

January 28, 1998

HOUSE BILL No. 1339

DIGEST OF HB1339 (Updated January 27, 1998 11:12 am - DI 2)

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

Synopsis: Faculty member on public university and college boards. Requires that a member of the faculty be appointed by the governor to board of trustees of Indiana University, Purdue University, Ball State University, Indiana State University, Ivy Tech State College, Vincennes University, and the University of Southern Indiana. Specifies that the faculty member of each board is appointed to a two year term by the governor from a list of names submitted to the governor by a faculty search and screen committee.

Effective: July 1, 1998.

T. Adams, Kruzan, Kersey, Klinker

January 13, 1998, read first time and referred to Committee on Ways and Means.
January 14, 1998, reassigned to Committee on Education.
January 27, 1998, reported — Do Pass.

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January 28, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1339

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, 1998]: Sec. 2. The board of trustees
3 of the state university shall be ~~nine (9)~~ **ten (10)** in number, of whom
4 not more than two (2), excluding the student trustee appointed pursuant
5 to IC 20-12-24-3.5 **and the faculty trustee appointed under**
6 **IC 20-12-24-3.6**, shall reside in the same county; and they and their
7 successors shall be a body politic, with the style of "The Trustees of
8 Indiana University"; in that name to sue and be sued; to elect one (1)
9 of their number president; to elect a treasurer, secretary, and such other
10 officers as they may deem necessary, to prescribe the duties and fix the
11 compensation of such officers; to possess all the real and personal
12 property of such university for its benefit; to take and hold, in their
13 corporate name any real or personal property for the benefit of such
14 institution; to expend the income of the university for its benefit; to
15 declare vacant the seat of any trustee who shall absent himself from
16 two (2) successive meetings of the board, or be guilty of any gross
17 immorality or breach of the bylaws of the institution; to elect a

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1 president, such professors and other officers for such university as shall
 2 be necessary, and prescribe their duties and salaries; to employ other
 3 persons as necessary; to establish programs of fringe benefits and
 4 retirement benefits for the university's officers, faculty, and other
 5 employees that may be supplemental to or in lieu of state retirement
 6 programs established by statute for public employees; to prescribe the
 7 course of study and discipline and price of tuition in such university;
 8 and to make all bylaws necessary to carry into effect the powers hereby
 9 conferred.

10 SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Five (5)~~ **Six (6)** of
 12 such trustees shall constitute a quorum; and, in case an emergency is
 13 declared by the faculty, after there shall have been a called session, at
 14 which the other members failed to attend, the three trustees residing in
 15 the county of Monroe may fill vacancies in the faculty of the university
 16 and the board of trustees; and, in case there should not be three (3)
 17 trustees in attendance upon such emergency, then those that are in
 18 attendance, together with such members of the faculty as may be in
 19 attendance, shall fill such vacancies; but appointments thus made shall
 20 expire at the next meeting of the board.

21 SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 1998]: **Sec. 3.6. (a) The governor shall**
 24 **appoint to the board of trustees a member of the faculty of Indiana**
 25 **University. The member appointed under this section shall serve**
 26 **a two (2) year term that begins on July 1 of the year in which the**
 27 **faculty member is appointed. When a vacancy occurs the vacancy**
 28 **shall be filled by the process under subsection (b) for the unexpired**
 29 **term.**

30 **(b) To aid the governor in the selection of the faculty member,**
 31 **a search and screen committee is created. The committee consists**
 32 **of one (1) representative of the governor and at least four (4)**
 33 **faculty members elected by the faculty of the university. The**
 34 **committee shall establish the method and criteria to be used in the**
 35 **selection of faculty nominees to serve on the board of trustees. The**
 36 **committee shall submit a list of at least three (3) names to the**
 37 **governor for the governor's consideration. The governor shall**
 38 **select one (1) of the individuals named for appointment as a trustee**
 39 **of the university under this chapter.**

40 SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. The board of trustees
 42 of Purdue University shall consist of ~~ten (10)~~ **eleven (11)** members, to



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1 be appointed for such term of service and in such manner as is herein
 2 provided, and that the terms of all trustees shall terminate on the first
 3 day of July of the year in which their terms of office expire.

4 SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The governor of the
 6 state of Indiana shall appoint ~~ten (10)~~ **eleven (11)** trustees for Purdue
 7 University for the term beginning on the first day of July, which
 8 trustees and their successors shall be appointed as hereinafter provided.

