



February 17, 2012

**ENGROSSED  
HOUSE BILL No. 1200**

DIGEST OF HB 1200 (Updated February 15, 2012 6:42 pm - DI 71)

**Citations Affected:** IC 21-7; IC 21-19; IC 21-20; IC 21-38.

**Synopsis:** Indiana University and Ball State boards; university employees. Adds definition of a research intensive campus. Removes the requirement that all of the members of the board of trustees of Ball State University must be residents of Indiana and that at least one member be a resident of Delaware County. Modifies the manner in which alumni members of the Indiana University board of trustees are elected. Allows the board of trustees of Indiana University to hold meetings at the dates, times, and places the board of trustees agrees upon. Repeals a provision concerning emergency appointments to the board of trustees of Indiana University. Provides that the board of trustees of a state educational institution may not impose or allow any mandatory or presumptive age limits in the hiring, the retention in a position, or continuation of employment of any officers, faculty, or counsel of the institution. Excludes a: (1) member of a fire department established by; or (2) police officer appointed by; the board of trustees of a state educational institution. Makes technical correction to the definition of a research university.

**Effective:** Upon passage; January 1, 2012 (retroactive); July 1, 2012.

**Foley, Koch, Behning**

(SENATE SPONSORS — BRAY, SIMPSON)

January 9, 2012, read first time and referred to Committee on Education.  
January 17, 2012, amended, reported — Do Pass.  
January 25, 2012, read second time, ordered engrossed. Engrossed.  
January 26, 2012, read third time, passed. Yeas 94, nays 3.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Education and Career Development.  
February 16, 2012, amended, reported favorably — Do Pass.

EH 1200—LS 6503/DI 71+



C  
O  
P  
Y

February 17, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1200

---

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

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

- 1 SECTION 1. IC 21-7-13-29.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: **Sec. 29.5. "Research intensive**  
4 **campus" means a campus of a state educational institution that is**  
5 **classified or designated as an RU/VH (Research University (very**  
6 **high research activity)) or an RU/H (Research University (high**  
7 **research activity)) or an equivalent successor designation that is**  
8 **established by the Carnegie Foundation for the Advancement of**  
9 **Teaching.**
- 10 SECTION 2. IC 21-19-3-3, AS ADDED BY P.L.2-2007, SECTION  
11 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 3. Not more than six (6)**  
13 **of the nonstudent members of the board of trustees may be of the same**  
14 **sex. At least one (+) member of the board of trustees must be a resident**  
15 **of and reside in Delaware County.**
- 16 SECTION 3. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION  
17 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

**EH 1200—LS 6503/DI 71+**



C  
O  
P  
Y

1 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 4. All members of the  
2 board of trustees must be

- 3 ~~(1) residents of Indiana; and~~  
4 ~~(2) citizens of the United States.~~

5 SECTION 4. IC 21-20-3-4, AS ADDED BY P.L.2-2007, SECTION  
6 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2012]: Sec. 4. (a) Three (3) members of the board of trustees shall  
8 be elected by the alumni of Indiana University under this chapter. In  
9 the year in which the term of any member of the board of trustees  
10 elected by the alumni expires, a successor to the trustee shall be elected  
11 by the alumni of Indiana University, to serve for a term of three (3)  
12 years beginning July 1 next succeeding the election.

13 (b) When a vacancy occurs in the membership of the board of  
14 trustees who are elected by the alumni, because of death, resignation,  
15 or any other reason, the vacancy shall be filled by ~~election by the~~  
16 ~~alumni; selection by the Indiana University alumni association~~  
17 ~~executive council~~ for the unexpired term.

18 SECTION 5. IC 21-20-3-6, AS ADDED BY P.L.2-2007, SECTION  
19 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2012]: Sec. 6. ~~A registry of the names and addresses of the alumni~~  
21 ~~of Indiana University shall be kept, and corrected from time to time, by~~  
22 ~~the president of Indiana University or the president's designated~~  
23 ~~representative.~~ The alumni of Indiana University consist of those  
24 persons who have been awarded a degree by the board of trustees of  
25 Indiana University as recommended by the faculty.

