

IC 28-6.1-3

Chapter 3. The Board of Trustees of Savings Banks Organized, Reorganized, or Operating before January 1, 1993

IC 28-6.1-3-1

Application of chapter

Sec. 1. This chapter applies only to a savings bank organized, reorganized, or operating under IC 28-6 (before its repeal) before January 1, 1993.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-2

Court

Sec. 2. As used in this chapter, "court" refers to the circuit court of the county in which the savings bank is located.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-3

Number of trustees

Sec. 3. The board of trustees of the savings bank must have at least seven (7) but not more than twenty-one (21) trustees.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-4

Qualifications of trustees

Sec. 4. An individual must have the following qualifications to be a trustee:

- (1) The individual must be a citizen of Indiana for at least five (5) years before becoming a trustee.
- (2) The individual must have an equity in real estate:
 - (A) located in the county in which the savings bank is located; and
 - (B) worth at least five thousand dollars (\$5,000), the value of which is determined by two (2) individuals designated by the court.
- (3) The individual must in all respects be a suitable individual to be entrusted with the management of a savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-5

Vacancies; elections; qualifications of successors

Sec. 5. (a) A vacancy on the board of the savings bank is created if any of the following applies to a trustee:

- (1) The trustee dies.
- (2) The trustee resigns.
- (3) The trustee is unable to discharge duties because of incapacity.
- (4) The trustee moves from the county where the saving bank is located.
- (5) The trustee becomes insolvent.

(6) The trustee fails for nine (9) successive months to attend the regular meetings of the board.

(b) The remaining trustees shall fill a vacancy created under subsection (a) by electing a successor by ballot.

(c) An election under subsection (b) may be held at a regular meeting of the board or at a special meeting of which the remaining trustees have been given notice.

(d) A successor is elected upon a majority vote of the remaining trustees.

(e) A successor must possess the qualifications set forth in section 4 of this chapter.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-6

Vacancies; judicial appointments

Sec. 6. (a) If the board fails to fill a vacancy under section 5 of this chapter for three (3) months after the vacancy is created, the court shall, subject to subsection (b), appoint an individual qualified under this chapter to fill the vacancy.

(b) The court shall fill the vacancy upon the written request of:

(1) any three (3) trustees; or

(2) at least two percent (2%) of the depositors in the savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-7

Vacancies; successors' certificates of qualification and fitness

Sec. 7. (a) An individual elected or appointed to fill a vacancy shall obtain from the court a certificate of qualification and fitness before the individual may enter upon duties as a trustee.

(b) A certificate issued under subsection (a) shall be:

(1) recorded in the journal of the proceedings of the savings bank; and

(2) be filed with the department.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-8

Presidents; officers and agents

Sec. 8. (a) The trustees of the savings bank shall elect from among the trustees a president.

(b) The trustees may choose from among the trustees, or otherwise, other officers or agents the trustees consider necessary to conduct the business of the savings bank.

(c) The officers and agents hold their offices at the pleasure of the board and until their successors are chosen and qualified.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-9

Bylaws, rules, and regulations

Sec. 9. (a) Subject to Indiana law, the board of a savings bank

may from time to time make bylaws, rules, and regulations as the board considers proper for the following purposes:

- (1) Election of officers.
- (2) Prescribing the powers and duties of the officers.
- (3) The manner of discharging the powers and duties of the officers.
- (4) Appointment of committees.
- (5) Prescribing the duties of committees.
- (6) Generally for transacting the business of the corporation.

(b) The board shall send a copy of bylaws, rules, and regulations and any amendments to the bylaws, rules, or regulations to the auditor of state.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-10

Quorum

Sec. 10. (a) A quorum of the board of a savings bank consists of at least a majority of the trustees.

(b) Except as provided in subsection (c), the president or a vice president of the board must be present for a quorum to exist. Notwithstanding subsection (c), if the number of trustees is fifteen (15) or more, a quorum must consist of at least seven (7) trustees, with the president or a vice president present.

(c) The board may provide in the bylaws that the quorum consists of more than a majority of the trustees. If the bylaws provide for a quorum of nine (9) or more trustees, the bylaws may provide that a quorum exists without the presence of the president or a vice president of the board.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-11

Reducing number of trustees

Sec. 11. (a) The board of a savings bank may, by resolution incorporated in the bylaws of the savings bank, reduce the number of trustees to a number not less than the minimum number required by section 3 of this chapter.

(b) If the board adopts a resolution under subsection (a), the number of trustees may be reduced by not filling vacancies on the board as vacancies occur until the number of trustees reaches the number set in the resolution.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-12

Increasing number of trustees

Sec. 12. (a) Subject to section 3 of this chapter, the board of a savings bank may, by resolution incorporated in the bylaws of the savings bank, increase the number of trustees.

(b) The board may adopt a resolution under subsection (a) at any time.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-13

Meetings

Sec. 13. (a) The board shall hold regular meetings at least every three (3) months.

(b) The board may provide in the bylaws of the savings bank for:

- (1) regular meetings more frequent than required by subsection (a); and
- (2) the calling of special meetings.

(c) The board shall keep minutes of the proceedings of each meeting in a record provided for that purpose.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-3-14

Suspension of trustees

Sec. 14. (a) The auditor of state may at any time, by an order under the seal of the auditor of state, for due cause stated in the order, suspend a trustee from the board.

(b) Upon the application of two-thirds (2/3) of the trustees of a savings bank setting forth good reasons for the action in regard to a trustee, the auditor of state shall issue the order.

(c) Upon issuing an order under this section, the auditor of state shall send a copy of the order to each of the following:

- (1) The savings bank. The order shall be entered in full in the minutes of the savings bank.
- (2) To the suspended trustee. Upon request of the trustee, the auditor of state shall send the original order to the trustee.
- (3) To the judge of the court.

(d) The judge of the court, after giving proper notice to the trustee and an opportunity for the trustee to be heard in the trustee's defense, may vacate or confirm the order. Confirmation of an order under this subsection operates to remove the trustee from office.

As added by P.L.42-1993, SEC.72.