



January 26, 2010

SENATE BILL No. 1

DIGEST OF SB 1 (Updated January 21, 2010 2:43 pm - DI 73)

Citations Affected: IC 4-5; IC 4-15; IC 4-22; IC 4-31; IC 4-33; IC 5-2; IC 9-17; IC 9-27; IC 10-13; IC 10-17; IC 12-7; IC 12-10; IC 12-11; IC 12-15; IC 12-28; IC 14-8; IC 15-19; IC 16-18; IC 16-21; IC 16-25; IC 16-28; IC 16-29; IC 25-1; IC 25-19; IC 35-45; noncode.

Synopsis: Boards and commissions. Moves the functions of the athletic commission to the gaming commission. Transfers the duties of the home health care services and hospice services council to the health facilities council. Renames the Indiana health facilities council as the Indiana health facilities, home health care, and hospice council. Changes the membership of the council. Makes the horse racing commission responsible for functions previously performed by the quarter horse breed development advisory committee, the standardbred advisory board, the standardbred breed development advisory committee, and the thorough breed development advisory committee.

(Continued next page)

Effective: July 1, 2010.

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January 14, 2010, read first time and referred to Committee on Rules and Legislative Procedure.

January 14, 2010, amended; reassigned to Committee on Appropriations.

January 25, 2010, amended, reported favorably — Do Pass.

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Eliminates the law enforcement training board advisory council. Repeals the personnel board (IC 4-15-1, IC 5-15-2-2.2, and IC 4-15-2.5-2); the quarter horse breed development advisory committee and the standardbred advisory breed development advisory committees (IC 4-31-11-1 through IC 4-31-9); the standardbred advisory board, the thoroughbred breed development advisory committee (IC 15-19-2-1, IC 15-19-2-2, IC 15-19-2-3, IC 15-19-2-4, IC 15-19-2-5, IC 15-19-2-5, and IC 15-19-2-5); the athletic commission (IC 25-9-1); the transportation corridor planning board (IC 8-4.5-1-3 and IC 8-4.5-2); the motor vehicle sales advisory board (IC 9-23-1); operation lifesaver program (IC 9-27-2-12); the Medicaid work incentive council (IC 12-15-42); New Harmony commission (IC 14-20-4); soldiers' and sailors' children's home advisory committee (IC 16-19-6-9); home health care services and hospice services council (IC 16-27-0.5); radiation control advisory commission (IC 16-41-35-2, IC 16-41-35-16, IC 16-41-35-17, and IC 16-8-2-9); and mandated health benefits task force (IC 27-1-3-30). Makes conforming changes.

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January 26, 2010

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.

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SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 4-5-1-11, AS AMENDED BY P.L.106-2008,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 11. The secretary of state may adopt and enforce
4 rules under IC 4-22-2 that are necessary to carry out:

- 5 (1) IC 9-18-26;
- 6 (2) IC 9-22-4;
- 7 ~~(3) IC 9-23-1;~~
- 8 ~~(4)~~ (3) IC 9-23-2;
- 9 ~~(5)~~ (4) IC 9-23-3; and
- 10 ~~(6)~~ (5) IC 9-23-6.

11 SECTION 2. IC 4-15-1.8-7, AS AMENDED BY P.L.158-2006,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2010]: Sec. 7. (a) The department shall do the following:

- 14 (1) Develop personnel policies, methods, procedures, and
15 standards for all state agencies.
- 16 (2) Formulate, establish, and administer position classification
17 plans and salary and wage schedules, all subject to final approval

SB 1—LS 7110/DI 13+



- 1 by the governor.
- 2 (3) Allocate positions in the state agencies to their proper
- 3 classifications.
- 4 (4) Approve employees for transfer, demotion, promotion,
- 5 suspension, layoff, and dismissal.
- 6 (5) Rate employees' service.
- 7 (6) Arrange with state agency heads for employee training.
- 8 (7) Investigate the need for positions in the state agencies.
- 9 (8) Promulgate and enforce personnel rules.
- 10 (9) Make and administer examinations for employment and for
- 11 promotions.
- 12 (10) Maintain personnel records and a roster of the personnel of
- 13 all state agencies.
- 14 (11) Render personnel services to the political subdivisions of the
- 15 state.
- 16 (12) Investigate the operation of personnel policies in all state
- 17 agencies.
- 18 (13) Assist state agencies in the improvement of their personnel
- 19 procedures.
- 20 (14) Conduct a vigorous program of recruitment of qualified and
- 21 able persons for the state agencies.
- 22 (15) Advise the governor and the general assembly of legislation
- 23 needed to improve the personnel system of this state.
- 24 (16) Furnish any information and counsel requested by the
- 25 governor or the general assembly.
- 26 (17) Establish and administer an employee training and career
- 27 advancement program.
- 28 (18) Administer the state personnel law, IC 4-15-2.
- 29 (19) Institute an employee awards system designed to encourage
- 30 all state employees to submit suggestions that will reduce the
- 31 costs or improve the quality of state agencies.
- 32 (20) Survey the administrative organization and procedures,
- 33 including personnel procedures, of all state agencies, and submit
- 34 to the governor measures to secure greater efficiency and
- 35 economy, to minimize the duplication of activities, and to effect
- 36 better organization and procedures among state agencies.
- 37 (21) Establish, implement, and maintain the state aggregate
- 38 prescription drug purchasing program established under
- 39 IC 16-47-1, as approved by the budget agency.
- 40 (b) Salary and wage schedules established by the department under
- 41 subsection (a) must provide:
- 42 (1) for the establishment of overtime policies, which must

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1 include:

2 (A) definition of overtime;

3 (B) determination of employees or classes eligible for

4 overtime pay;

5 (C) procedures for authorization;

6 (D) methods of computation;

7 (E) procedures for payment; and

8 (F) a provision that there shall be no mandatory adjustments

9 to an employee's established work schedule in order to avoid

10 the payment of overtime; and

11 (2) that an appointing authority is not required to reduce the

12 salary of an employee who is demoted, unless the appointing

13 authority determines that the salary reduction is warranted for

14 disciplinary reasons or other good cause.

15 ~~(c) The state personnel advisory board shall advise the director and~~

16 ~~cooperate in the improvement of all the personnel policies of the state.~~

17 ~~(d)~~ (c) The department shall establish programs of temporary

18 appointment for employees of state agencies. A program established

19 under this subsection must contain at least the following provisions:

20 (1) A temporary appointment may not exceed one hundred eighty

21 (180) working days in any twelve (12) month period.

22 (2) The department may allow exceptions to the prohibition in

23 subdivision (1) with the approval of the state budget agency.

24 (3) A temporary appointment in an agency covered by IC 4-15-2

25 is governed by the procedures of that chapter.

