

HOUSE BILL No. 1757

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12; IC 23-13-18-4.

Synopsis: Legislative members of university boards. Adds two nonvoting legislative members to the board of trustees of state supported colleges and universities. Establishes a procedure for the appointment every two years of the board members by the governor.

Effective: July 1, 2007.

Tincher, Kersey

January 26, 2007, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1757



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-12-23-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board of
 3 trustees of the state university shall be ~~nine (9)~~ **eleven (11)** in number.
 4 (b) This subsection does not apply to the student trustee appointed
 5 under IC 20-12-24-3.5 **and the nonvoting legislative trustees**
 6 **appointed under IC 20-12-24-3.6.** Not more than:
 7 (1) one (1) of the trustees elected under IC 20-12-24-2; and
 8 (2) two (2) of the trustees appointed under IC 20-12-24-3;
 9 may reside in the same county.
 10 (c) The trustees and their successors shall be a body politic, with the
 11 style of "The Trustees of Indiana University"; in that name to sue and
 12 be sued; to elect one (1) of their number president; to elect a treasurer,
 13 secretary, and such other officers as they may deem necessary; to
 14 prescribe the duties and fix the compensation of such officers; to
 15 possess all the real and personal property of such university for its
 16 benefit; to take and hold, in their corporate name any real or personal
 17 property for the benefit of such institution; to expend the income of the



1 university for its benefit; to declare vacant the seat of any trustee who
 2 shall absent himself from two (2) successive meetings of the board, or
 3 be guilty of any gross immorality or breach of the bylaws of the
 4 institution; to elect a president, such professors and other officers for
 5 such university as shall be necessary, and prescribe their duties and
 6 salaries; to employ other persons as necessary; to establish programs
 7 of fringe benefits and retirement benefits for the university's officers,
 8 faculty, and other employees that may be supplemental to or in lieu of
 9 state retirement programs established by statute for public employees;
 10 to prescribe the course of study and discipline and price of tuition in
 11 such university; and to make all bylaws necessary to carry into effect
 12 the powers hereby conferred.

13 SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Five (5)~~ **Six (6)** of
 15 such trustees shall constitute a quorum; and, in case an emergency is
 16 declared by the faculty, after there shall have been a called session, at
 17 which the other members failed to attend, the three **(3)** trustees residing
 18 in the county of Monroe may fill vacancies in the faculty of the
 19 university and the board of trustees; and, in case there should not be
 20 three (3) trustees in attendance upon such emergency, then those that
 21 are in attendance, together with such members of the faculty as may be
 22 in attendance, shall fill such vacancies; but appointments thus made
 23 shall expire at the next meeting of the board.

24 SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2007]: **Sec. 3.6. Two (2) members of the**
 27 **board of trustees shall:**

- 28 **(1) be members of the general assembly;**
- 29 **(2) be appointed under IC 20-12-64.5;**
- 30 **(3) serve two (2) year terms beginning January 1 or, if a**
 31 **vacancy occurs, for the remainder of the unexpired term of**
 32 **the previous legislative trustee;**
- 33 **(4) be eligible for reappointment; and**
- 34 **(5) not be entitled to vote as members of the board of trustees.**

35 SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board of trustees
 37 of Purdue University shall consist of ~~ten (10)~~ **twelve (12)** members, to
 38 be appointed for such term of service and in such manner as is herein
 39 provided, and that the terms of all trustees shall terminate on the first
 40 day of July of the year in which their terms of office expire.

41 SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a)** The governor of

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1 the state of Indiana shall appoint ten (10) trustees for Purdue University
2 for the term beginning on the first day of July, which trustees and their
3 successors shall be appointed as hereinafter provided. **In addition, two**
4 **(2) nonvoting members of the Purdue University board of trustees**
5 **shall be appointed under subsection (b).**

6 **(b) Two (2) members of the board of trustees shall:**

- 7 **(1) be members of the general assembly;**
- 8 **(2) be appointed under IC 20-12-64.5;**
- 9 **(3) serve two (2) year terms beginning January 1 or, if a**
10 **vacancy occurs, for the remainder of the unexpired term of**
11 **the previous legislative trustee;**
- 12 **(4) be eligible for reappointment; and**
- 13 **(5) not be entitled to vote as members of the board of trustees.**

14 SECTION 6. IC 20-12-56-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana State
16 University board of trustees shall be composed of ~~nine (9)~~ **eleven (11)**
17 trustees. The governor shall appoint to the board seven (7) competent
18 persons, one (1) of whom must be a student, and two (2) additional
19 competent persons, alumni of the university, nominated by the alumni
20 council of the university, shall be appointed by the governor. There
21 shall be one (1) or more women on the duly constituted board. **Two (2)**
22 **nonvoting members of the board of trustees shall be members of**
23 **the general assembly appointed under subsection (d).**

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

- 26 **(1) the student member, who shall be appointed for two (2) years**
27 **during which time he the member must be a full-time student of**
28 **Indiana State University; and**
- 29 **(2) the legislative members, who shall each be appointed for**
30 **a term of two (2) years.**

