires the bureau of motor vehicles to design and issue a special group recognition license plate for the Lewis and Clark bicentennial. Provides that a person who is eligible to register a vehicle may obtain a Lewis and Clark bicentennial license plate upon completing an application and paying the appropriate fee. Provides for the distribution of fees from the plate to the Lewis and Clark bicentennial commission.

Effective: Upon passage; May 1, 2004.

Bottorff, Foley, Cochran

January 15, 2004, read first time and referred to Committee on Rules and Legislative Procedures.
January 26, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.
January 29, 2004, reported — Do Pass.

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January 30, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1301

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

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

- 1 SECTION 1. IC 9-18-15-1, AS AMENDED BY P.L.216-2003,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 MAY 1, 2004]: Sec. 1. (a) A person who is the registered owner or
4 lessee of a:
5 (1) passenger motor vehicle;
6 (2) motorcycle;
7 (3) recreational vehicle; or
8 (4) vehicle registered as a truck with a declared gross weight of
9 not more than:
10 (A) eleven thousand (11,000) pounds;
11 (B) nine thousand (9,000) pounds; or
12 (C) seven thousand (7,000) pounds;
13 registered with the bureau or who makes an application for an original
14 registration or renewal registration of a vehicle may apply to the bureau
15 for a personalized license plate to be affixed to the vehicle for which
16 registration is sought instead of the regular license plate.
17 (b) A person who:

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- 1 (1) is the registered owner or lessee of a vehicle described in
- 2 subsection (a); and
- 3 (2) is eligible to receive a license plate for the vehicle under:
- 4 (A) IC 9-18-17 (prisoner of war license plates);
- 5 (B) IC 9-18-18 (disabled veteran license plates);
- 6 (C) IC 9-18-19 (purple heart license plates);
- 7 (D) IC 9-18-20 (Indiana national guard license plates);
- 8 (E) IC 9-18-21 (Indiana guard reserve license plates);
- 9 (F) IC 9-18-22 (license plates for persons with disabilities);
- 10 (G) IC 9-18-23 (amateur radio operator license plates);
- 11 (H) IC 9-18-24 (civic event license plates);
- 12 (I) IC 9-18-25 (special group recognition license plates);
- 13 (J) IC 9-18-29 (environmental license plates);
- 14 (K) IC 9-18-30 (kids first trust license plates);
- 15 (L) IC 9-18-31 (education license plates);
- 16 (M) IC 9-18-32.2 (drug free Indiana trust license plates);
- 17 (N) IC 9-18-33 (Indiana FFA trust license plates);
- 18 (O) IC 9-18-34 (Indiana firefighter license plates);
- 19 (P) IC 9-18-35 (Indiana food bank trust license plates);
- 20 (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
- 21 (R) IC 9-18-37 (Indiana boy scouts trust license plates);
- 22 (S) IC 9-18-38 (Indiana retired armed forces member license
- 23 plates);
- 24 (T) IC 9-18-39 (Indiana antique car museum trust license
- 25 plates);
- 26 (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- 27 (V) IC 9-18-41 (Indiana arts trust license plates);
- 28 (W) IC 9-18-42 (Indiana health trust license plates);
- 29 (X) IC 9-18-43 (Indiana mental health trust license plates);
- 30 (Y) IC 9-18-44 (Indiana Native American Trust license
- 31 plates);
- 32 (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates); **or**
- 33 (AA) IC 9-18-46.2 (Indiana state educational institution trust
- 34 license plates); **or**
- 35 **(BB) IC 9-18-47 (Lewis and Clark bicentennial license**
- 36 **plates);**

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37 may apply to the bureau for a personalized license plate to be affixed
38 to the vehicle for which registration is sought instead of the regular
39 special recognition license plate.

40 SECTION 2. IC 9-18-47 IS ADDED TO THE INDIANA CODE AS
41 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
42 PASSAGE]:



Chapter 47. Lewis and Clark Bicentennial License Plates

Sec. 1. The bureau shall design and issue a Lewis and Clark bicentennial license plate. The Lewis and Clark bicentennial license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark bicentennial license plate under this chapter upon doing the following:

- (1) Completing an application for a Lewis and Clark bicentennial license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for a Lewis and Clark bicentennial license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).**
- (2) An annual fee of twenty-five dollars (\$25).**
- (b) The annual fee described in subsection (a)(2) shall be collected by the bureau.**
- (c) The annual fee described in subsection (a)(2) shall be deposited in the Lewis and Clark bicentennial fund established by section 4 of this chapter.**

Sec. 4. (a) The Lewis and Clark bicentennial fund is established.

- (b) 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 funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.**
- (c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.**
- (d) The commissioner shall monthly distribute the money from the fund to the Lewis and Clark bicentennial commission established by IC 14-20-15.**
- (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

SECTION 3. IC 14-20-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Lewis and Clark Bicentennial Commission

Sec. 1. As used in this chapter, "bicentennial" refers to the bicentennial of the Lewis and Clark expedition.

Sec. 2. As used in this chapter, "commission" refers to the Lewis and Clark bicentennial commission established by section 3 of this

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chapter.

Sec. 3. The Lewis and Clark bicentennial commission is established.

Sec. 4. The commission consists of the following members:

(1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the department of commerce with expertise in the tourism or film industry, to be designated by the lieutenant governor.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

(7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

Sec. 5. The governor or the governor's designee shall act as the chair of the commission.