26 (4) A temporary appointment does not constitute creditable

27 service for purposes of the public employees' retirement program

28 under IC 5-10.2 and IC 5-10.3. However, an employee who

29 served in an intermittent form of temporary employment after

30 June 30, 1986, and before July 1, 2003, shall receive creditable

31 service for the period of temporary employment.

32 SECTION 3. IC 4-15-2-2 IS AMENDED TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2010]: Sec. 2. Except as provided in

34 ~~IC 4-15-1.8-7(d); IC 4-15-1.8-7(c)~~ all persons covered on January 1,

35 1966, by this chapter or coming under the provisions of this chapter

36 after January 1, 1966, shall be eligible for, shall participate in, and shall

37 receive the benefits of the public employees retirement program as

38 provided by IC 5-10.2 and IC 5-10.3.

39 SECTION 4. IC 4-15-2-2.6 IS AMENDED TO READ AS

40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.6. "Department"

41 means ~~the Indiana personnel advisory board;~~ the state personnel

42 director, ~~and~~ the employees of the ~~board~~ department, and the director.

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1 SECTION 5. IC 4-15-2-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 5. The ~~board~~ **department** is
3 authorized and required to do the following:

- 4 (1) To make investigations concerning the enforcement and effect
5 of the provisions of this chapter.
- 6 (2) To keep minutes of its proceedings which shall be open to
7 public inspection.
- 8 ~~(3) To advise the state personnel director on matters pertaining to~~
9 ~~state personnel policies and practices.~~

10 SECTION 6. IC 4-15-2-6 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The director shall direct and
12 supervise all administrative and technical activities. In addition to the
13 duties imposed elsewhere in this chapter, the director shall do the
14 following:

- 15 (1) Establish and maintain a roster of all employees in the state
16 service. Prepare or cause to be prepared and recommend a
17 classification and pay plan. Administer the classification and pay
18 plan. Allocate all positions in the state service to their proper
19 class. Formulate eligible lists. Certify persons qualified for
20 appointment. Certify employees for transfer, demotion,
21 promotion, suspension, layoff, and dismissal. Rate employees'
22 services. Arrange with heads of the divisions of the service for
23 employee training. Attend to and perform all other duties imposed
24 by this chapter.
- 25 (2) Appoint, under this chapter, such employees of the department
26 and such experts and special assistants as may be necessary to
27 carry out effectively this chapter.
- 28 (3) Investigate systems of appointment and promotion already in
29 operation in various departments or divisions of the state
30 government.
- 31 (4) Investigate and approve the need for positions, existing and to
32 be created, in the state service.
- 33 (5) Investigate from time to time the operation and effect of this
34 chapter and of the rules. ~~and report the director's findings and~~
35 ~~recommendations to the board.~~
- 36 (6) Administer, enforce, and make effective this chapter and the
37 rules. ~~Discharge all duties imposed upon the director by the~~
38 ~~board; and perform~~ **Perform** any other lawful acts which the
39 director may consider necessary or desirable to carry out the
40 purposes of this chapter.

41 (b) The director shall appoint one (1) or more employees of the
42 department to be the director's deputies.

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1 (c) The director shall employ such expert or special examiners for
 2 the conduct of tests as may be required. The director may select
 3 officers or employees in the state service to act as examiners in the
 4 preparation and rating of tests. An appointing authority may excuse any
 5 employee in the authority's division of the service from the employee's
 6 regular duties for the time required for work as an examiner. Officers
 7 and employees shall not be entitled to extra pay for their service as
 8 examiners, but shall be entitled to reimbursement for necessary
 9 traveling and other expense.

10 (d) The director shall adopt rules under IC 4-22-2 as the director
 11 may consider necessary, appropriate, or desirable to carry out this
 12 chapter.

13 (e) The director shall institute an employee awards system designed
 14 to encourage state employees to submit suggestions that will reduce the
 15 costs, or improve the quality, of state services. All full-time employees
 16 are eligible to receive suggestion awards except:

- 17 (1) members of boards and commissions;
- 18 (2) the chief executive officer of any agency or institution, the
 19 officer's principal deputies or assistants; or
- 20 (3) persons whose normal job duties include cost analyses.

21 (f) A state suggestion committee shall determine the amount of any
 22 award to be given under subsection (e). The state suggestion committee
 23 consists of the state personnel director, the director of the budget
 24 agency, and the state examiner of the state board of accounts. Any
 25 officer of state who is made a member of the suggestion committee
 26 may delegate that responsibility to a subordinate employee.

27 SECTION 7. IC 4-15-2-8 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Whenever additional agencies
 29 or institutions are brought within the provisions of this chapter, either
 30 through a separate statute or by amendment to this chapter, persons in
 31 such agencies or institutions who are in and have been in positions or
 32 similar positions in the state service not theretofore subject to the merit
 33 provisions of this chapter shall be entitled to continue to hold such
 34 positions until they have an opportunity to acquire regular status.
 35 Persons who have been in the same or similar positions for six (6)
 36 months or more shall receive regular status by passing a
 37 noncompetitive qualifying examination for the classification to which
 38 their position has been allocated. Persons with less than six (6) months'
 39 service in the same or similar positions shall hold their positions
 40 temporarily subject to the entrance examination requirements of this
 41 chapter. All qualifying examinations shall be held within one (1) year
 42 after the agency or institution is brought under this chapter, unless the

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1 period for holding such examinations is extended by the board with
2 adequate reasons for such extension made a part of the official minutes
3 of the board.

4 (b) Upon the recommendation of the director, ~~and the approval of~~
5 ~~the board~~, those employees in any department or division of the state
6 government who have been appointed under a merit system
7 satisfactorily complying with the provisions of this chapter may be
8 brought into the classified service without examination and retain their
9 existing position.

10 SECTION 8. IC 4-15-2-18, AS AMENDED BY P.L.3-2008,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2010]: Sec. 18. (a) The rating of each test shall be completed
13 and the resulting list established not later than thirty (30) days after the
14 date on which the test was held, unless such time is extended by the
15 director for reasons which the director shall record in the official
16 records of the department. The final earned rating of each person
17 competing in any test shall be determined by the weighted average of
18 the earned ratings of the test, according to weights for each phase
19 established by the director in advance of the giving of the test. The
20 names of all persons attaining the minimum final earned ratings
21 established by the director in advance of the giving of the tests shall be
22 placed upon the eligible list in order of their ratings. The names of
23 persons who have indicated in writing that they are unwilling to accept
24 appointment may be dropped from the list. All persons competing in
25 any test shall be given written notice of their final earned ratings.
26 Statements of former employers of the applicants shall be confidential.
27 A manifest error in rating a test shall be corrected if called to the
28 attention of the director, but such correction shall not invalidate any
29 appointment previously made from such a list.

