

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

SENATE ENROLLED ACT No. 257

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-18-3-2, AS ADDED BY P.L.2-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Except for the one (1) full-time faculty member and the one (1) student member, a member may not:

- (1) be ~~an~~ a **full-time** employee of; or
- (2) serve on the governing board of;

any state public or private college or university in Indiana.

SECTION 2. IC 21-27-2-2, AS ADDED BY P.L.179-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) This section applies to a meeting of:

- (1) the board of trustees or a committee of the board of trustees of any state educational institution (as defined in IC 21-7-13-32); **or**
- (2) **the commission for higher education established under IC 21-18-2-1.**

(b) A member of the board of trustees **or the commission for higher education** may participate in a meeting of the board **or commission**:

C
O
P
Y

SEA 257+



(1) at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of a committee of the board of trustees may participate in a committee meeting by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c) is considered to be present at the meeting.

(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b) or (c); and

(3) each member who was absent.

SECTION 3. IC 21-33-3-3, AS ADDED BY P.L.2-2007, SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. ~~(a) Except as provided in subsection (b); a project that has been approved or authorized by the general assembly is not subject to review by the commission for higher education.~~

~~(b)~~ The commission for higher education shall **complete a review of a project approved or authorized by the general assembly if the review is requested by within ninety (90) days after the project is submitted for review. If the review is not completed within ninety (90) days, the budget agency or the budget committee may proceed without the commission's review.**

SECTION 4. IC 21-33-3-5, AS ADDED BY P.L.2-2007, SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) Subject to this section, in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project to:

(1) construct buildings or facilities of a cost greater than five hundred thousand dollars (\$500,000); or

C
o
p
y



(2) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds two hundred fifty thousand dollars (\$250,000);

only if there are funds available for the project, the project meets any of the applicable conditions, and the project is reviewed by the commission for higher education and approved by the governor upon recommendation of the budget agency. **The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.**

(b) If:

(1) any part of the cost of a project described in subsection (a) is paid by state appropriated funds or by mandatory student fees assessed all students; and

(2) the project is to:

(A) construct buildings or facilities of a cost greater than five hundred thousand dollars (\$500,000); or

(B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds three hundred thousand dollars (\$300,000);

the project must also be approved by the general assembly.

(c) This section does not limit the board of trustees in supplementing a project approved by the general assembly from gifts or other available funds so long as approval for the expansion of the project is given by the governor on review by the commission for higher education and recommendation of the budget agency.

(d) The review and approval requirements of this section do not apply to a project to:

(1) construct buildings or facilities; or

(2) purchase or lease-purchase land, buildings, or facilities;

if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

SECTION 5. IC 21-33-3-6, AS ADDED BY P.L.2-2007, SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Subject to subsection (b), in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a repair and rehabilitation project for which:

(1) the cost of the project exceeds seven hundred fifty thousand dollars (\$750,000); and

(2) any part of the cost of the project is paid by state appropriated funds or by mandatory student fees assessed all students;

C
O
P
Y



only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. **The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.**

(b) If no part of the cost of a repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students, the review and approval requirements of this section apply only if the project exceeds one million dollars (\$1,000,000).

SECTION 6. IC 21-33-3-7, AS ADDED BY P.L.2-2007, SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. In addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project:

- (1) to lease, other than a project to lease-purchase, a building or facility; and
- (2) for which the annual cost of the project exceeds one hundred fifty thousand dollars (\$150,000);

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. **The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.**

SECTION 7. IC 21-43-5-13, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. After June 30, ~~2008~~, **2010**, a state educational institution or campus of a state educational institution that offers dual credit courses in liberal arts, professional, or career and technical disciplines must be **either**:

- (1) accredited by the National Alliance of Concurrent Enrollment Partnerships; **or**
- (2) **approved by the commission for higher education.**

C
O
P
Y



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

**C
O
P
Y**

SEA 257+

