



March 25, 2005

**ENGROSSED
HOUSE BILL No. 1649**

DIGEST OF HB 1649 (Updated March 23, 2005 10:43 am - DI 14)

Citations Affected: IC 15-1.5.

Synopsis: Center for agricultural science and heritage. Provides that the staff of the center for agricultural science and heritage (the barn) are employees of the state fair commission (commission), and that the barn ceases to be a body corporate and politic. Provides that the commission pay the operating expenses of the barn from the funds of the commission, and that real property may not be held in the name of the barn. Revises the term of an individual on the board of trustees of the center for agricultural science and heritage (the barn) to four years and limits years of service in a 12 year period. Authorizes the barn director to hire staff and delegate authority. Repeals and relocates definitions pertaining to the barn. Makes conforming amendments.

Effective: July 1, 2005.

Friend, Porter, Thompson, Bischoff
(SENATE SPONSORS — WEATHERWAX, LEWIS)

January 19, 2005, read first time and referred to Committee on Agriculture and Rural Development.

February 14, 2005, amended, reported — Do Pass.

February 17, 2005, read second time, ordered engrossed.

February 18, 2005, engrossed.

February 21, 2005, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Agriculture and Small Business.

March 24, 2005, amended, reported favorably — Do Pass.

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EH 1649—LS 7191/DI 96+



March 25, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1649

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

- 1 SECTION 1. IC 15-1.5-1-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 11. "Barn" refers to the center for agricultural
4 science and heritage established by IC 15-1.5-10.5-3.**
- 5 SECTION 2. IC 15-1.5-1-12 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2005]: **Sec. 12. "Barn director" refers to the individual who
8 administers the educational programs and operations of the barn.**
- 9 SECTION 3. IC 15-1.5-1-13 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2005]: **Sec. 13. "Trustees" refers to the board of trustees of the
12 barn established by IC 15-1.5-10.5-3.5.**
- 13 SECTION 4. IC 15-1.5-2-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commission
15 consists of ~~eight (8)~~ **nine (9)** members as follows:
16 (1) Five (5) members appointed by the governor.
17 (2) The presiding officer of the board.

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- 1 (3) The commissioner of agriculture or the commissioner's
- 2 designee.
- 3 (4) The presiding officer of the ~~board of trustees of the center for~~
- 4 ~~agricultural science and heritage~~ or the presiding officer's
- 5 designee who must be selected from the membership of the ~~board~~
- 6 ~~of trustees. of the center for agricultural science and heritage:~~
- 7 **(5) The chairman of the state fair advisory committee**
- 8 **appointed under IC 15-1-1.5-5(c) or a member of the**
- 9 **committee designated by the chairman may serve as an ex**
- 10 **officio nonvoting member.**
- 11 (b) Not more than one (1) member appointed under subsection
- 12 (a)(1) may reside in the same district. Each district is not required to
- 13 have a member of the commission represent it.
- 14 (c) Not more than three (3) members appointed under subsection
- 15 (a)(1) may be affiliated with the same political party.
- 16 (d) Two (2) members appointed under subsection (a)(1) must have
- 17 a recognized interest in agriculture or agribusiness.
- 18 SECTION 5. IC 15-1.5-2-10.5 IS ADDED TO THE INDIANA
- 19 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 20 **[EFFECTIVE JULY 1, 2005]: Sec. 10.5. (a) The commission shall:**
- 21 **(1) adopt:**
- 22 **(A) rules under IC 4-22-2; or**
- 23 **(B) a policy;**
- 24 **establishing a code of ethics for employees of the commission;**
- 25 **or**
- 26 **(2) decide it wishes to be under the jurisdiction and rules**
- 27 **adopted by the state ethics commission.**
- 28 **(b) A code of ethics adopted by rules or policy under this section**
- 29 **must be consistent with state law and approved by the governor.**
- 30 SECTION 6. IC 15-1.5-10.5-3 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The center for
- 32 agricultural science and heritage (the barn) is established.
- 33 ~~(b) The barn:~~
- 34 ~~(1) is a body corporate and politic separate from the state;~~
- 35 ~~(2) is not a state agency; and~~
- 36 ~~(3) performs essential governmental functions:~~
- 37 ~~(c)~~ **(b)** The following are the purposes for which the barn is
- 38 established:
- 39 (1) To educate the public concerning the past, present, and future
- 40 of American agriculture and rural life.
- 41 (2) To educate youth and the general public about American
- 42 agriculture and food systems.

