

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 292 be amended to read as follows:

1           Page 4, after line 3, begin a new paragraph and insert:  
2           "SECTION 6. IC 20-12-23-2 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The board of trustees  
4           of the state university shall be ~~nine (9)~~ **ten (10)** in number, of whom  
5           not more than two (2), excluding the student trustee appointed pursuant  
6           to IC 20-12-24-3.5 **and the nonvoting faculty trustee elected under**  
7           **IC 20-12-24-3.6**, shall reside in the same county; and they and their  
8           successors shall be a body politic, with the style of "The Trustees of  
9           Indiana University"; in that name to sue and be sued; to elect one (1)  
10          of their number president; to elect a treasurer, secretary, and such other  
11          officers as they may deem necessary, to prescribe the duties and fix the  
12          compensation of such officers; to possess all the real and personal  
13          property of such university for its benefit; to take and hold, in their  
14          corporate name any real or personal property for the benefit of such  
15          institution; to expend the income of the university for its benefit; to  
16          declare vacant the seat of any trustee who shall absent himself from  
17          two (2) successive meetings of the board, or be guilty of any gross  
18          immorality or breach of the bylaws of the institution; to elect a  
19          president, such professors and other officers for such university as shall  
20          be necessary, and prescribe their duties and salaries; to employ other  
21          persons as necessary; to establish programs of fringe benefits and  
22          retirement benefits for the university's officers, faculty, and other  
23          employees that may be supplemental to or in lieu of state retirement  
24          programs established by statute for public employees; to prescribe the

1 course of study and discipline and price of tuition in such university;  
 2 and to make all bylaws necessary to carry into effect the powers hereby  
 3 conferred.

4 SECTION 7. IC 20-12-23-4 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. ~~Five (5)~~ **Six (6)** of  
 6 such trustees shall constitute a quorum; and, in case an emergency is  
 7 declared by the faculty, after there shall have been a called session, at  
 8 which the other members failed to attend, the three **(3)** trustees residing  
 9 in the county of Monroe may fill vacancies in the faculty of the  
 10 university and the board of trustees; and, in case there should not be  
 11 three (3) trustees in attendance upon such emergency, then those that  
 12 are in attendance, together with such members of the faculty as may be  
 13 in attendance, shall fill such vacancies; but appointments thus made  
 14 shall expire at the next meeting of the board.

15 SECTION 8. IC 20-12-24-3.6 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2002]: **Sec. 3.6. One (1) member of the board**  
 18 **of trustees shall:**

- 19 **(1) be a member of the faculty of Indiana University who**
- 20 **holds the rank of assistant professor or higher;**
- 21 **(2) be elected under IC 20-12-64.5 by secret ballot by all**
- 22 **Indiana University employees who hold the rank of assistant**
- 23 **professor or higher;**
- 24 **(3) serve a three (3) year term beginning July 1, or, if a**
- 25 **vacancy occurs, for the remainder of the unexpired term of**
- 26 **the previous faculty trustee;**
- 27 **(4) be eligible for reelection as faculty trustee if the person**
- 28 **remains a member of the faculty of Indiana University; and**
- 29 **(5) not be entitled to vote as a member of the board of**
- 30 **trustees.**

31 SECTION 9. IC 20-12-37-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. The board of trustees  
 33 of Purdue University shall consist of ~~ten (10)~~ **eleven (11)** members, to  
 34 be appointed **or elected** for such term of service and in such manner as  
 35 is herein provided, and that the terms of all trustees shall terminate on  
 36 the first day of July of the year in which their terms of office expire.