30 (b) In certification for appointment, in appointment, in
31 reinstatement, and in reemployment in any state service, preference
32 shall be given to former members of the military services of the United
33 States who served on active duty in any branch of the armed forces and
34 who at no time received a discharge or separation under other than
35 honorable conditions, except corrected separation or discharge to read
36 "honorable" as evidenced by appropriate records presented from the
37 United States Department of Defense or appropriate branch of the
38 military service.

39 (c) Preference shall be given in the following priorities:
40 (1) Former members of the military service who have established
41 the present existence of a service connected disability of ten
42 percent (10%) or more, as evidenced by records of the United

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- 1 States Department of Veterans Affairs or disability retirement
- 2 benefits as evidenced by laws administered by the United States
- 3 Department of Defense.
- 4 (2) The spouse of a veteran with a service connected disability
- 5 and the unremarried spouse of a deceased veteran.
- 6 (3) Those former members of the military service who are
- 7 wartime veterans.
- 8 (4) Veterans of the military service who served more than one
- 9 hundred eighty-one (181) days on active duty, regardless of when
- 10 served.
- 11 (d) In all written examinations to determine the qualifications of
- 12 applicants for entrance into state service:
- 13 (1) ten (10) points shall be added to the earned rating of persons
- 14 taking the competitive examination under subsection (c)(1) or
- 15 (c)(2);
- 16 (2) five (5) points shall be added to the earned ratings of persons
- 17 taking the competitive examination under subsection (c)(3); and
- 18 (3) two (2) points shall be added to the earned rating of persons
- 19 taking the competitive examination under subsection (c)(4).
- 20 (e) All points specified in subsection (d) shall be added to the total
- 21 combined test scores of the person and shall not be allocated to any
- 22 single feature or part of the competitive examination. Rating shall be
- 23 based on a scale of one hundred (100) points as the maximum
- 24 attainable.
- 25 (f) When veterans preference in state service employment is limited
- 26 to wartime veterans, this subsection applies for the purpose of defining
- 27 "war":
- 28 (1) World War II - December 7, 1941, to December 31, 1946.
- 29 (2) Korean Conflict - June 27, 1950, to January 31, 1955.
- 30 (3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.
- 31 (4) Actual combat or duty equally hazardous, regardless of time,
- 32 or service in any foreign war, insurrection, or expedition, which
- 33 service is recognized by the award of a service or campaign medal
- 34 of the United States.
- 35 (5) Participation as a regularly assigned crew member of any
- 36 military craft in a mission in support of a military operation,
- 37 regardless of time, as designated by the armed forces of the
- 38 United States.
- 39 (g) Active duty consists of:
- 40 (1) ninety (90) days or more wartime service;
- 41 (2) ninety (90) days or more consecutive service which began or
- 42 ended during wartime period;

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- 1 (3) ninety (90) days or more combined service in two (2) or more
- 2 wartime periods;
- 3 (4) service of less than ninety (90) days, if discharged for a
- 4 disability in the line of duty; or
- 5 (5) service qualifying under subsection (f)(4) or (f)(5), which
- 6 must be documented by appropriate records of the United States
- 7 Department of Defense.

8 (h) In examinations where experience is an element of qualification,
 9 time spent in the armed forces of the United States shall be credited in
 10 a veteran's rating where the veteran's actual employment in a similar
 11 vocation to that for which the veteran is examined was interrupted by
 12 such service. In all examinations to determine the qualifications of a
 13 veteran applicant, credit shall be given for all valuable experience,
 14 including experience gained in religious, civic, welfare, service, and
 15 organizational activities, regardless of whether any compensation was
 16 received for the experience.

17 (i) In determining qualifications for examination, appointment,
 18 promotion, retention, transfer, or reinstatement, with respect to
 19 preference eligibles, the department shall waive requirements as to age,
 20 height, and weight, if the requirement is not essential to the
 21 performance of the duties of the position for which examination is
 22 given. The department, after giving due consideration to the
 23 recommendation of any accredited physician, shall waive the physical
 24 requirements in the case of any veteran, if the veteran is, in the opinion
 25 of the director, physically able to discharge efficiently the duties of the
 26 position for which the examination is given. No minimum educational
 27 requirement may be prescribed in any civil service examination except
 28 for such scientific, technical, or professional positions, the duties of
 29 which the department decides cannot be performed by a person who
 30 does not have such education. The director shall make a part of the
 31 department's public records the director's reasons for such decision.

32 (j) The names of preference eligibles shall be entered on the
 33 appropriate registers or lists of eligibles in accordance with their
 34 respective augmented ratings. The name of a preference eligible shall
 35 be entered ahead of all others having the same rating.

36 (k) The director shall adopt appropriate rules under IC 4-22-2 for
 37 the administration and enforcement of this section.

38 (l) In any reduction in personnel in any state service, competing
 39 employees shall be released in accordance with ~~board regulations~~
 40 **rules**, which shall give due effect to tenure of employment, military
 41 preference, length of service, and efficiency ratings. The length of time
 42 spent in active service in the armed forces of the United States of each

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1 such employee shall be credited in computing length of total service.
 2 Veteran's preference points shall be added to the retention score of a
 3 preference eligible. When any of the functions of any state agency are
 4 transferred to, or when any state agency is replaced by, some other state
 5 agency or agencies, all preference employees in the function or
 6 functions transferred or in the agency replaced shall first be transferred
 7 to the replacing agency or agencies for employment in positions for
 8 which they are qualified, before the agency or agencies appoint
 9 additional employees from any other sources for such positions.

10 (m) Any preference eligible who has resigned may, at the request of
 11 any appointing officer, be certified for and appointed to any position
 12 for which the preference eligible has been a regular employee in the
 13 state service.

14 (n) Any preference eligible who has been furloughed or separated
 15 without delinquency or misconduct, upon request, shall have the
 16 preference eligible's name placed on all appropriate registers and
 17 employment lists, for every position for which the preference eligible's
 18 qualifications have been established.

19 (o) Applicants claiming preference of their own service must submit
 20 either:

- 21 (1) original discharge or separation or certified copies or photostat
- 22 copies of the originals;
- 23 (2) an official statement from the United States Department of
- 24 Defense showing record of service; or
- 25 (3) an official statement from the United States Department of
- 26 Veterans Affairs supporting the claim for disability.