26 SECTION 6. IC 21-20-3-8, AS ADDED BY P.L.2-2007, SECTION  
27 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2012]: Sec. 8. The election of members of the board of trustees shall  
29 be held at Indiana University on the secular day immediately preceding  
30 July 1. ~~at 9 a.m.~~ At that time trustees shall be elected to:

- 31 (1) serve for a term of three (3) years from July 1 next succeeding  
32 the trustee's election; and  
33 (2) complete any unexpired term or terms.

34 SECTION 7. IC 21-20-3-9, AS ADDED BY P.L.2-2007, SECTION  
35 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
36 1, 2012]: Sec. 9. ~~(a) Each alumnus may send to the librarian, over the~~  
37 ~~alumnus's signature, at any time before the election of a trustee or~~  
38 ~~trustees, the vote for the trustee or trustees that the alumnus would be~~  
39 ~~entitled to cast if personally present at the election. The ballots and the~~  
40 ~~containers in which the ballots are submitted must be:~~

- 41 ~~(1) prepared and furnished by the librarian; and~~  
42 ~~(2) designed as to enable the librarian to ascertain the name of the~~

EH 1200—LS 6503/DI 71+



C  
o  
p  
y

1 voter, and to determine whether the voter is entitled to participate  
 2 in the election, without knowing for whom the voter casts a ballot.

3 (b) The librarian shall deliver all votes cast in the election, to be  
 4 opened and counted at the election, together with the votes cast by  
 5 those alumni who are personally present and entitled to vote at the  
 6 election.

7 (c) An alumnus may not cast more than one (1) vote. **The**  
 8 **university librarian shall conduct the elections to select the three**  
 9 **(3) alumni members of the board of trustees. All alumni (as**  
 10 **described in section 6 of this chapter) are eligible to participate in**  
 11 **the election either by electronic or printed ballot, and each eligible**  
 12 **individual may cast only one (1) vote. A request for a printed ballot**  
 13 **must be made in writing to the university librarian not later than**  
 14 **May 1 of an election year. The university librarian may adopt rules**  
 15 **and regulations as necessary to carry out this section.**

16 SECTION 8. IC 21-20-3-12, AS ADDED BY P.L.2-2007,  
 17 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The governor shall appoint  
 19 five (5) members of the board of trustees for terms of three (3) years.

20 (b) Whenever a vacancy occurs in the membership of the board of  
 21 trustees who are appointed by the governor because of death **or**  
 22 ~~resignation removal from the state~~, or for any other reason, the vacancy  
 23 shall be filled by an appointment of the governor for the unexpired  
 24 term.

25 SECTION 9. IC 21-20-3-15, AS ADDED BY P.L.2-2007,  
 26 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2012]: Sec. 15. The board of trustees shall  
 28 declare vacant the seat of any trustee who is:

29 (1) absent **without sufficient excuse** from two (2) successive  
 30 meetings of the board of trustees; or

31 (2) guilty of any gross immorality or breach of the bylaws **of the**  
 32 **trustees** of Indiana University.

33 SECTION 10. IC 21-20-3-16 IS REPEALED [EFFECTIVE JULY  
 34 1, 2012]. Sec. 16: (a) This section applies if an emergency is declared  
 35 by the faculty after a session of the board of trustees has been called  
 36 that the board of trustee members who do not reside in Monroe County  
 37 failed to attend:

38 (b) Three (3) trustees who reside in Monroe County may fill  
 39 vacancies in the faculty of Indiana University and the board of trustees.  
 40 If there are not three (3) trustees in attendance after an emergency is  
 41 declared, the:

42 (1) trustees who attend; and



C  
O  
P  
Y

1 (2) members of the faculty who attend;  
2 shall fill the vacancies.

3 (c) Appointments made under this section expire at the next meeting  
4 of the board of trustees.