37 SECTION 10. IC 20-12-37-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The governor of  
 39 the state of Indiana shall appoint ten (10) trustees for Purdue University  
 40 for the term beginning on the first day of July, which trustees and their  
 41 successors shall be appointed as hereinafter provided. **In addition, one**  
 42 **(1) nonvoting member of the Purdue University board of trustees**  
 43 **shall be elected under subsection (b).**

44 **(b) One (1) member of the board of trustees shall:**

- 45 **(1) be a member of the faculty of Purdue University who holds**
- 46 **the rank of assistant professor or higher;**

- 1           **(2) be elected by secret ballot by the Purdue University faculty**  
 2           **senate;**  
 3           **(3) serve a three (3) year term beginning July 1, or, if a**  
 4           **vacancy occurs, for the remainder of the unexpired term of**  
 5           **the previous faculty trustee;**  
 6           **(4) be eligible for reelection as faculty trustee if the person**  
 7           **remains a member of the faculty of Purdue University; and**  
 8           **(5) not be entitled to vote as a member of the board of**  
 9           **trustees.**

10           SECTION 11. IC 20-12-56-3 IS AMENDED TO READ AS  
 11           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The Indiana State  
 12           University board of trustees shall be composed of ~~nine (9)~~ **ten (10)**  
 13           trustees. The governor shall appoint to the board seven (7) competent  
 14           persons, one (1) of whom must be a student, and two (2) additional  
 15           competent persons, alumni of the university, nominated by the alumni  
 16           council of the university, shall be appointed by the governor. There  
 17           shall be one (1) or more women on the duly constituted board. **One (1)**  
 18           **nonvoting member of the board of trustees shall be a member of**  
 19           **the faculty of Indiana State University elected under subsection (d).**

20           (b) All trustees and their successors shall be appointed for terms of  
 21           four (4) years, except:

- 22           **(1) the student member, who shall be appointed for two (2) years**  
 23           **during which time he the member must be a full-time student of**  
 24           **Indiana State University; and**  
 25           **(2) the faculty member, who shall be appointed for three (3)**  
 26           **years.**

27           (c) To aid the governor in the selection of the student member, a  
 28           search and screen committee is created consisting of one (1)  
 29           representative of the governor and at least four (4) students chosen by  
 30           the elected student government representatives of the student body. The  
 31           committee shall establish the mode and criteria to be used in the  
 32           selection of student nominees to serve on the board of trustees. The  
 33           committee shall submit a list of at least ten (10) names to the governor  
 34           for ~~his~~ **the governor's** consideration. The governor shall select one (1)  
 35           of these names for appointment as a trustee of the university in  
 36           accordance with the provisions of this chapter.

37           **(d) One (1) member of the board of trustees shall:**

- 38           **(1) be a member of the faculty of Indiana State University**  
 39           **who holds the rank of assistant professor or higher;**  
 40           **(2) be elected under IC 20-12-64.5 by secret ballot by all**  
 41           **Indiana State University employees who hold the rank of**  
 42           **assistant professor or higher;**  
 43           **(3) serve a three (3) year term beginning July 1, or, if a**  
 44           **vacancy occurs, for the remainder of the unexpired term of**  
 45           **the previous faculty trustee;**  
 46           **(4) be eligible for reelection as faculty trustee if the person**  
 47           **remains a member of the faculty of Indiana State University;**

1           **and**  
 2           **(5) not be entitled to vote as a member of the board of**  
 3           **trustees.**

4           (e) All members appointed to the board shall be residents of the  
 5           state of Indiana and citizens of the United States of America. The  
 6           alumni members appointed to the board shall have completed a  
 7           prescribed course of study by Indiana State University or its  
 8           predecessors, Indiana State Normal School, Indiana State Teachers  
 9           College, or Indiana State College.

10          ~~(e)~~ **(f) Except as provided by subsection (d),** all vacancies  
 11          occurring in the board from death, resignation, or removal from the  
 12          state shall be filled by appointment by the governor for the unexpired  
 13          term of the retiring member, subject to the provision that the alumni  
 14          council of the university shall nominate the appointee to fill a vacancy  
 15          caused by the loss of an alumni member.