27 SECTION 9. IC 4-15-2-27 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 27. (a) In cooperation
 29 with appointing authorities, the director shall establish, and may from
 30 time to time amend, standards of performance and output for
 31 employees in each class of positions in the classified service or for
 32 groups of classes, and a system of service ratings based upon these
 33 standards. In such manner and with such weight as shall be provided
 34 in the rules, service ratings shall be considered:

- 35 (1) in determining salary increases and decreases within the limits
- 36 established by law and by the pay plan;
- 37 (2) as a factor in promotion tests;
- 38 (3) as a factor in determining the order of lay-off when forces are
- 39 reduced because of lack of funds or work, and the order in which
- 40 names are to be placed on reemployment lists; and
- 41 (4) as a means of discovering employees who should be
- 42 promoted, transferred, or who, because of their low-service value,

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1 should be demoted or dismissed.
2 In such manner and at such time as the rules may require, each
3 appointing authority shall make and report to the director the service
4 ratings of employees in his division of the service or such information
5 as the director may request as a basis for determining the service
6 ratings.

7 (b) All officers and employees of the state, shall, during usual
8 business hours, grant to ~~the members of the board;~~ the director ~~and any~~
9 ~~agent or employee of the board designated by it or him;~~ free access to
10 the premises and records pertaining to personnel matters under their
11 control and shall furnish them such facilities, assistance, and
12 information as may be required in administering the provisions of this
13 chapter.

14 SECTION 10. IC 4-15-2-30 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 30. Every appointment,
16 transfer, promotion, demotion, dismissal, change of salary rate, absence
17 from duty, and other temporary or permanent changes in the status of
18 employees in both the unclassified and the classified service shall be
19 reported to the director at such time, in such form, and together with
20 such supporting or pertinent information, as the director may prescribe.
21 The director shall maintain a perpetual roster of all officers and
22 employees in the unclassified service and the classified service,
23 showing for each such person the title of the position held, his
24 departmental or other agency assignment, his salary rate, date of
25 appointment, complete employment history, and such other data as the
26 director considers pertinent. The director ~~shall also maintain such other~~
27 ~~personnel records as he may consider desirable or as the board shall~~
28 ~~direct, and~~ shall make available to the governor, the general assembly,
29 the budget director, department and institution executives, and other
30 persons having a proper interest therein tabulations and analyses of
31 such personnel data as he has available.

32 SECTION 11. IC 4-15-2-31 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 31. (a) A public
34 disbursing officer, auditing officer, or other fiscal officer of the state
35 shall not draw, sign, or issue or authorize the drawing, signing, or
36 issuing of any warrant or check upon the treasurer of state or another
37 disbursing officer of the state for the payment of a salary or other
38 compensation for personal services within the state service. The
39 treasurer of state or another disbursing officer of the state shall not pay
40 any salary or other compensation for personal services unless a payroll
41 or account for the salary or other compensation containing the name of
42 every person to be paid and the accounts to be paid to the person has

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1 been certified by the director or a person designated by the director to
2 the effect that the persons named on the payroll or account are either
3 in the unclassified service or have been appointed or otherwise
4 established in their positions according to the provisions of this
5 chapter, and that the payment of the amounts shown on the payroll or
6 account will not violate the provisions of the pay plan or the rules
7 pertaining to the payment.

8 (b) Any payment violating the provisions of the pay plan or the rules
9 pertaining to the payment, or made to a person appointed or established
10 in the person's position in a manner contrary to the provisions of this
11 chapter, may be recovered from the appointing authority, the director,
12 or any officer or person making the payment, whichever is liable, or
13 from the sureties on the official bond for the officer or person. Action
14 for recovery may be maintained by ~~the board or any member of the~~
15 ~~board~~; any officer or employee of the state service, or any citizen of the
16 state. All money recovered under this section shall be paid into the
17 state treasury. Any citizen may maintain a suit to restrain a disbursing
18 officer from making any payment in contravention of any provision of
19 this chapter or of any lawful rule or order under this chapter.

20 (c) Any person appointed or employed in contravention of any
21 provision of this chapter or of any rule or order under this chapter who
22 performs service for which the person is not paid shall have and may
23 maintain an action against the officer or officers who purported so to
24 appoint or employ the person to recover the agreed pay for services, or
25 the reasonable value of the services if no pay was agreed upon. No
26 officer shall be reimbursed by the state at any time for any sum paid to
27 the person on account of the services.

28 (d) If the director wrongfully withholds certification of the payroll
29 voucher or account of any employee, the employee may maintain a
30 proceeding to compel the director to certify the payroll voucher or
31 account.

32 SECTION 12. IC 4-15-2-40 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 40. (a) In applying the
34 provisions of this chapter or in doing any of the things provided for in
35 this chapter, no officer or employee shall give any weight whatsoever
36 to political, religious or racial considerations. No person holding a
37 position in the state service ~~nor any member of the board~~ shall be
38 forced to make political contributions, nor be required to participate in
39 any form of political activity whatsoever other than to express freely his
40 views as a citizen and to cast his vote in any election.

41 (b) No person elected to state or federal public office may, during
42 the term for which he was elected, be appointed to any position in the

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1 classified service.

2 (c) Any employee in the classified service who becomes a candidate
3 for local office shall, upon request, be granted a leave of absence; any
4 employee in the classified service who is elected to a state or federal
5 public office shall be considered to have resigned from the service.
6 This subsection does not apply to precinct committeemen, state or
7 national party convention delegates, or candidates for these party
8 positions.

9 SECTION 13. IC 4-15-2.5-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this
11 chapter, unless a different meaning appears from the context:

12 (a) The term "director" means the state personnel director as
13 established by IC 4-15-1.8.

14 ~~(b) The term "board" means the Indiana personnel advisory board~~
15 ~~established by IC 4-15-1-1.~~

16 ~~(e)~~ (b) The term "appointing authority" means the head of a
17 department, division, board, commission, person or group of persons
18 who has the power by law or by lawfully delegated authority to make
19 appointments to positions in state service.

20 ~~(d)~~ (c) The term "political affiliation" means the political party to
21 which an individual recognizes a relationship either by act of primary
22 election voting or by affirmation of the chairman of the state committee
23 of the party with which the employee states he is affiliated.

24 SECTION 14. IC 4-15-2.5-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. ~~(Director's Duties)~~
26 The personnel director, in addition to all other duties imposed by law,
27 ~~and subject to the rules promulgated by the board,~~ shall administer the
28 provisions of this chapter. The director shall:

29 (1) conduct the entrance and promotion tests which are required
30 for the carrying out of the provisions of this chapter;

31 (2) verify the political affiliation of each applicant for
32 employment and each employee being considered for promotion
33 which otherwise qualify for employment or promotion; however,
34 no applicant or employee shall be verified if the employment or
35 promotion would disrupt or postpone the attainment of the
36 required political balance of the department or pay classification;
37 ~~therein unless the required political affiliation of an applicant or~~
38 ~~employee has been waived by the board;~~

39 (3) classify all positions of employment in all agencies or
40 institutions operating under this chapter by the procedure
41 established by IC 4-15-2;

42 (4) develop a pay plan for all employees operating under the

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1 provisions of this chapter, which pay plan shall be subject to the
2 approval of the budget agency and the Governor; and
3 (5) certify all individuals employed under the provisions of this
4 chapter as provided by IC 4-15-2, except that:

5 (A) The director shall certify five (5) qualified applicants and
6 indicate each applicant's political affiliation.