9 SECTION 6. IC 20-12-37-4.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 1998]: **Sec. 4.5. (a) The governor shall**
 12 **appoint to the board of trustees a member of the faculty of Purdue**
 13 **University. The member appointed under this section shall serve**
 14 **a two (2) year term that begins on July 1 of the year in which the**
 15 **faculty member is appointed. When a vacancy occurs the vacancy**
 16 **shall be filled by the process under subsection (b) for the unexpired**
 17 **term.**

18 **(b) To aid the governor in the selection of the faculty member,**
 19 **a search and screen committee is created. The committee consists**
 20 **of one (1) representative of the governor and at least four (4)**
 21 **faculty members elected by the faculty of the university. The**
 22 **committee shall establish the method and criteria to be used in the**
 23 **selection of faculty nominees to serve on the board of trustees. The**
 24 **committee shall submit a list of at least three (3) names to the**
 25 **governor for the governor's consideration. The governor shall**
 26 **select one (1) of the individuals named for appointment as a trustee**
 27 **of the university under this chapter.**

28 SECTION 7. IC 20-12-56-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The Indiana State
 30 University board of trustees shall be composed of ~~nine (9)~~ **ten (10)**
 31 trustees. The governor shall appoint to the board ~~seven (7)~~ **eight (8)**
 32 competent persons, one (1) of whom must be a student, **one (1) of**
 33 **whom must be a member of the faculty**, and two (2) additional
 34 competent persons, alumni of the university, nominated by the alumni
 35 council of the university, shall be appointed by the governor. There
 36 shall be one (1) or more women on the duly constituted board.

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

39 (1) the student member, who shall be appointed for two (2) years
 40 during which time he must be a full-time student of Indiana State
 41 University;

42 (2) the faculty member, who shall be appointed for two (2)

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1 **years during which time the board member must be a**
 2 **member of the faculty of Indiana State University.**

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

13 **(d) To aid the governor in the selection of the faculty member,**
 14 **a search and screen committee is created. The committee consists**
 15 **of one (1) representative of the governor and at least four (4)**
 16 **faculty members elected by the faculty of the university. The**
 17 **committee shall establish the method and criteria to be used in the**
 18 **selection of faculty nominees to serve on the board of trustees. The**
 19 **committee shall submit a list of at least three (3) names to the**
 20 **governor for the governor's consideration. The governor shall**
 21 **select one (1) of the individuals named for appointment as a trustee**
 22 **of the university under this chapter.**

23 ~~(d)~~ (e) All members appointed to the board shall be residents of the
 24 state of Indiana and citizens of the United States of America. The
 25 alumni members appointed to the board shall have completed a
 26 prescribed course of study by Indiana State University or its
 27 predecessors, Indiana State Normal School, Indiana State Teachers
 28 College, or Indiana State College.

29 ~~(e)~~ (f) All vacancies occurring in the board from death, resignation,
 30 or removal from the state shall be filled by appointment by the
 31 governor for the unexpired term of the retiring member, subject to the
 32 provision that the alumni council of the university shall nominate the
 33 appointee to fill a vacancy caused by the loss of an alumni member.
 34 **The process specified in subsection (d) shall be used to nominate**
 35 **the appointee to fill a vacancy caused by the loss of the faculty**
 36 **member trustee. The replacement appointee shall serve for the**
 37 **unexpired term of the original appointee.**

38 SECTION 8. IC 20-12-57.5-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. ~~(Board of Trustees:~~
 40 ~~Membership)~~ (a) The Ball State University board of trustees shall be
 41 composed of ~~nine~~ ~~(9)~~ **ten (10)** members appointed by the governor
 42 pursuant to the provisions of ~~under~~ this chapter, six (6) of whom shall

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1 be appointed at large, two (2) of whom shall be appointed as alumni of
 2 Ball State University, ~~and~~ one (1) of whom shall be appointed as a Ball
 3 State University student, **and one (1) of whom shall be appointed as**
 4 **a Ball State University faculty member.**

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

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

18 (d) **To aid the governor in the selection of the faculty member,**
 19 **a search and screen committee is created. The committee consists**
 20 **of one (1) representative of the governor and at least four (4)**
 21 **faculty members elected by the faculty of the university. The**
 22 **committee shall establish the method and criteria to be used in the**
 23 **selection of faculty nominees to serve on the board of trustees. The**
 24 **committee shall submit a list of at least three (3) names to the**
 25 **governor for the governor's consideration. The governor shall**
 26 **select one (1) of the individuals named for appointment as a trustee**
 27 **of the university under this chapter.**

