



February 24, 2012

---

---

**ENGROSSED  
SENATE BILL No. 56**

---

DIGEST OF SB 56 (Updated February 22, 2012 11:23 am - DI 116)

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

**Synopsis:** Ball State board of trustees. Adds definition of a "research intensive campus". Removes a requirement that all members of the Ball State University board of trustees be residents of Indiana. Removes a requirement that at least one member of the Ball State board of trustees 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.

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

---

---

**Eckerty, Lanane, Rogers**

(HOUSE SPONSORS — SPEEDY, FOLEY)

---

---

January 4, 2012, read first time and referred to Committee on Education and Career Development.

January 26, 2012, amended, reported favorably — Do Pass.

January 30, 2012, read second time, ordered engrossed. Engrossed.

January 31, 2012, read third time, passed. Yeas 48, nays 2.

HOUSE ACTION

February 9, 2012, read first time and referred to Committee on Education.

February 23, 2012, reported — Do Pass.

---

---

C  
O  
P  
Y

ES 56—LS 6292/DI 71+



February 24, 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 SENATE BILL No. 56

---

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 a Research University (very high**  
6 **research activity) or a Research University (high research activity)**  
7 **or an equivalent successor designation that is established by the**  
8 **Carnegie Foundation for the Advancement of Teaching.**

9 SECTION 2. IC 21-19-3-3, AS ADDED BY P.L.2-2007, SECTION  
10 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. Not more than six (6)  
12 of the nonstudent members of the board of trustees may be of the same  
13 sex. **At least one (+) member of the board of trustees must be a resident**  
14 **of and reside in Delaware County.**

15 SECTION 3. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION  
16 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. All members of the

ES 56—LS 6292/DI 71+



C  
O  
P  
Y

1 board of trustees must be

2 (1) residents of Indiana; and

3 (2) citizens of the United States.

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

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

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

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

30 (1) serve for a term of three (3) years from July 1 next succeeding  
31 the trustee's election; and

32 (2) complete any unexpired term or terms.

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

40 (1) ~~prepared and furnished by the librarian; and~~

41 (2) ~~designed as to enable the librarian to ascertain the name of the~~  
42 ~~voter; and to determine whether the voter is entitled to participate~~

C  
o  
p  
y



1 in the election, without knowing for whom the voter casts a ballot.

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

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

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

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

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

- 28 (1) absent **without sufficient excuse** from two (2) successive  
29 meetings of the board of trustees; or  
30 (2) guilty of any gross immorality or breach of the bylaws **of the**  
31 **trustees** of Indiana University.

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

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

- 41 (1) trustees who attend; and  
42 (2) members of the faculty who attend;



C  
o  
p  
y

1 shall fill the vacancies:  
 2 (c) Appointments made under this section expire at the next meeting  
 3 of the board of trustees:  
 4 SECTION 11. IC 21-20-4-5, AS AMENDED BY P.L.3-2008,  
 5 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2012]: Sec. 5. The secretary of the board of  
 7 trustees shall:  
 8 (1) keep a true record of the proceedings of the board of trustees;  
 9 **and**  
 10 (2) certify copies of the record of the proceedings of the board of  
 11 trustees. **and**  
 12 ~~(3) maintain:~~  
 13 ~~(A) an account of the students in Indiana University by the~~  
 14 ~~students' classes; including the students' respective ages and~~  
 15 ~~places of residence; and~~  
 16 ~~(B) a list of all graduates.~~  
 17 SECTION 12. IC 21-20-5-1, AS ADDED BY P.L.2-2007,  
 18 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2012]: Sec. 1. The board of trustees shall  
 20 annually meet in Bloomington, at least three ~~(3)~~ days before the annual  
 21 commencement of Indiana University: **hold meetings at the dates,**  
 22 **times, and places upon which the board of trustees agrees.**  
 23 SECTION 13. An emergency is declared for this act.

C  
o  
p  
y



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 56, 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, between the enacting clause and line 1, 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 21-19-3-3, 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 1, line 2, delete "JULY" and insert "JANUARY 1, 2012 (RETROACTIVE)]:".

Page 1, line 3, delete "1, 2012]:".

Page 1, after line 5, begin a new paragraph and insert:

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

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

SECTION 5. IC 21-20-3-6, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY

C  
O  
P  
Y



1, 2012]: Sec. 6. A registry of the names and addresses of the alumni of Indiana University shall be kept, and corrected from time to time, by the president of Indiana University or the president's designated representative. The alumni of Indiana University consist of those persons who have been awarded a degree by the board of trustees of Indiana University as recommended by the faculty.

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

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

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

- (1) prepared and furnished by the librarian; and
- (2) designed as to enable the librarian to ascertain the name of the voter, and to determine whether the voter is entitled to participate in the election, without knowing for whom the voter casts a ballot.

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

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

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



C  
o  
p  
y

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

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

- (1) absent **without sufficient excuse** from two (2) successive meetings of the board of trustees; or
- (2) guilty of any gross immorality or breach of the bylaws **of the trustees** of Indiana University.

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

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

- (1) trustees who attend; and
- (2) members of the faculty who attend;

shall fill the vacancies:

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

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

- (1) keep a true record of the proceedings of the board of trustees; **and**
- (2) certify copies of the record of the proceedings of the board of trustees. **and**
- (3) maintain:
  - (A) an account of the students in Indiana University by the students' classes, including the students' respective ages and places of residence; and
  - (B) a list of all graduates.

SECTION 12. IC 21-20-5-1, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS

ES 56—LS 6292/DI 71+



C  
O  
P  
Y

[EFFECTIVE JULY 1, 2012]: Sec. 1. The board of trustees shall annually meet in Bloomington, at least three (3) days before the annual commencement of Indiana University: **hold meetings at the dates, times, and places upon which the board of trustees agrees.**

SECTION 13. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 56 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 2.

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 56, 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.

BEHNING, Chair

Committee Vote: yeas 12, nays 0.

C  
O  
P  
Y