7 (B) If the director cannot certify the required number of
8 individuals with the political affiliation because there are not
9 enough individuals that qualified after testing, who are willing
10 to accept appointment or because there are peculiar and
11 exceptional qualifications of a scientific, professional or
12 educational character required for the position and it is evident
13 that the required number of individuals cannot be certified, the
14 director may authorize the appointing authority to fill the
15 vacancy with any individual who meets the qualifications for
16 the position, without regard to the applicant's political
17 affiliation.

18 (C) For positions involving unskilled or semi-skilled labor
19 when the character or place of the work makes it impracticable
20 to supply the needs of the service by appointments made in
21 accordance with the procedure prescribed by this chapter, the
22 director may make appointments by the procedure provided by
23 IC 4-15-2.

24 SECTION 15. IC 4-15-2.5-14 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (~~Payment in~~
26 ~~Violation; Action for Recovery~~) Action for such recovery may be
27 maintained by the board or any member thereof; any officer or
28 employee of the state service or any citizen of the state.

29 SECTION 16. IC 4-15-2.5-20 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 20. (~~Exemptions; Other~~
31 ~~Positions~~) (a) All positions in the state agency or any part of a state
32 agency, which operates under the provisions of this chapter, that
33 determine administrative policies shall be exempt from the provisions
34 of this chapter by rules promulgated by the board department.

35 (b) One (1) personal secretary for each position that is exempt from
36 the provisions of this chapter by this section and section 18 shall be
37 exempt from the provisions of this chapter.

38 SECTION 17. IC 4-15-2.5-21 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. (~~Agency Request;~~
40 ~~Inclusion~~) The administrative head of any state agency may submit a
41 request to the personnel director to have his entire agency or any part
42 thereof operate under the provisions of this chapter. Upon the approval

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1 of the ~~personnel board~~ **department** and the governor, any state agency
2 or any part of a state agency may operate under the provisions of this
3 chapter.

4 SECTION 18. IC 4-15-2.5-22 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 22. (~~Agency Request;~~
6 ~~Exemption~~) The administrative head of any state may submit a request
7 to the personnel director to have his entire agency or any part exempt
8 from the provision of this chapter. Upon the approval of the ~~personnel~~
9 ~~board~~ **department** and the governor, any state agency or any part
10 thereof may be exempt from the provisions of this chapter.

11 SECTION 19. IC 4-15-2.5-23 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (~~Agency Request;~~
13 ~~Petition for Change~~) (a) The administrative head of any state agency or
14 any part thereof that operates under the provisions of this chapter may
15 submit a petition to the ~~personnel board~~ **department** to increase or
16 decrease the number of employees exempt from the provisions of this
17 chapter.

18 (b) The ~~board~~ **department** shall have the authority to decrease or
19 increase the number of employees exempt from this chapter. However,
20 the ~~board~~ **department** shall not exempt positions which do not
21 formulate policy and they shall not exempt policy positions if such
22 action would impede the operation of the agency.

23 SECTION 20. IC 4-22-2-37.1, AS AMENDED BY P.L.131-2009,
24 SECTION 1, AS AMENDED BY P.L.160-2009, SECTION 1, AND
25 AS AMENDED BY P.L.177-2009, SECTION 1, IS CORRECTED
26 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
27 2010]: Sec. 37.1. (a) This section applies to a rulemaking action
28 resulting in any of the following rules:

- 29 (1) An order adopted by the commissioner of the Indiana
30 department of transportation under IC 9-20-1-3(d) or
31 IC 9-21-4-7(a) and designated by the commissioner as an
32 emergency rule.
- 33 (2) An action taken by the director of the department of natural
34 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 35 (3) An emergency temporary standard adopted by the
36 occupational safety standards commission under
37 IC 22-8-1.1-16.1.
- 38 (4) An emergency rule adopted by the solid waste management
39 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 40 (5) A rule, other than a rule described in subdivision (6), adopted
41 by the department of financial institutions under IC 24-4.5-6-107
42 and declared necessary to meet an emergency.

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- 1 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 2 department of financial institutions and declared necessary to
- 3 meet an emergency under IC 24-4.5-6-107.
- 4 (7) A rule adopted by the Indiana utility regulatory commission to
- 5 address an emergency under IC 8-1-2-113.
- 6 (8) An emergency rule adopted by the state lottery commission
- 7 under IC 4-30-3-9.
- 8 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 9 executive board of the state department of health declares is
- 10 necessary to meet an emergency.
- 11 (10) An emergency rule adopted by the Indiana finance authority
- 12 under IC 8-21-12.
- 13 (11) An emergency rule adopted by the insurance commissioner
- 14 under IC 27-1-23-7.
- 15 (12) An emergency rule adopted by the Indiana horse racing
- 16 commission under IC 4-31-3-9.
- 17 (13) An emergency rule adopted by the air pollution control
- 18 board, the solid waste management board, or the water pollution
- 19 control board under IC 13-15-4-10(4) or to comply with a
- 20 deadline required by or other date provided by federal law,
- 21 provided:
- 22 (A) the variance procedures are included in the rules; and
- 23 (B) permits or licenses granted during the period the
- 24 emergency rule is in effect are reviewed after the emergency
- 25 rule expires.
- 26 (14) An emergency rule adopted by the Indiana election
- 27 commission under IC 3-6-4.1-14.
- 28 (15) An emergency rule adopted by the department of natural
- 29 resources under IC 14-10-2-5.
- 30 (16) An emergency rule adopted by the Indiana gaming
- 31 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
- 32 IC 4-33-4-14, **IC 4-33-22-12**, or IC 4-35-4-2.
- 33 (17) An emergency rule adopted by the alcohol and tobacco
- 34 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 35 IC 7.1-3-20-24.4.
- 36 (18) An emergency rule adopted by the department of financial
- 37 institutions under IC 28-15-11.
- 38 (19) An emergency rule adopted by the office of the secretary of
- 39 family and social services under IC 12-8-1-12.
- 40 (20) An emergency rule adopted by the office of the children's
- 41 health insurance program under IC 12-17.6-2-11.
- 42 (21) An emergency rule adopted by the office of Medicaid policy