16          SECTION 12. IC 20-12-57.5-2 IS AMENDED TO READ AS  
 17          FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. ~~(Board of Trustees:~~  
 18          ~~Membership)~~ **(a) The Ball State University board of trustees shall be**  
 19          **composed of ~~nine (9)~~ ten (10) members, nine (9) of whom shall be**  
 20          **appointed by the governor pursuant to the provisions of under** this  
 21          chapter. **Of the nine (9) members appointed by the governor, six (6)**  
 22          **of whom shall be appointed at large, two (2) of whom shall be**  
 23          **appointed as alumni of Ball State University, and one (1) of whom shall**  
 24          **be appointed as a Ball State University student. One (1) nonvoting**  
 25          **member of the board of trustees shall be a member of the faculty**  
 26          **of Ball State University elected under subsection (d).**

27          **(b) Within the nonstudent board membership, not more than six (6)**  
 28          **shall be of the same sex and not less than one (1) shall be a resident of**  
 29          **and reside in Delaware County, Indiana.**

30          **(c) To aid the governor in the selection of the student member, a**  
 31          **search and screen committee is created consisting of one (1)**  
 32          **representative of the governor and at least four (4) students chosen by**  
 33          **the elected student government representatives of the student body. The**  
 34          **committee shall establish the mode and criteria to be used in the**  
 35          **selection of student nominees to serve on the board of trustees. The**  
 36          **committee shall submit a list of at least ten (10) names to the governor**  
 37          **for his the governor's consideration. The governor shall select one (1)**  
 38          **of these names for appointment as a trustee of the university in**  
 39          **accordance with the provisions of under** this chapter.

40          **(d) One (1) member of the board of trustees shall:**  
 41                **(1) be a member of the faculty of Ball State University who**  
 42                **holds the rank of assistant professor or higher;**  
 43                **(2) be elected under IC 20-12-64.5 by secret ballot by all Ball**  
 44                **State University employees who hold the rank of assistant**  
 45                **professor or higher;**  
 46                **(3) serve a three (3) year term beginning July 1, or, if a**

1           **vacancy occurs, for the remainder of the unexpired term of**  
 2           **the previous faculty trustee;**  
 3           **(4) be eligible for reelection as faculty trustee if the person**  
 4           **remains a member of the faculty of Ball State University; and**  
 5           **(5) not be entitled to vote as a member of the board of**  
 6           **trustees.**

7           SECTION 13. IC 20-12-57.5-8 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) ~~With the~~  
 9           ~~exception of the student member of the board;~~ **Except as provided in**  
 10           **subsection (b) and section 2(d) of this chapter,** all appointments to  
 11           the board of trustees are for four (4) year terms. Each term of a  
 12           nonstudent board member begins on January 1 of the appropriate year.  
 13           Each member shall serve until ~~his~~ **the member's** successor is  
 14           appointed and qualified.

15           (b) The student member of the board of trustees who is appointed  
 16           under section 2 of this chapter is appointed for a two (2) year term. ~~His~~  
 17           **The student member's** term begins on July 1 of the year in which ~~he~~  
 18           **the student** is appointed. The student member of the board must be a  
 19           full-time student at Ball State University throughout ~~his~~ **the student**  
 20           **member's** term.

21           SECTION 14. IC 20-12-57.5-9 IS AMENDED TO READ AS  
 22           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. ~~(Board: Vacancies)~~  
 23           **Except as provided by section 2(d) of this chapter,** all vacancies  
 24           occurring on the board of trustees from death, incapacitation, or  
 25           resignation shall be filled by appointment of the governor for the  
 26           unexpired term. Vacancies in offices held by alumni members shall be  
 27           filled from nominees submitted by the alumni council.

