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.

HOUSE ENROLLED ACT No. 1177

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

~~(1) residents of Indiana; and~~

~~(2)~~ citizens of the United States.

(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.

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

SECTION 3. IC 21-20-3-4, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2011]: Sec. 4. (a) Three (3) members of the board of trustees shall be elected by the alumni of Indiana University under this chapter. In the year in which the term of any member of the board of

trustees elected by the alumni expires, a successor to the trustee shall be elected by the alumni of Indiana University, to serve for a term of three (3) years beginning July 1 next succeeding the election.

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

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

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

(1) serve for a term of three (3) years from July 1 next succeeding the trustee's election; and

(2) complete any unexpired term or terms.

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

~~(1) prepared and furnished by the librarian; and~~

~~(2) designed as to enable the librarian to ascertain the name of the voter, and to determine whether the voter is entitled to participate in the election, without knowing for whom the voter casts a ballot.~~

~~(b) The librarian shall deliver all votes cast in the election, to be opened and counted at the election, together with the votes cast by those alumni who are personally present and entitled to vote at the election.~~

~~(c) An alumnus may not cast more than one (1) vote.~~ **The university librarian shall conduct the elections to select the three**

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(3) alumni members of the board of trustees. All alumni (as described in section 6 of this chapter) are eligible to participate in the election either by electronic or printed ballot, and each eligible individual may cast not more than one (1) vote. A request for a printed ballot must be made in writing to the university librarian not later than May 1 of an election year. The university librarian may adopt rules and regulations as necessary to carry out this section.

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

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

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

(1) absent **without sufficient excuse** from two (2) successive meetings of the board of trustees; or

(2) guilty of any gross immorality or breach of the bylaws **of the trustees** of Indiana University.

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

(1) keep a true record of the proceedings of the board of trustees; **and**

(2) certify copies of the record of the proceedings of the board of trustees. ~~and~~

~~(3) maintain:~~

~~(A) an account of the students in Indiana University by the students' classes, including the students' respective ages and places of residence; and~~

~~(B) a list of all graduates.~~

SECTION 10. IC 21-20-5-1, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2011]: Sec. 1. The board of trustees shall

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~~annually meet in Bloomington, at least three (3) days before the annual commencement of Indiana University.~~ **hold meetings at the dates, times, and places upon which the board of trustees agrees.**

SECTION 11. IC 21-20-3-16 IS REPEALED [EFFECTIVE AUGUST 1, 2011].

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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