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- 1 and planning under IC 12-15-41-15.
- 2 (22) An emergency rule adopted by the Indiana state board of
- 3 animal health under IC 15-17-10-9.
- 4 (23) An emergency rule adopted by the board of directors of the
- 5 Indiana education savings authority under IC 21-9-4-7.
- 6 (24) An emergency rule adopted by the Indiana board of tax
- 7 review under IC 6-1.1-4-34 (repealed).
- 8 (25) An emergency rule adopted by the department of local
- 9 government finance under IC 6-1.1-4-33 (repealed).
- 10 (26) An emergency rule adopted by the boiler and pressure vessel
- 11 rules board under IC 22-13-2-8(c).
- 12 (27) An emergency rule adopted by the Indiana board of tax
- 13 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 14 adopted by the department of local government finance under
- 15 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 16 (28) An emergency rule adopted by the board of the Indiana
- 17 economic development corporation under IC 5-28-5-8.
- 18 (29) A rule adopted by the department of financial institutions
- 19 under IC 34-55-10-2.5.
- 20 (30) A rule adopted by the Indiana finance authority:
- 21 (A) under IC 8-15.5-7 approving user fees (as defined in
- 22 IC 8-15.5-2-10) provided for in a public-private agreement
- 23 under IC 8-15.5;
- 24 (B) under IC 8-15-2-17.2(a)(10):
- 25 (i) establishing enforcement procedures; and
- 26 (ii) making assessments for failure to pay required tolls;
- 27 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 28 establishing procedures for the implementation of the
- 29 collection of user fees by electronic or other nonmanual
- 30 means; or
- 31 (D) to make other changes to existing rules related to a toll
- 32 road project to accommodate the provisions of a public-private
- 33 agreement under IC 8-15.5.
- 34 (31) An emergency rule adopted by the board of the Indiana
- 35 health informatics corporation under IC 5-31-5-8.
- 36 ~~(32) An emergency rule adopted by the athletic commission under~~
- 37 ~~IC 25-9-1-4.5.~~
- 38 (32) An emergency rule adopted by the department of child
- 39 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
- 40 IC 31-27-4-3.
- 41 ~~(32)~~ (33) An emergency rule adopted by the Indiana real estate
- 42 commission under IC 25-34.1-2-5(15).

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1 (b) The following do not apply to rules described in subsection (a):
 2 (1) Sections 24 through 36 of this chapter.
 3 (2) IC 13-14-9.
 4 (c) After a rule described in subsection (a) has been adopted by the
 5 agency, the agency shall submit the rule to the publisher for the
 6 assignment of a document control number. The agency shall submit the
 7 rule in the form required by section 20 of this chapter and with the
 8 documents required by section 21 of this chapter. The publisher shall
 9 determine the format of the rule and other documents to be submitted
 10 under this subsection.
 11 (d) After the document control number has been assigned, the
 12 agency shall submit the rule to the publisher for filing. The agency
 13 shall submit the rule in the form required by section 20 of this chapter
 14 and with the documents required by section 21 of this chapter. The
 15 publisher shall determine the format of the rule and other documents
 16 to be submitted under this subsection.
 17 (e) Subject to section 39 of this chapter, the publisher shall:
 18 (1) accept the rule for filing; and
 19 (2) electronically record the date and time that the rule is
 20 accepted.
 21 (f) A rule described in subsection (a) takes effect on the latest of the
 22 following dates:
 23 (1) The effective date of the statute delegating authority to the
 24 agency to adopt the rule.
 25 (2) The date and time that the rule is accepted for filing under
 26 subsection (e).
 27 (3) The effective date stated by the adopting agency in the rule.
 28 (4) The date of compliance with every requirement established by
 29 law as a prerequisite to the adoption or effectiveness of the rule.
 30 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
 31 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
 32 subsections (j), (k), and (l), a rule adopted under this section expires
 33 not later than ninety (90) days after the rule is accepted for filing under
 34 subsection (e). Except for a rule adopted under subsection (a)(13),
 35 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
 36 another rule under this section, but only for one (1) extension period.
 37 The extension period for a rule adopted under subsection (a)(28) may
 38 not exceed the period for which the original rule was in effect. A rule
 39 adopted under subsection (a)(13) may be extended for two (2)
 40 extension periods. Subject to subsection (j), a rule adopted under
 41 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
 42 number of extension periods. Except for a rule adopted under

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1 subsection (a)(13), for a rule adopted under this section to be effective
2 after one (1) extension period, the rule must be adopted under:

- 3 (1) sections 24 through 36 of this chapter; or
- 4 (2) IC 13-14-9;

5 as applicable.

6 (h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires
7 on the earlier of the following dates:

- 8 (1) The expiration date stated by the adopting agency in the rule.
- 9 (2) The date that the rule is amended or repealed by a later rule
10 adopted under sections 24 through 36 of this chapter or this
11 section.

12 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

13 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
14 than January 1, 2006.

15 (k) A rule described in subsection (a)(28) expires on the expiration
16 date stated by the board of the Indiana economic development
17 corporation in the rule.

18 (l) A rule described in subsection (a)(30) expires on the expiration
19 date stated by the Indiana finance authority in the rule.

20 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
21 date the department is next required to issue a rule under the statute
22 authorizing or requiring the rule.

23 SECTION 21. IC 4-31-3-9, AS AMENDED BY P.L.182-2009(ss),
24 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2010]: Sec. 9. Subject to section 14 of this chapter, the
26 commission may:

27 (1) adopt rules under IC 4-22-2, including emergency rules under
28 IC 4-22-2-37.1, to implement this article, including rules that
29 prescribe:

- 30 (A) the forms of wagering that are permitted;
- 31 (B) the number of races;
- 32 (C) the procedures for wagering;
- 33 (D) the wagering information to be provided to the public;
- 34 (E) fees for the issuance and renewal of:
 - 35 (i) permits under IC 4-31-5;
 - 36 (ii) satellite facility licenses under IC 4-31-5.5; and
 - 37 (iii) licenses for racetrack personnel and racing participants
38 under IC 4-31-6;
- 39 (F) investigative fees;
- 40 (G) fines and penalties; and
- 41 (H) any other regulation that the commission determines is in
42 the public interest in the conduct of recognized meetings and

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- 1 wagering on horse racing in Indiana;
- 2 (2) appoint employees in the manner provided by IC 4-15-2 and
- 3 fix their compensation, subject to the approval of the budget
- 4 agency under IC 4-12-1-13; **and**
- 5 (3) enter into contracts necessary to implement this article. ~~and~~
- 6 (4) ~~receive and consider recommendations from an advisory~~
- 7 ~~development committee established under IC 4-31-11.~~

8 SECTION 22. IC 4-31-11-8 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. ~~Each development~~
 10 ~~committee shall make recommendations to the commission concerning~~
 11 ~~an Indiana sires racing program. If the~~ **The commission establishes**
 12 **may establish** an Indiana sires racing program. ~~only~~ **Only** those horses
 13 that were sired by an Indiana stallion are eligible for races conducted
 14 under the program. Stallions residing in Indiana during the full length
 15 of the breeding season are eligible for registration as Indiana sires. The
 16 commission may charge a fee for registration of Indiana sires.

