



January 17, 2012

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## HOUSE BILL No. 1200

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DIGEST OF HB 1200 (Updated January 13, 2012 10:54 am - DI 116)

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

**Synopsis:** Indiana University and Ball State boards. 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. 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.

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### Foley, Koch, Behning

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January 9, 2012, read first time and referred to Committee on Education.  
January 17, 2012, amended, reported — Do Pass.

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HB 1200—LS 6503/DI 71+



January 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.

## HOUSE BILL No. 1200

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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 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION  
10 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. All members of the  
12 board of trustees must be  
13 (1) residents of Indiana; and  
14 (2) citizens of the United States.  
15 SECTION 3. IC 21-20-3-4, AS ADDED BY P.L.2-2007, SECTION  
16 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2012]: Sec. 4. (a) Three (3) members of the board of trustees shall

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1 be elected by the alumni of Indiana University under this chapter. In  
 2 the year in which the term of any member of the board of trustees  
 3 elected by the alumni expires, a successor to the trustee shall be elected  
 4 by the alumni of Indiana University, to serve for a term of three (3)  
 5 years beginning July 1 next succeeding the election.

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

11 SECTION 4. IC 21-20-3-6, AS ADDED BY P.L.2-2007, SECTION  
 12 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 2012]: Sec. 6. ~~A registry of the names and addresses of the alumni~~  
 14 ~~of Indiana University shall be kept; and corrected from time to time; by~~  
 15 ~~the president of Indiana University or the president's designated~~  
 16 ~~representative.~~ The alumni of Indiana University consist of those  
 17 persons who have been awarded a degree by the board of trustees of  
 18 Indiana University as recommended by the faculty.

19 SECTION 5. IC 21-20-3-8, AS ADDED BY P.L.2-2007, SECTION  
 20 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 21 1, 2012]: Sec. 8. The election of members of the board of trustees shall  
 22 be held at Indiana University on the secular day immediately preceding  
 23 July 1. ~~at 9 a.m.~~ At that time trustees shall be elected to:

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

27 SECTION 6. IC 21-20-3-9, AS ADDED BY P.L.2-2007, SECTION  
 28 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 29 1, 2012]: Sec. 9. (a) ~~Each alumnus may send to the librarian; over the~~  
 30 ~~alumnus's signature; at any time before the election of a trustee or~~  
 31 ~~trustees; the vote for the trustee or trustees that the alumnus would be~~  
 32 ~~entitled to cast if personally present at the election. The ballots and the~~  
 33 ~~containers in which the ballots are submitted must be:~~

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

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

42 (c) An alumnus may not cast more than one (1) vote. The



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

9 SECTION 7. IC 21-20-3-12, AS ADDED BY P.L.2-2007,  
 10 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The governor shall appoint  
 12 five (5) members of the board of trustees for terms of three (3) years.

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

18 SECTION 8. IC 21-20-3-15, AS ADDED BY P.L.2-2007,  
 19 SECTION 261, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2012]: Sec. 15. The board of trustees shall  
 21 declare vacant the seat of any trustee who is:

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

26 SECTION 9. IC 21-20-3-16 IS REPEALED [EFFECTIVE JULY 1,  
 27 2012]. Sec. 16: (a) ~~This section applies if an emergency is declared by~~  
 28 ~~the faculty after a session of the board of trustees has been called that~~  
 29 ~~the board of trustee members who do not reside in Monroe County~~  
 30 ~~failed to attend.~~

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

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

37 ~~shall fill the vacancies.~~

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

40 SECTION 10. IC 21-20-4-5, AS AMENDED BY P.L.3-2008,  
 41 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2012]: Sec. 5. The secretary of the board of

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

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## 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.

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