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

41 **(d) Two (2) members of the board of trustees shall:**

- 42 **(1) be members of the general assembly;**

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- 1 **(2) be appointed under IC 20-12-64.5;**
 2 **(3) serve a two (2) year term beginning January 1 or, if a**
 3 **vacancy occurs, for the remainder of the unexpired term of**
 4 **the previous legislative trustee;**
 5 **(4) be eligible for reappointment; and**
 6 **(5) not be entitled to vote as members of the board of trustees.**

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

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

19 SECTION 7. IC 20-12-57.5-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~(Board of Trustees:~~
 21 ~~Membership)~~ **(a)** The Ball State University board of trustees shall be
 22 composed of ~~nine (9)~~ **eleven (11)** members, ~~nine (9)~~ **of whom shall be**
 23 ~~appointed by the governor pursuant to the provisions of under~~ this
 24 chapter. **Of the nine (9) members appointed by the governor,** six (6)
 25 ~~of whom~~ shall be appointed at large, two (2) ~~of whom~~ shall be
 26 appointed as alumni of Ball State University, and one (1) ~~of whom~~ shall
 27 be appointed as a Ball State University student. **Two (2) nonvoting**
 28 **members of the board of trustees shall be members of the general**
 29 **assembly appointed under subsection (d).**

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

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

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- 1 **(d) Two (2) members of the board of trustees shall:**
- 2 **(1) be members of the general assembly;**
- 3 **(2) be appointed under IC 20-12-64.5;**
- 4 **(3) serve two (2) year terms beginning January 1 or, if a**
- 5 **vacancy occurs, for the remainder of the unexpired term of**
- 6 **the previous legislative trustee;**
- 7 **(4) be eligible for appointment; and**
- 8 **(5) not be entitled to vote as members of the board of trustees.**

9 SECTION 8. IC 20-12-57.5-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~With the~~
 11 ~~exception of the student member of the board;~~ **Except as provided in**
 12 **subsection (b) and section 2(d) of this chapter,** all appointments to
 13 the board of trustees are for four (4) year terms. Each term of a
 14 nonstudent board member begins on January 1 of the appropriate year.
 15 Each member shall serve until ~~his~~ **the member's** successor is
 16 appointed and qualified.

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

23 SECTION 9. IC 20-12-57.5-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. ~~(Board Vacancies)~~
 25 **Except as provided by section 2(d) of this chapter,** all vacancies
 26 occurring on the board of trustees from death, incapacitation, or
 27 resignation shall be filled by appointment of the governor for the
 28 unexpired term. Vacancies in offices held by alumni members shall be
 29 filled from nominees submitted by the alumni council.

30 SECTION 10. IC 20-12-61-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Ivy Tech shall be
 32 governed by a board of trustees **whose members are either** appointed
 33 by the governor **under this subsection or subsection (b).** The number
 34 of members of the state board **appointed under this subsection** must
 35 equal the number of regions established under section 9 of this chapter.
 36 Each member of the state board must have knowledge or experience in
 37 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.

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1 (6) Indiana's educational delivery system.
 2 One (1) member of the state board must reside in each region
 3 established under section 9 of this chapter. **Except for the legislative**
 4 **members appointed under subsection (b)**, appointments shall be for
 5 three (3) year terms, on a staggered basis.

6 **(b) Two (2) nonvoting members of the state board shall:**

- 7 **(1) be a member of the general assembly;**
 8 **(2) be appointed under IC 20-12-64.5;**
 9 **(3) serve two (2) year terms beginning January 1 or, if a**
 10 **vacancy occurs, for the remainder of the unexpired term of**
 11 **the previous legislative member of the state board; and**
 12 **(4) be eligible for reappointment.**

13 ~~(b)~~ **(c) Except for the legislative members appointed under**
 14 **subsection (b)**, no one who holds an elective or appointed office of the
 15 state is eligible to serve as a member of the state board. A member of
 16 a regional board may be appointed to the state board, but must then
 17 resign from the regional board.

18 SECTION 11. IC 20-12-61-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **Except as**
 20 **provided by section 4(b) of this chapter**, the governor shall fill all
 21 vacancies on the state board. Each trustee appointed to fill a vacancy
 22 shall represent the same region as ~~his~~ **the trustee's** predecessor.