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- 1 (3) To provide educational programming for youth that
- 2 complements school curricula, both onsite and in the classroom.
- 3 (4) To create a synergy between Indiana's institutions of education
- 4 and agriculture related industries.
- 5 (5) To generate economic vitality, convention activity, and
- 6 tourism activity for Indiana.
- 7 (6) To become a center for agricultural business and thinking, a
- 8 clearinghouse of agricultural information, a resource center for
- 9 educators and the public, and a repository for agricultural artifacts
- 10 and history.
- 11 (7) To create a central, prominent partner with whom agricultural
- 12 organizations can launch, collaborate on, and coordinate
- 13 programs.
- 14 (8) To position Indiana as the recognized agricultural center of the
- 15 nation.

16 SECTION 7. IC 15-1.5-10.5-3.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 18 [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. The board of trustees for the**
 19 **barn is established.**

20 SECTION 8. IC 15-1.5-10.5-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~barn~~ is
 22 ~~governed by a board of trustees~~ **govern the barn.** The trustees ~~include~~
 23 ~~the following~~ **consist of** seventeen (17) ~~individuals:~~ **members as**
 24 **follows:**

- 25 (1) The governor or the governor's designee.
- 26 (2) The commissioner of agriculture or the commissioner's
- 27 designee.
- 28 ~~(3) The state superintendent of public instruction or the state~~
- 29 ~~superintendent's designee.~~
- 30 ~~(4) (3) The dean of agriculture of Purdue University or the dean's~~
- 31 ~~designee.~~
- 32 ~~(5) (4) The president of the Purdue University Agriculture Alumni~~
- 33 ~~Association or the president's designee.~~
- 34 **(5) The state superintendent of public instruction or the state**
- 35 **superintendent's designee.**
- 36 (6) The state veterinarian or the state veterinarian's designee.
- 37 (7) The presiding officer of the state fair commission or the
- 38 presiding officer's designee selected from the membership of the
- 39 state fair commission.
- 40 (8) The presiding officer of the state fair board or the presiding
- 41 officer's designee selected from the membership of the state fair
- 42 board.

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1 (9) One (1) member appointed by the largest Indiana organization
 2 representing agricultural interests in Indiana, as determined by the
 3 number of members of the organization. The member serves at
 4 the pleasure of the member's organization.

5 (10) One (1) member appointed by the second largest Indiana
 6 organization representing agricultural interests in Indiana, as
 7 determined by the number of members of the organization. The
 8 member serves at the pleasure of the member's organization.

9 (11) Seven (7) members appointed by the governor.

10 (b) Of the members appointed under subsection (a)(11), not more
 11 than four (4) may be affiliated with the same political party.

12 (c) Each member appointed under subsection (a)(11) must have a
 13 recognized interest in the barn.

14 SECTION 9. IC 15-1.5-10.5-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The term of an
 16 individual appointed to the trustees under section 4(a)(11) of this
 17 chapter:

18 (1) is three (3) years; and

19 (2) expires September 30 of the year of expiration.

20 (b) A member appointed under section 4(a)(11) of this chapter may
 21 be reappointed to the trustees. Except as provided in subsection (c), a
 22 member appointed under section 4(a)(11) may not serve for more than
 23 nine (9) years in any twelve (12) year period.

24 (c) For purposes of the limitation on the number of years a member
 25 may serve under subsection (b), any time of not more than two (2)
 26 years a member serves:

27 (1) as an initial appointment to the trustees; or

28 (2) to fill a vacancy;

29 may not be considered.

30 **(d) This section expires September 30, 2005.**

31 SECTION 10. IC 15-1.5-10.5-5.3 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2005]: **Sec. 5.3. (a) Effective October 1, 2005,**
 34 **the term of an individual appointed to the trustees under section**
 35 **4(a)(11) of this chapter:**

36 (1) is four (4) years;

37 (2) begins on the later of the following:

38 (A) October 1 after the expiration of the term of the trustee
 39 whom the individual is appointed to succeed; or

40 (B) the day the individual is appointed; and

41 (3) expires September 30 of the fourth year after the
 42 expiration of the term of the individual's immediate

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predecessor.
(b) Except as provided in subsection (c), an individual appointed as a trustee under section 4(a)(11) of this chapter:
(1) may be reappointed for a new term;
(2) if reappointed, is the trustee's own successor or predecessor for purposes of subsection (a); and
(3) may not serve as a trustee for more than eight (8) years in a twelve (12) year period.

