



March 26, 1999

**ENGROSSED
HOUSE BILL No. 1821**

DIGEST OF HB 1821 (Updated March 24, 1999 3:08 pm - DI 71)

Citations Affected: IC 20-12.

Synopsis: Various higher education matters. Provides that membership on the commission for higher education does not constitute holding a public office. Provides that a commission member is not required to take an oath of office. Provides that a commission member is not disqualified from holding public office or required to forfeit public office by serving on the commission. Permits a member of the commission to be a public employee if the person is not an employee or board member of a public or private university or college in Indiana.
(Continued next page)

Effective: July 1, 1999.

Klinker, Kruzan, Scholer, Welch

(SENATE SPONSORS — WEATHERWAX, ROGERS, ALTING, BOWSER)

January 26, 1999, read first time and referred to Committee on Education.
February 18, 1999, amended, reported — Do Pass.
February 22, 1999, read second time, ordered engrossed. Engrossed.
February 25, 1999, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 4, 1999, read first time and referred to Committee on Education.
March 25, 1999, amended, reported favorably — Do Pass.

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Digest Continued

Provides that the student member of the commission may be an employee of a college or university. Permits members of the commission to be reimbursed for lodging expenses incurred while on official business. Provides that a board member of Ivy Tech State College is entitled to the minimum salary per diem provided by law unless the member holds a lucrative office. Provides that a board member of Ivy Tech State College is entitled to reimbursement for travel expenses and other expenses actually incurred in performing the member's duties on the board.

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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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ENGROSSED HOUSE BILL No. 1821



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 20-12-0.5-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The commission
 3 shall consist of fourteen (14) members, citizens of Indiana, appointed
 4 by the governor.
 5 (b) Each congressional district shall be represented by at least one
 6 (1) member who resides in the congressional district. In addition, one
 7 (1) member must be a student and one (1) member must be a full-time
 8 faculty member of a higher education institution (as defined in
 9 IC 20-12-5.5-1) who shall be appointed by the governor under the
 10 procedures set forth in this section.
 11 (c) Except for the one (1) full-time faculty member **and the one (1)**
 12 **student member** appointed under subsection (b), no member while
 13 serving a term may be
 14 (†) an employee of or serve on the governing board of any state or
 15 private college ~~or university school corporation, or other~~

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1 ~~educational institution in the state of Indiana. or~~
 2 ~~(2) in any other capacity; an employee or official of the state of~~
 3 ~~Indiana or a political subdivision in Indiana.~~

4 (d) The governor shall appoint the student member and the full-time
 5 faculty member of the commission from a list for each appointment
 6 that:

7 (1) contains at least three (3) names but not more than five (5)
 8 names; and

9 (2) is submitted by a nominating committee established under
 10 subsection (e).

11 (e) The chairman of the commission shall appoint ten (10) members
 12 of the nominating committee as follows:

13 (1) Five (5) students from state educational institutions, with not
 14 more than one (1) student from any one (1) state educational
 15 institution.

16 (2) Five (5) full-time faculty members from state educational
 17 institutions, with not more than one (1) full-time faculty member
 18 from any one (1) educational institution.

19 SECTION 2. IC 20-12-0.5-5.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 1999]: **Sec. 5.5. (a) Membership on the**
 22 **commission does not constitute holding a public office.**

23 **(b) A commission member is not required to take and file an**
 24 **oath of office before serving as a commission member.**

25 **(c) Except as provided in this chapter, a commission member:**

26 **(1) is not disqualified from holding a public office or position**
 27 **by reason of appointment to or membership on the**
 28 **commission; or**

29 **(2) does not forfeit an office, a position, or an employment by**
 30 **reason of an appointment to the commission.**

31 SECTION 3. IC 20-12-0.5-7 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Organization. The
 33 commission shall elect from its membership a chairman and
 34 vice-chairman, and other necessary officers. Members shall receive per
 35 diem, **lodging**, and mileage for attendance at regular or special
 36 meetings and shall be reimbursed for necessary expenses incurred on
 37 other official duties.

38 SECTION 4. IC 20-12-61-7 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The members of
 40 the state board shall elect from their own number a chairman and a vice
 41 chairman. The state board may select from their number a secretary and
 42 a treasurer of Ivy Tech but are not prohibited from appointing



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1 employees to serve as secretary and treasurer, and are authorized to
 2 appoint employees as assistant secretary and assistant treasurer.
 3 (b) The state board shall meet regularly four (4) times a year, and at
 4 other times upon call by its chairman.
 5 (c) ~~Members~~ **A member** of the state board ~~shall serve without~~
 6 ~~compensation, but shall be reimbursed from college funds for~~
 7 ~~necessary expenses in the conduct of business of the state board: is~~
 8 **entitled to the minimum salary per diem provided by**
 9 **IC 4-10-11-2.1(b), unless the member holds another position that**
 10 **is considered a lucrative office within the meaning of Article 2,**
 11 **Section 9 of the Constitution of the State of Indiana.**
 12 (d) **A member of the state board is entitled to reimbursement for**
 13 **travel expenses and other expenses actually incurred in connection**
 14 **with the member's duties as provided in the state policies and**
 15 **procedures by the Indiana department of administration and**
 16 **approved by the budget agency.**
 17 SECTION 5. IC 20-12-0.5-9 IS REPEALED [EFFECTIVE JULY
 18 1, 1999].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1821, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, after "member" insert "**and the one (1) student member**".

and when so amended that said bill do pass.

(Reference is to HB 1821 as introduced.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1821, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, after "college" delete "or" and insert "**or**".

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 20-12-0.5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5.5. (a) Membership on the commission does not constitute holding a public office.**

(b) A commission member is not required to take and file an oath of office before serving as a commission member.

(c) Except as provided in this chapter, a commission member:

(1) is not disqualified from holding a public office or position by reason of appointment to or membership on the commission; or

(2) does not forfeit an office, a position, or an employment by reason of an appointment to the commission."

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 20-12-61-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7. (a) The members of the state board shall elect from their own number a chairman and a vice chairman. The state board may select from their number a secretary and a treasurer of Ivy Tech but are not prohibited from appointing employees to serve as secretary and treasurer, and are authorized to appoint employees as assistant secretary and assistant treasurer.**

(b) The state board shall meet regularly four (4) times a year, and at other times upon call by its chairman.

(c) Members A member of the state board shall serve without compensation, but shall be reimbursed from college funds for necessary expenses in the conduct of business of the state board: is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(d) A member of the state board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures by the Indiana department of administration and approved by the budget agency."

Renumber all SECTIONS consecutively.

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and when so amended that said bill do pass.

(Reference is to HB 1821 as printed February 19, 1999.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 0.

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