17 SECTION 23. IC 4-33-22 IS ADDED TO THE INDIANA CODE
 18 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2010]:

20 **Chapter 22. Boxing and Mixed Martial Arts**

21 **Sec. 1. As used in this chapter, "boxing" means the art of attack**
 22 **and defense with the fists, or feet in the case of kickboxing,**
 23 **practiced as a sport.**

24 **Sec. 2. As used in this chapter, "mixed martial arts" means the**
 25 **unarmed physical confrontation of persons involving the use,**
 26 **subject to limitations as established by the commission, of a**
 27 **combination of techniques from different disciplines of the martial**
 28 **arts, including grappling, kicking, and striking.**

29 **Sec. 3. As used in this chapter, "professional boxer" means a**
 30 **person who competes for money, teaches, pursues, or assists in the**
 31 **practice of boxing as a means to obtain a livelihood or pecuniary**
 32 **gain.**

33 **Sec. 4. As used in this chapter, "matchmaker" means a person**
 34 **who, under contract, agreement, or other arrangement with a**
 35 **boxer, acts as a booker, an agent, a booking agent, or a**
 36 **representative to secure:**

- 37 (1) an engagement; or
- 38 (2) a contract;

39 **for the boxer.**

40 **Sec. 5. As used in this chapter, "sparring" means combat in**
 41 **which participants intend to and actually:**

- 42 (1) inflict kicks, punches, and blows; and

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1 (2) apply other techniques;
2 that may reasonably be expected to inflict injury on an opponent
3 in a contest, exhibition, or performance.

4 Sec. 6. As used in this chapter, "promoter" has the meaning set
5 forth in 15 U.S.C. 6301(9).

6 Sec. 7. As used in this chapter, "unarmed combat" means the
7 practice, or any related practice, of mixed martial arts or martial
8 arts.

9 Sec. 8. As used in this chapter, "unarmed competitor" means a
10 person who engages in an unarmed combat match, contest,
11 exhibition, or performance.

12 Sec. 9. (a) As used in this chapter, "fund" refers to the athletic
13 fund created by this section.

14 (b) The athletic fund is created for purposes of administering
15 this chapter. The fund shall be administered by the Indiana gaming
16 commission.

17 (c) Expenses of administering the fund shall be paid from money
18 in the fund.

19 (d) The treasurer of state shall invest the money in the fund not
20 currently needed to meet the obligations of the fund in the same
21 manner as other public money may be invested. Interest that
22 accrues from these investments shall be deposited in the fund.

23 (e) The fund consists of:

- 24 (1) appropriations made by the general assembly;
- 25 (2) fees collected under this chapter; and
- 26 (3) penalties collected under this chapter.

27 (f) An amount necessary to administer this chapter is
28 continually appropriated from the fund to the Indiana gaming
29 commission.

30 (g) If the balance in the fund at the end of a particular fiscal
31 year exceeds one hundred thousand dollars (\$100,000), the amount
32 that exceeds one hundred thousand dollars (\$100,000) reverts to
33 the state general fund.

34 Sec. 10. The commission shall ensure the:

- 35 (1) safety of participants in;
 - 36 (2) fairness of; and
 - 37 (3) integrity of;
- 38 sparring, boxing, and unarmed combat matches or exhibitions in
39 Indiana.

40 Sec. 11. (a) The executive director of the commission may
41 appoint and remove deputies for use by the commission. The
42 commission shall, when the commission considers it advisable,

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1 direct a deputy to be present at any place where sparring, boxing,
 2 or unarmed combat matches or exhibitions are to be held under
 3 this chapter. The deputies shall ascertain the exact conditions
 4 surrounding the match or exhibition and make a written report of
 5 the conditions in the manner and form prescribed by the
 6 commission.

7 (b) The executive director of the commission may appoint and
 8 remove a secretary for the commission, who shall:

9 (1) keep a full and true record of all the commission's
 10 proceedings;

11 (2) preserve at its general office all the commission's books,
 12 documents, and papers; and

13 (3) prepare for service notices and other papers as may be
 14 required by the commission.

15 The executive director of the commission may employ only such
 16 clerical employees as are actually necessary and fix their salaries
 17 as provided by law.

18 (c) The executive director of the commission or a deputy
 19 appointed under subsection (a) may execute orders, subpoenas,
 20 continuances, and other legal documents on behalf of the
 21 commission.

22 (d) All expenses incurred in the administration of this chapter
 23 shall be paid from the fund upon appropriation being made for the
 24 expenses.

25 Sec. 12. (a) In accordance with IC 35-45-18-1(b), the commission
 26 may adopt rules under IC 4-22-2 to regulate the conduct of the
 27 following:

28 (1) Mixed martial arts.

29 (2) Martial arts, including the following:

30 (A) Jujutsu.

31 (B) Karate.

32 (C) Kickboxing.

33 (D) Kung fu.

34 (E) Tae kwon do.

35 (F) Judo.

36 (G) Sambo.

37 (H) Pankration.

38 (I) Shootwrestling.

39 (3) Professional wrestling.

40 (4) Boxing.

41 (5) Sparring.

42 (b) The commission may adopt emergency rules under

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1 IC 4-22-2-37.1 if the commission determines that:
 2 (1) the need for a rule is so immediate and substantial that the
 3 ordinary rulemaking procedures under IC 4-22-2 are
 4 inadequate to address the need; and
 5 (2) an emergency rule is likely to address the need.
 6 Sec. 13. (a) Boxing, sparring, and unarmed combat matches or
 7 exhibitions, whether or not for prizes or purses, may be held in
 8 Indiana.
 9 (b) The commission:
 10 (1) has the sole direction, management, control, and
 11 jurisdiction over all boxing, sparring, and unarmed combat
 12 matches or exhibitions to be conducted, held, or given in
 13 Indiana; and
 14 (2) may issue licenses for those matches or exhibitions.
 15 (c) A boxing, sparring, or unarmed combat match or an
 16 exhibition that is:
 17 (1) conducted by any school, college, or university within
 18 Indiana; or
 19 (2) sanctioned by United States Amateur Boxing, Inc.;
 20 is not subject to the provisions of this chapter requiring a license.
 21 The term "school, college, or university" does not include a school
 22 or other institution for the principal purpose of furnishing
 23 instruction in boxing, or other athletics.
 24 (d) Except as provided under section 18 of this chapter, no
 25 boxing, sparring, or unarmed combat match or exhibition, except
 26 as provided in this chapter, may be held or conducted within
 27 Indiana except under a license and permit issued by the
 28 commission in accordance with this chapter and the rules adopted
 29 under this chapter.
 30 Sec. 14. (a) The commission may:
 31 (1) cause to be issued an annual license in writing for holding
 32 boxing, sparring, or unarmed combat matches or exhibitions
 33 to any person who is qualified under this chapter; and
 34 (2) adopt rules to establish the qualifications of the applicants.
 35 (b) In addition to a general license, a person must, before
 36 conducting any particular boxing, sparring, or unarmed combat
 37 match or exhibition where one (1) or more contests are to be held,
 38 obtain a permit from the commission.
 39 (c) Annual licenses may be revoked or suspended by the
 40 commission upon hearing and proof that any holder of an annual
 41 license has violated this chapter or any rule or order of the
 42 commission.