28           SECTION 15. IC 20-12-61-4, AS AMENDED BY P.L.20-2000,  
 29           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30           JULY 1, 2002]: Sec. 4. (a) Ivy Tech shall be governed by a board of  
 31           trustees **who are either** appointed by the governor **under this**  
 32           **subsection or elected by the faculty of Ivy Tech State College as a**  
 33           **nonvoting member of the state board under subsection (b).** The  
 34           number of members of the state board **appointed under this**  
 35           **subsection** must equal the number of regions established under section  
 36           9 of this chapter. Each member of the state board must have knowledge  
 37           or experience in one (1) or more of the following areas:

- 38           (1) Manufacturing.
- 39           (2) Commerce.
- 40           (3) Labor.
- 41           (4) Agriculture.
- 42           (5) State and regional economic development needs.
- 43           (6) Indiana's educational delivery system.

44           One (1) member of the state board must reside in each region  
 45           established under section 9 of this chapter. **Except for the faculty**  
 46           **member elected under subsection (b),** appointments shall be for three

1 (3) year terms, on a staggered basis.

2 (b) **One (1) nonvoting member of the board of trustees shall:**

3 (1) **be a member of the faculty of Ivy Tech State College who**  
4 **holds the rank of assistant professor or higher;**

5 (2) **be elected by secret ballot by all Ivy Tech State College**  
6 **employees who hold the rank of assistant professor or higher;**

7 (3) **serve a three (3) year term beginning July 1, or, if a**  
8 **vacancy occurs, for the remainder of the unexpired term of**  
9 **the previous faculty trustee; and**

10 (4) **be eligible for reelection as faculty trustee if the person**  
11 **remains a member of the faculty of Ivy Tech State College.**

12 (c) No one who holds an elective or appointed office of the state is  
13 eligible to serve as a member of the state board. A member of a  
14 regional board may be appointed to the state board, but must then  
15 resign from the regional board.

16 SECTION 16. IC 20-12-61-6 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) **Except as**  
18 **provided by section 4(b) of this chapter,** the governor shall fill all  
19 vacancies on the state board. Each trustee appointed to fill a vacancy  
20 shall represent the same region as ~~his~~ **the trustee's** predecessor.

21 (b) If a vacancy occurs on the state board, the regional board for the  
22 region in which the former member resided may recommend to the  
23 governor one (1) or more qualified persons to fill the vacancy.

24 SECTION 17. IC 20-12-64-7 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The board  
26 consists of ~~nine (9)~~ **ten (10)** members who shall serve staggered terms  
27 of four (4) years. However:

28 (1) the student member required by subsection (c) shall serve a  
29 term of two (2) years; **and**

30 (2) **the nonvoting faculty member elected under subsection (d)**  
31 **shall serve a term of three (3) years.**

32 (b) Each member of the board must be a citizen of the United States  
33 and a resident of Indiana.

34 (c) The board must include at least the following:

35 (1) One (1) member who is an alumnus of the university or an  
36 alumnus of the regional campus.

37 (2) One (1) member who is a full-time student in good standing  
38 enrolled in the university.

39 (3) One (1) member who is a resident of Vanderburgh County.

40 (4) **One (1) member who is a member of the faculty of the**  
41 **university as provided by subsection (d).**

42 (d) **One (1) member of the board of trustees shall:**

43 (1) **be a member of the faculty of the University of Southern**  
44 **Indiana who holds the rank of assistant professor or higher;**

45 (2) **be elected under IC 20-12-64.5 by secret ballot by all**  
46 **employees of the University of Southern Indiana who hold the**

- 1 rank of assistant professor or higher;  
 2 (3) serve a three (3) year term beginning July 1, or, if a  
 3 vacancy occurs, for the remainder of the unexpired term of  
 4 the previous faculty trustee;  
 5 (4) be eligible for reelection as faculty trustee if the person  
 6 remains a member of the faculty of the University of Southern  
 7 Indiana; and  
 8 (5) not be entitled to vote as a member of the board of  
 9 trustees.

10 SECTION 18. IC 20-12-64-8 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. **Except as provided**  
 12 **by section 7(d) of this chapter**, the governor shall appoint the  
 13 members of the board. If a vacancy occurs during the term of any  
 14 member **appointed by the governor**, the governor shall appoint an  
 15 individual to serve the unexpired term of the vacating member.