28 SECTION 9. IC 20-12-57.5-8 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) ~~With the~~
 30 ~~exception of the student member of the board;~~ **Except as provided in**
 31 **subsections (b) and (c),** all appointments to the board of trustees are
 32 for four (4) year terms. Each term of a nonstudent board member
 33 begins on January 1 of the appropriate year. Each member shall serve
 34 until ~~his~~ **the member's** successor is appointed and qualified.

35 (b) The student member of the board of trustees who is appointed
 36 under section 2 of this chapter is appointed for a two (2) year term. ~~His~~
 37 **The student member's** term begins on July 1 of the year in which ~~he~~
 38 **the student** is appointed. The student member of the board must be a
 39 full-time student at Ball State University throughout ~~his~~ **the student**
 40 **member's** term.

41 (c) **The faculty member of the board of trustees appointed under**
 42 **section 2 of this chapter serves a two (2) year term, beginning July**

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1 **1 of the year in which the faculty member is appointed. The**
 2 **process specified in section 2(d) of this chapter shall be used to**
 3 **nominate the appointee to fill a vacancy caused by the loss of the**
 4 **faculty member trustee. The replacement appointee shall serve for**
 5 **the unexpired term of the original faculty member appointee.**

6 SECTION 10. IC 20-12-61-4, AS AMENDED BY P.L.5-1995,
 7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 1998]: Sec. 4. (a) Ivy Tech **State College** shall be governed
 9 by a board of trustees, composed of ~~thirteen (13)~~ **fourteen (14)**
 10 members, appointed by the governor. Each member of the state board
 11 must have knowledge or experience in one (1) or more of the following
 12 areas:

- 13 (1) Manufacturing.
- 14 (2) Commerce.
- 15 (3) Labor.
- 16 (4) Agriculture.
- 17 (5) State and regional economic development needs.
- 18 (6) Indiana's educational delivery system.

19 At least one (1) trustee must reside in each region established under
 20 section 9(4) of this chapter. Appointments shall be for three (3) year
 21 terms, on a staggered basis. **The governor shall appoint to the board**
 22 **of trustees a member of the faculty of Ivy Tech State College. The**
 23 **faculty member appointed under this section shall serve a two (2)**
 24 **year term that begins on July 1 of the year in which the faculty**
 25 **member is appointed. When a vacancy occurs the vacancy shall be**
 26 **filled by the process under subsection (b) for the unexpired term.**

27 (b) **To aid the governor in the selection of the faculty member,**
 28 **a search and screen committee is created. The committee consists**
 29 **of one (1) representative of the governor and at least four (4)**
 30 **faculty members elected by the faculty of Ivy Tech State College.**
 31 **The committee shall establish the method and criteria to be used in**
 32 **the selection of faculty nominees to serve on the board of trustees.**
 33 **The committee shall submit a list of at least three (3) names to the**
 34 **governor for the governor's consideration. The governor shall**
 35 **select one (1) of the individuals named for appointment as a trustee**
 36 **of Ivy Tech State College under this section.**

37 ~~(b)~~ (c) No one who holds an elective or appointed office of the state
 38 is eligible to serve as a member of the state board. A member of a
 39 regional board may be appointed to the state board, but must then
 40 resign from the regional board.

41 SECTION 11. IC 20-12-64-7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) The board

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1 consists of ~~nine (9)~~ **ten (10)** members who shall serve staggered terms
 2 of four (4) years. However, the student member required by subsection
 3 (c) **and the faculty member required by section 10.5 of this chapter**
 4 shall serve a **term terms** of two (2) years.