Sec. 6. The commission may do the following:

(1) Educate Indiana residents and the nation about Indiana's important role in the Lewis and Clark expedition.

(2) Assist local governments and organizations with planning, preparation, and grant applications for bicentennial events and projects.

(3) Coordinate state, local, and nonprofit organizations' bicentennial activities occurring in Indiana.

(4) Act as a point of contact for national bicentennial organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events.

(5) Plan and implement appropriate events to commemorate the bicentennial.

(6) Seek federal grants and philanthropic support for bicentennial activities.

(7) Perform other duties necessary to highlight Indiana's role

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1 in the Lewis and Clark expedition.
 2 (8) Recommend the establishment of a nonprofit corporation
 3 under section 7 of this chapter.
 4 (9) Transfer funds received under IC 9-18-47 and other
 5 property to a nonprofit corporation established under section
 6 7 of this chapter.
 7 Sec. 7. (a) The commission may recommend the establishment
 8 of a nonprofit corporation under IC 23-17 that is:
 9 (1) tax exempt; and
 10 (2) historically oriented;
 11 to assist in the duties and purposes of the commission.
 12 (b) If a corporation is established under subsection (a), the
 13 corporation shall:
 14 (1) operate exclusively for the benefit of;
 15 (2) perform the functions of; and
 16 (3) carry out the purposes of;
 17 the commission.
 18 (c) A corporation established under this section shall submit to
 19 the commission quarterly reports of the corporation's activities
 20 during the period. The reports must include the following:
 21 (1) A record of the following:
 22 (A) All money or other property received by the
 23 corporation as a donation, gift, devise, or bequest.
 24 (B) The conditions attached to the donation, gift, devise, or
 25 bequest, if any.
 26 (2) A record of all expenditures by the corporation during the
 27 period and the purposes of each expenditure.
 28 (3) A statement of activities the corporation anticipates
 29 undertaking during the following period.
 30 (d) The corporation established under this section is subject to
 31 audit by the state board of accounts.
 32 Sec. 8. The department of natural resources shall staff the
 33 commission.
 34 Sec. 9. The expenses of the commission shall be paid from the
 35 money transferred to the commission from the Lewis and Clark
 36 bicentennial fund established by IC 9-18-47.
 37 Sec. 10. (a) Each member of the commission who is not a state
 38 employee is entitled to the minimum salary per diem provided by
 39 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
 40 for traveling expenses as provided under IC 4-13-1-4 and other
 41 expenses actually incurred in connection with the member's duties
 42 as provided in the state policies and procedures established by the

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1 Indiana department of administration and approved by the budget
 2 agency.

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

10 (c) Each member of the commission who is a member of the
 11 general assembly is entitled to receive the same per diem, mileage,
 12 and travel allowances paid to legislative members of interim study
 13 committees established by the legislative council.

14 Sec. 11. (a) Each member of the commission who is a member
 15 of the general assembly is a nonvoting member.

16 (b) The affirmative votes of a majority of the voting members
 17 appointed to the commission are required for the commission to
 18 take action on any measure, including final reports.

19 (c) A member of the commission serves at the pleasure of the
 20 person who appointed the member.

21 Sec. 12. The commission may establish a citizen advisory board
 22 to assist the commission in implementing this chapter. If the
 23 commission establishes a citizen advisory board under this section,
 24 the following apply:

25 (1) The board consists of the following members:

26 (A) Not more than seven (7) citizens appointed by the
 27 speaker of the house of representatives.

28 (B) Not more than seven (7) citizens appointed by the
 29 president pro tempore of the senate.

30 (C) Not more than seven (7) citizens appointed by the
 31 governor.

32 (2) The board has the duties determined by the commission.

33 Sec. 13. (a) Money acquired by the commission is subject to
 34 Indiana law concerning the deposit and safekeeping of public
 35 money.

36 (b) The money of the commission and the accounts of each
 37 officer, employee, or other person entrusted by law with the
 38 raising, disposition, or expenditure of the money or part of the
 39 money is subject to the following:

40 (1) Examination by the state board of accounts.

41 (2) The same penalties and the same provision for publicity
 42 that are provided by law for state money and state officers.

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1 SECTION 4. [EFFECTIVE UPON PASSAGE] P.L.7-2001 IS
2 REPEALED.

3 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **The Lewis and**
4 **Clark bicentennial commission established by this act is the**
5 **successor in interest to all property, rights, contracts, liabilities,**
6 **obligations, and duties of the Lewis and Clark bicentennial**
7 **commission established by P.L.7-2001.**

8 (b) **A member of Lewis and Clark bicentennial commission**
9 **established by P.L.7-2001 becomes a member of the Lewis and**
10 **Clark bicentennial commission established by this act without**
11 **reappointment by the appointing authority. However, the member**
12 **continues to serve on the commission at the pleasure of the**
13 **appointing authority.**

14 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, delete "April 30, 2004," and insert "**January 1, 2005,**".

Page 5, delete lines 35 through 37.

Page 5, line 38, delete "(2) Money" and insert "**money**".

Page 5, run-in lines 34 and 38.

and when so amended that said bill do pass.

(Reference is to HB 1301 as introduced.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1301, 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.

CRAWFORD, Chair

Committee Vote: yeas 25, nays 0.

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