16 SECTION 19. IC 20-12-64.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2002]:

19 **Chapter 64.5. Election of Faculty Trustee Members at State**  
 20 **Educational Institutions**

21 **Sec. 1. As used in this chapter, "committee" refers to a trustee**  
 22 **election committee established by section 5 of this chapter.**

23 **Sec. 2. As used in this chapter, "faculty organization" refers to**  
 24 **the organization in the governance structure of a state educational**  
 25 **institution that:**

- 26 (1) is composed of faculty members; and  
 27 (2) may include other university personnel who are not faculty  
 28 members.

29 **Sec. 3. As used in this chapter "faculty trustee member" refers**  
 30 **to the member of the faculty who serves on the board of trustees or**  
 31 **similarly named governing body of a state educational institution.**

32 **Sec. 4. As used in this chapter, "state educational institution"**  
 33 **has the meaning set forth in IC 20-12-0.5-1.**

34 **Sec. 5. The faculty organization at each state educational**  
 35 **institution shall establish a trustee election committee by**  
 36 **determining the following:**

- 37 (1) The number of members of the committee, which must be  
 38 at least five (5).  
 39 (2) The qualifications required for members of the committee.  
 40 However, each member of the committee must be a faculty  
 41 member at the state educational institution who holds the  
 42 rank of assistant professor or higher.  
 43 (3) The manner of selection and appointment of the following:  
 44 (A) Members of the committee.  
 45 (B) A chairperson of the committee.  
 46 (C) A vice chairperson of the committee.  
 47 (4) The length of a member's term of service on the

- 1 committee.
- 2 (5) A method for removing a member from the committee.
- 3 (6) A method for filling vacancies on the committee.
- 4 (7) Other matters the faculty organization considers necessary
- 5 and relevant.
- 6 **Sec. 6. A committee shall meet at the call of:**
- 7 (1) the chairperson; or
- 8 (2) a majority of the members of the committee.
- 9 **Sec. 7. A quorum for a committee to do business is a majority of**
- 10 **the total membership of the committee.**
- 11 **Sec. 8. The affirmative vote of a majority of the members of a**
- 12 **committee is required for the committee to take action.**
- 13 **Sec. 9. The committee shall do the following:**
- 14 (1) Establish procedures for the election of the faculty trustee
- 15 member. However, the procedures that the committee
- 16 establishes must meet the requirements of section 10 of this
- 17 chapter.
- 18 (2) Personally conduct the election or make other
- 19 arrangements for the conduct of the election under the
- 20 direction of the committee.
- 21 (3) Perform other duties related to the election of the faculty
- 22 trustee member as directed by the faculty organization.
- 23 **Sec. 10. The following procedures must be observed in the**
- 24 **election of the faculty trustee member:**
- 25 (1) The election must be conducted under the direction of the
- 26 committee.
- 27 (2) The committee must conduct the election in a manner that
- 28 ensures that the person who is elected as a faculty trustee
- 29 member meets the statutory requirements for the position.
- 30 (3) The committee must conduct the election in a manner that
- 31 assures that the faculty trustee member is elected by all
- 32 employees of the state educational institution who hold the
- 33 rank of assistant professor or higher.
- 34 (4) The election must be conducted by means of a written
- 35 ballot designed by the committee.
- 36 (5) The election must take place by secret ballot.
- 37 (6) The committee must provide for the impartial tabulation
- 38 of ballots and the reporting of results of the election.
- 39 (7) The committee must provide for the safekeeping of the
- 40 ballots for four (4) years after the election.
- 41 SECTION 20. IC 23-13-18-4 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The board of
- 43 trustees of Vincennes University shall consist of ~~ten (10)~~ **eleven (11)**
- 44 trustees. Nine (9) shall be appointed by the governor, one (1) of whom
- 45 must be a resident of Knox County and one (1) must be an alumnus of
- 46 Vincennes. In addition, the governor shall appoint one (1) trustee who
- 47 is a full-time student of the university during ~~his~~ **the student's** term.