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

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

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

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

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

13 **(4) One (1) member who is a member of the faculty of the**
 14 **university.**

15 SECTION 12. IC 20-12-64-10.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 1998]: **Sec. 10.5. (a) The governor shall**
 18 **appoint to the board of trustees a member of the faculty of the**
 19 **University of Southern Indiana. The member appointed under this**
 20 **section shall serve a two (2) year term that begins on July 1 of the**
 21 **year in which the faculty member is appointed. When a vacancy**
 22 **occurs the vacancy shall be filled by the process under subsection**
 23 **(b) for the unexpired term.**

24 (b) **To aid the governor in the selection of the faculty member,**
 25 **a search and screen committee is created. The committee consists**
 26 **of one (1) representative of the governor and at least four (4)**
 27 **faculty members elected by the faculty of the university. The**
 28 **committee shall establish the method and criteria to be used in the**
 29 **selection of faculty nominees to serve on the board of trustees. The**
 30 **committee shall submit a list of at least three (3) names to the**
 31 **governor for the governor's consideration. The governor shall**
 32 **select one (1) of the individuals named for appointment as a trustee**
 33 **of the university under this chapter.**

34 SECTION 13. IC 23-13-18-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The board of
 36 trustees of Vincennes University shall consist of ~~ten (10)~~ **eleven (11)**
 37 trustees. ~~Nine (9)~~ **Ten (10)** shall be appointed by the governor, one (1)
 38 of whom must be a resident of Knox County and one (1) must be an
 39 alumnus of Vincennes. In addition, the governor shall appoint one (1)
 40 trustee who is a full-time student of the university during ~~his~~ **the**
 41 **student's term, and one (1) trustee under subsection (d) who is a**
 42 **member of the faculty of Vincennes University.**



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

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

16 **(d) The governor shall appoint to the board of trustees a**
 17 **member of the faculty of Vincennes University. The member**
 18 **appointed under this section shall serve a two (2) year term that**
 19 **begins on July 1 of the year in which the faculty member is**
 20 **appointed. When a vacancy occurs the vacancy shall be filled by**
 21 **the process under subsection (e) for the unexpired term.**

22 (e) To aid the governor in the selection of the faculty member,
 23 a search and screen committee is created. The committee consists
 24 of one (1) representative of the governor and at least four (4)
 25 faculty members elected by the faculty of the university. The
 26 committee shall establish the method and criteria to be used in the
 27 selection of faculty nominees to serve on the board of trustees. The
 28 committee shall submit a list of at least three (3) names to the
 29 governor for the governor's consideration. The governor shall
 30 select one (1) of the individuals named for appointment as a trustee
 31 of the university under this chapter.

32 ~~(d)~~ **(f)** The term of each appointed trustee shall be for three (3)
 33 years, except that of the student appointee, who shall serve a one (1)
 34 year term, **and that of the faculty member who shall serve a two (2)**
 35 **year term.** When a vacancy occurs in the membership of the board of
 36 trustees, such vacancy shall be filled by the board for the unexpired
 37 term, **except a vacancy of a faculty member which shall be filled**
 38 **under subsection (d).** The appropriate number of appointive trustees
 39 shall be appointed prior to the first Monday of October of each year,
 40 and that first Monday shall be the first day of their terms, **except that**
 41 **the term of the faculty member of the board shall begin on July 1**
 42 **of the year in which the faculty member is appointed.**



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

4 ~~(f)~~ (h) Six (6) trustees shall constitute a quorum at any regular or
 5 special meeting of the board.

6 ~~(g)~~ (i) The trustees shall serve without compensation, except that
 7 each member is entitled to the salary per diem as provided by
 8 IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and
 9 other expenses as provided in the state travel policies and procedures
 10 established by the department of administration and approved by the
 11 state budget agency.

12 SECTION 14. [EFFECTIVE JULY 1, 1998] (a) **As used in this**
 13 **SECTION, "universities and college" refers to Indiana University,**
 14 **Purdue University, Ball State University, Indiana State University,**
 15 **Ivy Tech State College, Vincennes University, and the University**
 16 **of Southern Indiana.**

17 (b) **The faculties of the universities and college shall elect the**
 18 **faculty members of the search and screen committees established**
 19 **by this act for their respective institutions not later than October**
 20 **1, 1998.**

21 (c) **The search and screen committees established by this act for**
 22 **the universities and college shall make their initial**
 23 **recommendations for their respective institutions to the governor**
 24 **not later than February 1, 1999.**

25 (d) **The governor shall make the initial appointment of faculty**
 26 **members to the universities and college board of trustees under**
 27 **this act after January 31, 1998, but not later than June 1, 1999.**

28 (e) **Notwithstanding any provision of this act, the terms of each**
 29 **of the faculty members appointed to the boards of trustees of the**
 30 **universities and college under this act begin July 1, 1999.**

31 (f) **This SECTION expires July 1, 1999.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 8, nays 6.

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