(c) An individual appointed as a trustee under section 4(a)(11) of this chapter before October 1, 2005, may not serve as a trustee more than nine (9) years in a twelve (12) year period.

SECTION 11. IC 15-1.5-10.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. The trustees may do the following, **with approval by the commission:**

- (1) Enter into contracts related to the trustees' powers and duties under this chapter.
- ~~(2) Receive, hold, and expend appropriations made by the general assembly.~~
- ~~(3) (2) Receive gifts.~~
- ~~(4) (3) Charge admissions.~~
- ~~(5) (4) Purchase, lease, and sell real and personal property.~~
- ~~(6) Develop, improve, and maintain the property leased or owned by the trustees.~~
- ~~(7) Adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 12. IC 15-1.5-10.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The governor ~~may~~ **shall** appoint an individual ~~to the trustees~~ to fill a vacancy ~~in among the position of a trustee appointed under subsection 4(a)(11) of this chapter.~~ **trustees.**

~~(b) An~~ **The** individual appointed under subsection ~~(a)~~ **by the governor under subsection (a)** serves ~~for the remainder of the unexpired term of the member trustee~~ whom the individual replaces.

~~(c) The period of the unexpired term for which an individual serves after appointment under this section may not be considered in determining the number of years that the member a trustee has served in a twelve (12) year period for purposes of section 5(b) or 5.3(b)(3) of this chapter.~~

SECTION 13. IC 15-1.5-10.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The trustees shall ~~in October 2001, and in October of each odd-numbered year thereafter,~~ elect a member of the trustees ~~as serving under section 4(a)(11) of this chapter to be~~ the presiding officer of the trustees. ~~for a term of~~

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1 two (2) years that begins on November 1 of the year in which the
 2 election is held. The member trustee elected under this subsection is
 3 the presiding officer of the trustees until the earlier of the following:

- 4 (1) The expiration of the member's trustee's term.
 5 (2) The replacement of the member trustee as presiding officer
 6 by the trustees.

7 (b) The trustees may elect other officers of the barn from among for
 8 the trustees from the trustees serving under section 4(a)(11) of this
 9 chapter.

10 SECTION 14. IC 15-1.5-10.5-8 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The trustees shall
 12 recommend an individual to be employed by the commission as
 13 executive the barn director, of the barn subject to the approval of the
 14 governor. If the governor approves an individual recommended by the
 15 trustees, the trustees may employ the individual as executive director.
 16 If the governor does not approve an individual recommended by the
 17 trustees, the trustees shall submit another recommendation to the
 18 governor: subject to approval by the commission.

- 19 (b) The executive director employed under this section:
 20 (1) is the chief administrative officer of the barn; and
 21 (2) barn director shall implement the policies of the trustees and
 22 the commission.

23 (c) The trustees commission may delegate any of the trustees'
 24 commission's powers to the executive barn director. The trustees
 25 commission may make a delegation under this subsection through a
 26 resolution adopted by the trustees:

27 (d) Notwithstanding IC 4-2-6-5, the compensation for the executive
 28 director and other employees of the trustees may be paid in full or in
 29 part by the nonprofit entity established under section 10 of this chapter:
 30 by either of the following:

- 31 (1) A resolution adopted by the commission.
 32 (2) A rule adopted by the commission under IC 4-22-2.

33 (d) Notwithstanding IC 4-2-6-5, with approval by the
 34 commission, commission employees:

- 35 (1) may be compensated in full or in part by the nonprofit
 36 entity established under section 10 of this chapter; and
 37 (2) may perform services that support the purposes of the
 38 nonprofit entity established under section 10 of this chapter.

39 SECTION 15. IC 15-1.5-10.5-8.1 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2005]: Sec. 8.1. (a) The barn director may
 42 hire staff for the barn subject to the budget approved by the

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trustees and the commission.

(b) The staff of the barn are:

- (1) employees of the commission; and
- (2) accountable to the commission directly or through the executive director.

SECTION 16. IC 15-1.5-10.5-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.2. The barn director may delegate a power or duty of the barn director to a member of the barn staff.

SECTION 17. IC 15-1.5-10.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. A majority vote of the trustees is necessary for the adoption of:

- (1) policy decisions;
- (2) decisions concerning the employment of personnel; or
- (3) major expenditures.

to take official action.

SECTION 18. IC 15-1.5-10.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The trustees may establish a nonprofit entity to solicit, raise, and accept funds.