1 **One (1) nonvoting member of the board of trustees shall be a**  
 2 **member of the faculty of Vincennes University elected under**  
 3 **subsection (d).**

4 (b) To aid the governor in the selection of the student member, a  
 5 search and screen committee is created consisting of one (1)  
 6 representative of the governor and at least four (4) students chosen by  
 7 the elected student government representatives of the student body. The  
 8 committee shall establish the mode and criteria to be used in the  
 9 selection of student nominees to serve on the board of trustees. The  
 10 committee shall submit a list of at least five (5) names to the governor  
 11 for ~~his~~ **the governor's** consideration. The governor shall select one (1)  
 12 of these names for appointment as a trustee of the university in  
 13 accordance with the provisions of this chapter.

14 (c) There shall be four (4) ex officio members of the board: the  
 15 president of the university, the superintendent of the Vincennes  
 16 Community School Corporation, the superintendent of the South Knox  
 17 School Corporation, and the superintendent of the North Knox School  
 18 Corporation.

19 (d) **One (1) member of the board of trustees shall:**

20 **(1) be a member of the faculty of Vincennes University who**  
 21 **holds the rank of assistant professor or higher;**

22 **(2) be elected under IC 20-12-64.5 by secret ballot by all**  
 23 **employees of Vincennes University who hold the rank of**  
 24 **assistant professor or higher;**

25 **(3) serve a three (3) year term beginning July 1, or, if a**  
 26 **vacancy occurs, for the remainder of the unexpired term of**  
 27 **the previous faculty trustee;**

28 **(4) be eligible for reelection as faculty trustee if the person**  
 29 **remains a member of the faculty of Vincennes University; and**

30 **(5) not be entitled to vote as a member of the board of**  
 31 **trustees.**

32 (e) The term of each appointed trustee shall be for three (3) years,  
 33 except that of the student appointee, who shall serve a one (1) year  
 34 term. When a vacancy occurs in the membership of the board of  
 35 trustees, such vacancy shall be filled by the board for the unexpired  
 36 term, **except a vacancy of a faculty member, which shall be filled**  
 37 **under subsection (d).** The appropriate number of appointive trustees  
 38 shall be appointed prior to the first Monday of October of each year and  
 39 that first Monday shall be the first day of their terms.

40 ~~(e)~~ (f) The annual meeting of the board shall be held on the first  
 41 Monday of October of each year. Special meetings may be called by the  
 42 president of the board or by any ~~four (4)~~ **five (5)** trustees.

43 ~~(f)~~ (g) Six (6) trustees shall constitute a quorum at any regular or  
 44 special meeting of the board.

45 ~~(g)~~ (h) The trustees shall serve without compensation, except that  
 46 each member is entitled to the salary per diem as provided by

1 IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and  
2 other expenses as provided in the state travel policies and procedures  
3 established by the department of administration and approved by the  
4 state budget agency.

5 SECTION 21. [EFFECTIVE JULY 1, 2002] (a) **As used in this**  
6 **SECTION, "universities" refers to Indiana University, Purdue**  
7 **University, Ball State University, Indiana State University,**  
8 **Vincennes University, Ivy Tech State College, and the University**  
9 **of Southern Indiana.**

10 (b) **The employees of the universities who hold the rank of**  
11 **assistant professor or higher shall elect the initial faculty trustee**  
12 **members added by this act not later than March 1, 2003.**

13 (c) **Notwithstanding any provision of this act, the terms of each**  
14 **of the faculty members elected to the boards of trustees of the**  
15 **universities under this act begin July 1, 2003.**

16 (d) **This SECTION expires July 1, 2003."**  
(Reference is to ESB 292 as printed February 15, 2002.)

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Representative Smith V