



Reprinted
January 19, 2011

HOUSE BILL No. 1177

DIGEST OF HB 1177 (Updated January 18, 2011 2:20 pm - DI 109)

Citations Affected: IC 21-19; IC 21-20.

Synopsis: Board of trustees for universities. Modifies the manner in which alumni members of the Indiana University board of trustees are elected. Requires all of the members of the board of trustees for Indiana University to be citizens of the United States. Requires a majority of the members of the board of trustees for Indiana University to be residents of Indiana. Allows the board of trustees to hold meetings at the dates, times, and places the board of trustees agrees upon. Repeals a provision concerning emergency appointments to the board of trustees of Indiana University. Requires a majority of the members of the board of trustees of Ball State University to be residents of Indiana.

Effective: August 1, 2011.

Foley, Koch, Welch, Pierce

January 10, 2011, read first time and referred to Committee on Education.
January 12, 2011, amended, reported — Do Pass.
January 18, 2011, read second time, amended, ordered engrossed.

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HB 1177—LS 6910/DI 71+



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1177

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

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

1 SECTION 1. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION
2 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 AUGUST 1, 2011]: Sec. 4. (a) All members of the board of trustees
4 must be

5 (†) residents of Indiana; and
6 (‡) citizens of the United States.

7 (b) A majority of the members of the board of trustees must be
8 residents of Indiana.

9 SECTION 2. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION
10 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 AUGUST 1, 2011]: Sec. 2. (a) The board of trustees has nine (9)
12 members.

13 (b) All members of the board of trustees must be citizens of the
14 United States.

15 (c) A majority of the members of the board of trustees must be
16 residents of Indiana.

17 SECTION 3. IC 21-20-3-4, AS ADDED BY P.L.2-2007, SECTION

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1 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 AUGUST 1, 2011]: Sec. 4. (a) Three (3) members of the board of
 3 trustees shall be elected by the alumni of Indiana University under this
 4 chapter. In the year in which the term of any member of the board of
 5 trustees elected by the alumni expires, a successor to the trustee shall
 6 be elected by the alumni of Indiana University, to serve for a term of
 7 three (3) years beginning July 1 next succeeding the election.

8 (b) When a vacancy occurs in the membership of the board of
 9 trustees who are elected by the alumni, because of death, resignation,
 10 or any other reason, the vacancy shall be filled by ~~election by the~~
 11 ~~alumni;~~ **selection by the Indiana University alumni association**
 12 **executive council** for the unexpired term.

13 SECTION 4. IC 21-20-3-6, AS ADDED BY P.L.2-2007, SECTION
 14 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 AUGUST 1, 2011]: Sec. 6. ~~A registry of the names and addresses of~~
 16 ~~the alumni of Indiana University shall be kept, and corrected from time~~
 17 ~~to time, by the president of Indiana University or the president's~~
 18 ~~designated representative.~~ The alumni of Indiana University consist of
 19 those persons who have been awarded a degree by the board of trustees
 20 of Indiana University as recommended by the faculty.

21 SECTION 5. IC 21-20-3-8, AS ADDED BY P.L.2-2007, SECTION
 22 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 AUGUST 1, 2011]: Sec. 8. The election of members of the board of
 24 trustees shall be held at Indiana University on the secular day
 25 immediately preceding July 1. ~~at 9 a.m.~~ At that time trustees shall be
 26 elected to:

- 27 (1) serve for a term of three (3) years from July 1 next succeeding
 28 the trustee's election; and
 29 (2) complete any unexpired term or terms.

