

HOUSE BILL No. 1649

DIGEST OF INTRODUCED BILL

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

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

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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.

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HOUSE BILL No. 1649



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

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 program 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) members as follows:

- 16 (1) Five (5) members appointed by the governor.
- 17 (2) The presiding officer of the board.



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

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- 1 (5) To generate economic vitality, convention activity, and
- 2 tourism activity for Indiana.
- 3 (6) To become a center for agricultural business and thinking, a
- 4 clearinghouse of agricultural information, a resource center for
- 5 educators and the public, and a repository for agricultural artifacts
- 6 and history.
- 7 (7) To create a central, prominent partner with whom agricultural
- 8 organizations can launch, collaborate on, and coordinate
- 9 programs.
- 10 (8) To position Indiana as the recognized agricultural center of the
- 11 nation.

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

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

- 21 (1) The governor or the governor's designee.
- 22 (2) The commissioner of agriculture or the commissioner's
- 23 designee.
- 24 ~~(3) The state superintendent of public instruction or the state~~
- 25 ~~superintendent's designee:~~
- 26 ~~(4) (3) The dean of agriculture of Purdue University or the dean's~~
- 27 ~~designee.~~
- 28 ~~(5) (4) The president of the Purdue University Agriculture Alumni~~
- 29 ~~Association or the president's designee.~~
- 30 **(5) The state superintendent of public instruction or the state**
- 31 **superintendent's designee.**
- 32 (6) The state veterinarian or the state veterinarian's designee.
- 33 (7) The presiding officer of the state fair commission or the
- 34 presiding officer's designee selected from the membership of the
- 35 state fair commission.
- 36 (8) The presiding officer of the state fair board or the presiding
- 37 officer's designee selected from the membership of the state fair
- 38 board.
- 39 (9) One (1) member appointed by the largest Indiana organization
- 40 representing agricultural interests in Indiana, as determined by the
- 41 number of members of the organization. The member serves at
- 42 the pleasure of the member's organization.

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

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

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

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

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

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

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

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

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

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

24 (2) to fill a vacancy;

25 may not be considered.

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

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

32 (1) is four (4) years;

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

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

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

37 (3) expires September 30 of the fourth year after the
 38 expiration of the term of the individual's immediate
 39 predecessor.

40 (b) Except as provided in subsection (c), an individual appointed
 41 as a trustee under section 4(a)(11) of this chapter:

42 (1) may be reappointed for a new term;

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- 1 (2) if reappointed, is the trustee's own successor or
- 2 predecessor for purposes of subsection (a); and
- 3 (3) may not serve as a trustee for more than eight (8) years in
- 4 a twelve (12) year period.

5 (c) An individual appointed as a trustee under section 4(a)(11)

6 of this chapter before October 1, 2005, may not serve as a trustee

7 more than nine (9) years in a twelve (12) year period.

8 SECTION 11. IC 15-1.5-10.5-5.5 IS AMENDED TO READ AS

9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. The trustees may

10 do the following:

- 11 (1) Enter into contracts related to the trustees' powers and duties
- 12 under this chapter, **with approval by the commission.**
- 13 ~~(2) Receive, hold, and expend appropriations made by the general~~
- 14 ~~assembly.~~
- 15 ~~(3) (2) Receive gifts.~~
- 16 ~~(4) (3) Charge admissions.~~
- 17 ~~(5) (4) Purchase lease, and sell real and personal property.~~
- 18 ~~(6) Develop, improve, and maintain the property leased or owned~~
- 19 ~~by the trustees.~~
- 20 ~~(7) Adopt rules under IC 4-22-2 to implement this chapter.~~

21 SECTION 12. IC 15-1.5-10.5-6 IS AMENDED TO READ AS

22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The governor

23 ~~may shall~~ appoint an individual ~~to the trustees~~ to fill a vacancy in

24 ~~among~~ the position of a trustee appointed under subsection 4(a)(11) of

25 this chapter: **trustees.**

26 (b) ~~An~~ **The** individual appointed ~~under subsection (a)~~ **by the**

27 **governor under subsection (a)** serves ~~for~~ the **remainder of the**

28 unexpired term of the ~~member trustee~~ whom the individual replaces.

29 (c) The period of the unexpired term for which an individual serves

30 after appointment ~~under this section~~ may not be considered in

31 determining the number of years that ~~the member a trustee~~ has served

32 in a twelve (12) year period for purposes of section 5(b) **or 5.3(b)(3)**

33 of this chapter.

34 SECTION 13. IC 15-1.5-10.5-7 IS AMENDED TO READ AS

35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The trustees shall

36 ~~in October 2001, and in October of each odd-numbered year thereafter,~~

37 ~~elect a member of the trustees as serving under section 4(a)(11) of~~

38 **this chapter to be** the presiding officer of the trustees. ~~for a term of~~

39 ~~two (2) years that begins on November 1 of the year in which the~~

40 ~~election is held. The member trustee~~ elected under this subsection is

41 the presiding officer of the trustees until the earlier of the following:

- 42 (1) The expiration of the ~~member's trustee's~~ term.

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1 (2) The replacement of the member trustee as presiding officer
2 by the trustees.

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

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

15 (b) The executive director employed under this section:
16 (1) is the chief administrative officer of the barn; and
17 (2) barn director shall implement the policies of the trustees and
18 the commission.

19 (c) The trustees commission may delegate any of the trustees'
20 commission's powers to the executive barn director. The trustees
21 commission may make a delegation under this subsection through a
22 resolution adopted by the trustees:

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

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

29 SECTION 15. IC 15-1.5-10.5-8.1 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2005]: Sec. 8.1. (a) The barn director may
32 hire staff for the barn subject to the budget approved by the
33 trustees and the commission.

34 (b) The staff of the barn are:
35 (1) employees of the commission; and
36 (2) responsible to the executive director of the commission.

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

42 SECTION 17. IC 15-1.5-10.5-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. A majority vote of
2 the trustees is necessary ~~for the adoption of:~~

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

6 **to take official action.**

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

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

14 ~~(b) The nonprofit entity established under this section may receive~~
15 ~~the proceeds from the operations of the barn.~~

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

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

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

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

29 SECTION 20. IC 15-1.5-10.5-12 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. At the first meeting
31 each year of the state fair advisory committee established by
32 IC 15-1-1.5-4, the trustees shall report the following:

- 33 (1) The activities of the barn during the previous calendar year.
34 (2) The financial condition of the barn for the barn's most recently
35 completed fiscal year.
36 (3) The ~~board of~~ trustees' plans for the barn for the current
37 calendar year.

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

- 41 **(1) each member of the trustees who is not a state employee is**
42 **entitled to the minimum salary per diem provided by**

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1 **IC 4-10-11-2.1(b) and is entitled to reimbursement for travel**
 2 **expenses and other expenses actually incurred in connection**
 3 **with the member's duties; and**
 4 **(2) each member of the trustees who is a state employee is**
 5 **entitled to reimbursement for traveling expenses and other**
 6 **expenses actually incurred in connection with the member's**
 7 **duties;**
 8 **as provided in the state travel policies and procedures established**
 9 **by the Indiana department of administration and approved by the**
 10 **budget agency.**
 11 **(b) The commission shall adopt a policy for:**
 12 **(1) the number of meetings the trustees may hold; and**
 13 **(2) payment of per diem and travel expenses for trustees'**
 14 **meetings and during the time of other required activities.**
 15 SECTION 22. IC 15-1.5-10.5-14 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2005]: **Sec. 14. The trustees may not hold**
 18 **real property in the trustees' name.**
 19 SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE
 20 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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