5 SECTION 11. IC 21-20-4-5, AS AMENDED BY P.L.3-2008,  
6 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2012]: Sec. 5. The secretary of the board of  
8 trustees shall:

9 (1) keep a true record of the proceedings of the board of trustees;

10 **and**

11 (2) certify copies of the record of the proceedings of the board of  
12 trustees. **and**

13 ~~(3) maintain:~~

14 ~~(A) an account of the students in Indiana University by the~~  
15 ~~students' classes; including the students' respective ages and~~  
16 ~~places of residence; and~~

17 ~~(B) a list of all graduates.~~

18 SECTION 12. IC 21-20-5-1, AS ADDED BY P.L.2-2007,  
19 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2012]: Sec. 1. The board of trustees shall  
21 **annually meet in Bloomington, at least three (3) days before the annual**  
22 **commencement of Indiana University: hold meetings at the dates,**  
23 **times, and places upon which the board of trustees agrees.**

24 SECTION 13. IC 21-38-3-1, AS ADDED BY P.L.2-2007,  
25 SECTION 279, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to the  
27 board of trustees of the following state educational institutions:

28 (1) Ball State University.

29 (2) Indiana University.

30 (3) Indiana State University.

31 (4) Purdue University.

32 (5) University of Southern Indiana.

33 (b) The board of trustees of a state educational institution may  
34 employ:

35 (1) officers;

36 (2) faculty;

37 (3) employees;

38 (4) consultants; and

39 (5) counsel;

40 necessary or convenient to aid in the formulation and implementation  
41 of the state educational institution's policies and to execute the will of  
42 the board of trustees within its particular institution.

**EH 1200—LS 6503/DI 71+**



C  
o  
p  
y

1           **(c) This subsection does not apply to the board of trustees with**  
2 **respect to a:**  
3           **(1) member of a fire department established; or**  
4           **(2) police officer appointed;**  
5 **by the board of trustees of a state educational institution. The**  
6 **board of trustees may not impose or allow any mandatory or**  
7 **presumptive age limits in the hiring, the retention in a position, or**  
8 **the continuation of employment of any employee of the institution**  
9 **described under subsection (b)(1), (b)(2), or (b)(5).**  
10           **SECTION 14. An emergency is declared for this act.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1200, 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 1, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 1. IC 21-7-13-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 29.5. "Research intensive campus" means a campus of a state educational institution that is classified or designated as a Research University (very high research activity) or a Research University (high research activity) or an equivalent successor designation that is established by the Carnegie Foundation for the Advancement of Teaching.**

SECTION 2. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. All members of the board of trustees must be

- (1) residents of Indiana; and
- (2) citizens of the United States."

Page 4, after line 9, begin a new paragraph and insert:

"SECTION 12. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1200 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1200, 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:

Page 1, line 5, delete "a Research" and insert "**an RU/VH (Research)**".

Page 1, line 5, after "high" insert "**research activity)) or an RU/H**

**EH 1200—LS 6503/DI 71+**



C  
O  
P  
Y

**(Research University (high research activity))".**

Page 1, delete line 6.

Page 1, run in lines 5 through 7.

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 21-19-3-3, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex. **At least one (1) member of the board of trustees must be a resident of and reside in Delaware County.**"

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 13. IC 21-38-3-1, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may employ:

- (1) officers;
- (2) faculty;
- (3) employees;
- (4) consultants; and
- (5) counsel;

necessary or convenient to aid in the formulation and implementation of the state educational institution's policies and to execute the will of the board of trustees within its particular institution.

**(c) This subsection does not apply to the board of trustees with respect to a:**

- (1) member of a fire department established; or**
- (2) police officer appointed;**

**by the board of trustees of a state educational institution. The board of trustees may not impose or allow any mandatory or**

C  
O  
P  
Y



**presumptive age limits in the hiring, the retention in a position, or the continuation of employment of any employee of the institution described under subsection (b)(1), (b)(2), or (b)(5)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1200 as printed January 17, 2012.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 1.

C  
o  
p  
y