30 SECTION 6. IC 21-20-3-9, AS ADDED BY P.L.2-2007, SECTION
 31 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 AUGUST 1, 2011]: Sec. 9. ~~(a) Each alumnus may send to the librarian,~~
 33 ~~over the alumnus's signature, at any time before the election of a trustee~~
 34 ~~or trustees, the vote for the trustee or trustees that the alumnus would~~
 35 ~~be entitled to cast if personally present at the election. The ballots and~~
 36 ~~the containers in which the ballots are submitted must be:~~

- 37 ~~(1) prepared and furnished by the librarian; and~~
 38 ~~(2) designed as to enable the librarian to ascertain the name of the~~
 39 ~~voter, and to determine whether the voter is entitled to participate~~
 40 ~~in the election; without knowing for whom the voter casts a ballot.~~

41 ~~(b) The librarian shall deliver all votes cast in the election, to be~~
 42 ~~opened and counted at the election; together with the votes cast by~~

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1 those alumni who are personally present and entitled to vote at the
2 election:

3 (c) An alumnus may not cast more than one (1) vote. The
4 university librarian shall conduct the elections to select the three
5 (3) alumni members of the board of trustees. All alumni (as
6 described in section 6 of this chapter) are eligible to participate in
7 the election either by electronic or printed ballot, and each eligible
8 individual may cast not more than one (1) vote. A request for a
9 printed ballot must be made in writing to the university librarian
10 not later than May 1 of an election year. The university librarian
11 may adopt rules and regulations as necessary to carry out this
12 section.

13 SECTION 7. IC 21-20-3-12, AS ADDED BY P.L.2-2007,
14 SECTION 261, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE AUGUST 1, 2011]: Sec. 12. (a) The governor shall
16 appoint five (5) members of the board of trustees for terms of three (3)
17 years.

18 (b) Whenever a vacancy occurs in the membership of the board of
19 trustees who are appointed by the governor because of death **or**
20 resignation ~~removal from the state~~, or for any other reason, the vacancy
21 shall be filled by an appointment of the governor for the unexpired
22 term.

23 SECTION 8. IC 21-20-3-15, AS ADDED BY P.L.2-2007,
24 SECTION 261, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE AUGUST 1, 2011]: Sec. 15. The board of trustees shall
26 declare vacant the seat of any trustee who is:

- 27 (1) absent **without sufficient excuse** from two (2) successive
28 meetings of the board of trustees; or
29 (2) guilty of any gross immorality or breach of the bylaws **of the**
30 **trustees** of Indiana University.

31 SECTION 9. IC 21-20-4-5, AS AMENDED BY P.L.3-2008,
32 SECTION 135, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE AUGUST 1, 2011]: Sec. 5. The secretary of the board of
34 trustees shall:

- 35 (1) keep a true record of the proceedings of the board of trustees;
36 **and**
37 (2) certify copies of the record of the proceedings of the board of
38 trustees. ~~and~~
39 (3) maintain:
40 (A) an account of the students in Indiana University by the
41 students' classes; including the students' respective ages and
42 places of residence; and

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1 ~~(B) a list of all graduates.~~
2 SECTION 10. IC 21-20-5-1, AS ADDED BY P.L.2-2007,
3 SECTION 261, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE AUGUST 1, 2011]: Sec. 1. The board of trustees shall
5 annually meet in Bloomington; at least three (3) days before the annual
6 commencement of Indiana University. **hold meetings at the dates,**
7 **times, and places upon which the board of trustees agrees.**
8 SECTION 11. IC 21-20-3-16 IS REPEALED [EFFECTIVE
9 AUGUST 1, 2011].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1177, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2011]: Sec. 4. All members of the board of trustees must be

- (1) residents of Indiana; and
- (2) citizens of the United States."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1177 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1177 be amended to read as follows:

Page 1, line 3, after "4." insert "(a)".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"(b) A majority of the members of the board of trustees must be residents of Indiana.

SECTION 2. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2011]: Sec. 2. (a) The board of trustees has nine (9) members.

(b) All members of the board of trustees must be citizens of the United States.

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(c) A majority of the members of the board of trustees must be residents of Indiana."

Renumber all SECTIONS consecutively.

(Reference is to HB 1177 as printed January 13, 2011.)

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