- (1) to pay the administrative costs of the barn;
- (2) for use in the maintenance and operations of the barn; and
- (3) to fund capital improvements of the barn's principal facility and related facilities.

(b) The nonprofit entity established under this section may receive the proceeds from the operations of the barn, subject to approval by the commission.

(c) The nonprofit entity established under this section is governed by a board of directors. The directors include:

- (1) the presiding officer of the trustees of the barn, who shall may act as presiding officer of the board of directors; and
- (2) four (4) individuals appointed by the trustees.

(d) An expenditure of public funds for capital improvements by the nonprofit entity established under this section must be approved by the trustees.

SECTION 19. IC 15-1.5-10.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The executive director of the barn commission shall pay the operating expenses for capital improvements of the barn approved by the trustees of the barn from the funds allocated by the commission to the barn.

SECTION 20. IC 15-1.5-10.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. At the first meeting

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1 each year of the state fair advisory committee established by
2 IC 15-1-1.5-4, the trustees shall report the following:

- 3 (1) The activities of the barn during the previous calendar year.
- 4 (2) The financial condition of the barn for the barn's most recently
5 completed fiscal year.
- 6 (3) The ~~board of~~ trustees' plans for the barn for the current
7 calendar year.

8 SECTION 21. IC 15-1.5-10.5-13 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2005]: **Sec. 13. (a) Subject to subsection (b):**

- 11 (1) **each member of the trustees who is not a state employee is**
12 **entitled to the minimum salary per diem provided by**
13 **IC 4-10-11-2.1(b) and is entitled to reimbursement for travel**
14 **expenses and other expenses actually incurred in connection**
15 **with the member's duties; and**
- 16 (2) **each member of the trustees who is a state employee is**
17 **entitled to reimbursement for traveling expenses and other**
18 **expenses actually incurred in connection with the member's**
19 **duties;**

20 **as provided in the state travel policies and procedures established**
21 **by the Indiana department of administration and approved by the**
22 **budget agency.**

- 23 (b) **The commission shall adopt a policy for:**
- 24 (1) **the number of meetings the trustees may hold; and**
- 25 (2) **payment of per diem and travel expenses for trustees'**
26 **meetings and during the time of other required activities.**

27 SECTION 22. IC 15-1.5-10.5-14 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: **Sec. 14. The trustees may not hold**
30 **real property in the trustees' name.**

31 SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE
32 JULY 1, 2005]: IC 15-1.5-10.5-1; IC 15-1.5-10.5-2; IC 15-1.5-10.5-8.3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1649, 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, line 8, delete "program" and insert "**programs and**".

Page 1, line 15, strike "eight (8)" and insert "**nine (9)**".

Page 2, between lines 6 and 7, begin a new line block indented and insert:

"(5) The chairman of the state fair advisory committee appointed under IC 15-1-1.5-5(c) or a member of the committee designated by the chairman may serve as an ex officio nonvoting member."

Page 5, line 10, delete "following:" and insert "following, **with approval by the commission:**".

Page 5, line 12, delete ", with approval by the commission." and insert "."

Page 5, line 17, after "Purchase" insert ",".

Page 5, line 17, reset in roman "lease,".

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"(d) Notwithstanding IC 4-2-6-5, with approval by the commission, commission employees:

(1) may be compensated in full or in part by the nonprofit entity established under section 10 of this chapter; and

(2) may perform services that support the purposes of the nonprofit entity established under section 10 of this chapter."

Page 6, line 36, delete "responsible to the executive director of the commission." and insert "**accountable to the commission directly or through the executive director.**".

Page 6, line 41, delete "educational program" and insert "**barn**".

Page 7, line 9, delete ":" and insert ".".

Page 7, strike lines 10 through 13.

Page 7, reset in roman line 14.

Page 7, line 15, reset in roman "proceeds from the operations of the".

Page 7, line 15, delete "barn." and insert "**barn, subject to approval by the commission.**".

Page 7, line 16, reset in roman "(c)".

Page 7, line 16, delete "(b)".

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Page 7, line 28, delete "appropriated" and insert "**allocated by the commission**".

and when so amended that said bill do pass.

(Reference is to HB 1649 as introduced.)

GUTWEIN, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred House Bill No. 1649, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Page 7, line 30, strike "shall" and insert "**may**".

and when so amended that said bill do pass.

(Reference is to HB 1649 as printed February 15, 2005.)

NUGENT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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