

IC 10-15-2

Chapter 2. Indiana Homeland Security Foundation

IC 10-15-2-1

Establishment

Sec. 1. The Indiana homeland security foundation is established as a public body corporate and politic.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.7.

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Membership; proxy voting; appointment of designee

Sec. 2. (a) The foundation consists of nine (9) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subsection may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

(1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

(e) A voting member may appoint a designee of the same political party as the voting member to act on the voting member's behalf under this chapter. The designee must reside in the same congressional district as the voting member. An appointment under this section must:

(1) be for one (1) specified meeting;

(2) be made in writing or electronic mail submitted to the foundation at least two (2) calendar days before the meeting that the designee attends on behalf of the member; and

(3) be maintained in the permanent records of the foundation.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.12; P.L.110-2009, SEC.4.

IC 10-15-2-3

Quorum; requirements to take action

Sec. 3. (a) A quorum consists of five (5) of the voting members of the foundation.

(b) The affirmative vote of at least five (5) voting members of the foundation or the members' designees is necessary for the foundation to take action.

As added by P.L.2-2003, SEC.6. Amended by P.L.115-2003, SEC.15; P.L.22-2005, SEC.13; P.L.110-2009, SEC.5.

IC 10-15-2-4

Members do not hold public office

Sec. 4. Membership on the foundation does not constitute the holding of a public office. A member may not be disqualified from holding a public office or position because of appointment to or service on the foundation. A member may not be required to forfeit an office, a position, or employment because of appointment to or service on the foundation.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-5

Terms; expiration

Sec. 5. (a) The term of each voting member is four (4) years.

(b) A member appointed to fill the unexpired term of a member serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be reappointed if the member continues to reside in the represented congressional district. A person is no longer a member when the individual ceases to be a resident of the represented congressional district.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.14.

IC 10-15-2-6

Start of terms

Sec. 6. The terms of the voting members begin on July 1.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.15.

IC 10-15-2-7

Chairperson; vice chairperson

Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members shall select:

(1) one (1) of the voting members to serve as chairperson; and

(2) one (1) of the voting members to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.16.

IC 10-15-2-8

Advisers; participation

Sec. 8. (a) The executive director and department staff designated by the director shall act as advisers to the foundation.

(b) An adviser to the foundation may do the following:

(1) Attend all meetings of the foundation.

(2) Participate in all proceedings at foundation meetings other than voting.

(c) The department shall provide staff support to the foundation.

As added by P.L.2-2003, SEC.6. Amended by P.L.107-2007, SEC.9.

IC 10-15-2-9

Property of foundation

Sec. 9. (a) The foundation may acquire personal property to be donated under subsection (b). The foundation may receive donations of real property to be disposed of under subsection (c).

(b) As used in this subsection, "person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, a trust, or a governmental entity. Subject to subsection (d), the foundation may donate personal property to the following:

- (1) The department.
- (2) The institute.
- (3) The agency.
- (4) A unit of local government.
- (5) A person.

(c) The foundation shall dispose of real property donations in the following manner:

- (1) Real property may be accepted by the foundation for purpose of resale, either on the open market or to the state or a unit of local government at a price set by the foundation.
- (2) The proceeds from the sale of real property shall be donated to a fund that the donor has chosen or, if the donor has not chosen a fund, to a fund to be chosen by the foundation.

(d) The foundation must have the approval of the executive director to donate property to the state.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.8.

IC 10-15-2-10

Powers

Sec. 10. The foundation may do the following:

- (1) Adopt bylaws for the regulation of the foundation's affairs and the conduct of the foundation's business.
- (2) Adopt an official seal, which may not be the seal of the state.
- (3) Maintain a principal office and other offices the foundation designates.
- (4) Sue and be sued in the name and style of "Indiana Homeland Security Foundation", with service of process being made to the chairperson of the foundation by leaving a copy at the principal office of the foundation or at the residence of the chairperson if the foundation has no principal office.
- (5) Exercise the powers or perform the following duties of the foundation:
 - (A) Acquire by any means a right or an interest in or upon personal property of any kind or nature. The foundation shall hold the legal title to property acquired in the name of the foundation.
 - (B) Dispose of a right or an interest in personal property.
- (6) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the duties and the execution of the powers of the foundation under this chapter.

(7) Assist the department to develop projects.

(8) Receive and accept from any person grants for or in aid of the acquisition, construction, improvement, or development of any part of the projects of the foundation and receive and accept aid or contributions from any source of money, personal property, labor, or other things of value to be held, used, applied, or disposed of only for the purposes consistent with the purposes of this chapter for which the grants and contributions may be made.

(9) Hold, use, administer, and expend money that may be acquired by the foundation.

(10) Do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

As added by P.L.2-2003, SEC.6. Amended by P.L.1-2006, SEC.178; P.L.1-2010, SEC.55.

IC 10-15-2-11

Repealed

(Repealed by P.L.177-2011, SEC.5.)