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

26 SECTION 12. IC 20-12-64-7 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board
 28 consists of ~~nine (9)~~ **eleven (11)** members who shall serve staggered
 29 terms of four (4) years. However:

- 30 **(1) the student member required by subsection (c) shall serve a**
 31 **term of two (2) years; and**
 32 **(2) the nonvoting legislative members appointed under**
 33 **subsection (d) shall serve terms of two (2) years.**

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

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

- 37 (1) One (1) member who is an alumnus of the university or an
 38 alumnus of the regional campus.
 39 (2) One (1) member who is a full-time student in good standing
 40 enrolled in the university.
 41 (3) One (1) member who is a resident of Vanderburgh County.
 42 **(4) Two (2) members who are members of the general**

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- 1 assembly as provided by subsection (d).
- 2 (d) Two (2) members of the board shall:
- 3 (1) be members of the general assembly;
- 4 (2) be appointed under IC 20-12-64.5;
- 5 (3) serve two (2) year terms beginning January 1 or, if a
- 6 vacancy occurs, for the remainder of the unexpired term of
- 7 the previous legislative member of the board;
- 8 (4) be eligible for reappointment; and
- 9 (5) not be entitled to vote as members of the board.

10 SECTION 13. IC 20-12-64.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2007]:

13 **Chapter 64.5. Appointment of Legislative Trustee Members for**
 14 **State Educational Institutions**

15 **Sec. 1. As used in this chapter "legislative trustee member"**
 16 **refers to a member of the general assembly who serves on the**
 17 **board of trustees or similarly named governing body of a state**
 18 **educational institution.**

19 **Sec. 2. As used in this chapter, "state educational institution"**
 20 **has the meaning set forth in IC 20-12-0.5-1.**

21 **Sec. 3. The governor shall appoint legislative trustee members**
 22 **for state educational institutions under this chapter.**

23 **Sec. 4. For each state educational institution, the speaker of the**
 24 **house of representatives shall nominate four (4) members of the**
 25 **house of representatives, not more than two (2) of whom may be**
 26 **members of the same political party, to the governor for the**
 27 **governor's consideration.**

28 **Sec. 5. For each state educational institution, the president pro**
 29 **tempore of the senate shall nominate four (4) members of the**
 30 **senate, not more than two (2) of whom may be members of the**
 31 **same political party, to the governor for the governor's**
 32 **consideration.**

33 **Sec. 6. For each state educational institution, from the**
 34 **individuals nominated under sections 4 and 5 of this chapter, the**
 35 **governor shall select one (1) member of the house of**
 36 **representatives and one (1) member of the senate, who may not be**
 37 **members of the same political party, to serve as legislative trustee**
 38 **members.**

39 SECTION 14. IC 23-13-18-4 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The board of
 41 trustees of Vincennes University shall consist of ~~ten (10)~~ **twelve (12)**
 42 trustees. Nine (9) shall be appointed by the governor, one (1) of whom

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1 must be a resident of Knox County and one (1) must be an alumnus of
 2 Vincennes. In addition, the governor shall appoint one (1) trustee who
 3 is a full-time student of the university during ~~his~~ **the student's** term.
 4 **Two (2) nonvoting members of the board of trustees shall be**
 5 **members of the general assembly appointed under subsection (d).**

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

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

21 **(d) Two (2) members of the board of trustees shall:**

22 **(1) be members of the general assembly;**

23 **(2) be appointed under IC 20-12-64.5;**

24 **(3) serve two (2) year terms beginning January 1 or, if a**
 25 **vacancy occurs, for the remainder of the unexpired term of**
 26 **the previous legislative trustee;**

27 **(4) be eligible for reappointment; and**

28 **(5) not be entitled to vote as members of the board of trustees.**

29 ~~(d)~~ **(e)** The term of each appointed trustee shall be for three (3)
 30 years, except that of the student appointee, who shall serve a one (1)
 31 year term, **and a legislative member, who shall serve a two (2) year**
 32 **term.** When a vacancy occurs in the membership of the board of
 33 trustees, such vacancy shall be filled by the board for the unexpired
 34 term, **except a vacancy of a legislative member, which shall be filled**
 35 **under subsection (d). Except as provided in subsection (d),** the
 36 appropriate number of appointive trustees shall be appointed prior to
 37 the first Monday of October of each year and that first Monday shall be
 38 the first day of their terms.

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

42 ~~(f)~~ **(g)** ~~Six (6)~~ **Seven (7)** trustees shall constitute a quorum at any

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1 regular or special meeting of the board.
 2 ~~(g)~~ **(h)** The trustees shall serve without compensation, except that
 3 each member is entitled to the salary per diem as provided by
 4 IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and
 5 other expenses as provided in the state travel policies and procedures
 6 established by the department of administration and approved by the
 7 ~~state~~ budget agency.
 8 SECTION 15. [EFFECTIVE JULY 1, 2007] **(a) As used in this**
 9 **SECTION, "universities" refers to Indiana University, Purdue**
 10 **University, Ball State University, Indiana State University,**
 11 **Vincennes University, Ivy Tech Community College of Indiana,**
 12 **and the University of Southern Indiana.**
 13 **(b) The governor shall appoint the initial legislative trustee**
 14 **members added by this act not later than December 1, 2007.**
 15 **(c) Notwithstanding any provision of this act, the terms of each**
 16 **of the initial legislative members appointed to the boards of**
 17 **trustees of the universities under this act begin January 1, 2008,**
 18 **and expire December 31, 2008.**
 19 **(d) This SECTION expires January 1, 2009.**

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