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1 (d) A person who knowingly, recklessly, or intentionally
2 conducts a boxing, sparring, or unarmed combat match or
3 exhibition without first obtaining a license or permit commits a
4 Class B misdemeanor.

5 Sec. 15. (a) Applications for licenses or permits to conduct or
6 participate in, either directly or indirectly, a boxing, sparring, or
7 unarmed combat match or exhibition must be:

8 (1) made in writing upon forms prescribed by the commission
9 and shall be addressed to and filed with the gaming
10 commission; and

11 (2) verified by the applicant, if an individual, or by an officer
12 of the club, corporation, or association in whose behalf the
13 application is made.

14 (b) The application for a permit to conduct a particular boxing,
15 sparring, or unarmed combat match or exhibition must, among
16 other things, state:

17 (1) the time and exact place at which the boxing, sparring, or
18 unarmed combat match or exhibition is proposed to be held;

19 (2) the names of the contestants who will participate and their
20 seconds;

21 (3) the seating capacity of the buildings or the hall in which
22 such exhibition is proposed to be held;

23 (4) the proposed admission charge;

24 (5) the amount of the compensation percentage of gate
25 receipts that is proposed to be paid to each of the participants;

26 (6) the name and address of the applicant;

27 (7) the names and addresses of all the officers if the applicant
28 is a club, a corporation, or an association; and

29 (8) the record of each contestant from a source approved by
30 the commission.

31 (c) The commission shall keep records of the names and
32 addresses of all persons receiving permits and licenses.

33 Sec. 16. (a) As used in this section, "applicant" means a person
34 applying for a promoter's license or permit.

35 (b) The commission shall require an applicant to provide:

36 (1) information, including fingerprints, that is needed to
37 facilitate access to criminal history information; and

38 (2) financial information, to the extent allowed by law.

39 (c) The state police department shall:

40 (1) provide assistance in obtaining criminal history
41 information of an applicant; and

42 (2) forward fingerprints submitted by an applicant to the

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1 **Federal Bureau of Investigation for the release of an**
 2 **applicant's criminal history information for the purposes of**
 3 **licensure under this chapter.**
 4 **(d) The applicant shall pay any fees associated with the release**
 5 **of the criminal history information of the applicant.**
 6 **Sec. 17. All promoters, either corporations or natural persons,**
 7 **physicians, referees, judges, timekeepers, matchmakers,**
 8 **professional boxers, unarmed competitors, managers of**
 9 **professional boxers or unarmed competitors, trainers and seconds,**
 10 **shall be licensed as provided in this chapter, and such a**
 11 **corporation or person may not be permitted to participate, either**
 12 **directly or indirectly, in any such boxing, sparring, or unarmed**
 13 **combat match or exhibition, or the holding thereof, unless the**
 14 **corporation and all such persons have first procured licenses. A**
 15 **contest conforming to the rules and requirements of this chapter**
 16 **is not considered to be a prize-fight.**
 17 **Sec. 18. (a) As used in this section, "amateur mixed martial**
 18 **arts" refers to mixed martial arts that is:**
 19 **(1) performed for training purposes in a school or other**
 20 **educational facility for no:**
 21 **(A) purse; or**
 22 **(B) prize with a value greater than one hundred dollars**
 23 **(\$100); or**
 24 **(2) performed in a match, contest, exhibition, or performance**
 25 **for no:**
 26 **(A) purse; or**
 27 **(B) prize with a value greater than one hundred dollars**
 28 **(\$100).**
 29 **(b) As used in this section, "promoter" means the person**
 30 **primarily responsible for organizing, promoting, and producing an**
 31 **amateur mixed martial arts match or exhibition. The term does not**
 32 **include a hotel, casino, resort, or other commercial establishment**
 33 **hosting or sponsoring an amateur mixed martial arts match unless:**
 34 **(1) the hotel, casino, resort, or other commercial**
 35 **establishment is primarily responsible for organizing,**
 36 **promoting, and producing the match or exhibition; and**
 37 **(2) there is no other person primarily responsible for**
 38 **organizing, promoting, and producing the match or**
 39 **exhibition.**
 40 **(c) For amateur mixed martial arts matches or exhibitions, only:**
 41 **(1) a body sanctioning the match or exhibition; and**
 42 **(2) the promoter of the match or exhibition;**

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1 must procure licenses under this chapter. The commission shall
 2 develop procedures and standards governing application for
 3 licensure and license renewal of bodies sanctioning a match or
 4 exhibition and promoters under this section. The commission shall
 5 develop procedures for inspection and enforcement with respect to
 6 licenses issued under this subsection.

7 (d) The commission shall adopt rules under IC 4-22-2 to license
 8 sanctioning bodies and promoters required to be licensed under
 9 this chapter.

10 (e) The commission shall adopt rules under IC 4-22-2 that apply
 11 to each match or exhibition covered under this section and that
 12 determine requirements for the following:

13 (1) The presence of a medical doctor licensed under
 14 IC 25-22.5.

15 (2) The presence of an ambulance.

16 (3) Requirements for medical and life insurance to be carried
 17 for each participant.

18 (4) The need for medical tests, including:

19 (A) tests for HIV;

20 (B) pregnancy tests for women participants; and

21 (C) screening tests for illegal drugs.

22 Sec. 19. A permit or license may not be issued to any person who
 23 has not complied with this chapter or who, before the applications,
 24 failed to obey a rule or order of the commission. In the case of a
 25 club, corporation, or association, a license or permit may not be
 26 issued to it if, before its application, any of its officers have violated
 27 this chapter or any rule or order of the commission. A promoter,
 28 physician, referee, judge, timekeeper, matchmaker, professional
 29 boxer, unarmed competitor, manager of a professional boxer or
 30 unarmed competitor, trainer, or second may not be licensed if the
 31 person holds a federal gambling stamp. A license or permit when
 32 issued must recite that the person to whom it is granted has
 33 complied with this chapter and that a license or permit is not
 34 transferable.

35 Sec. 20. The commission has full power and authority to limit
 36 the number of boxing, sparring, or unarmed combat matches or
 37 exhibitions to be held or given by any person, club, organization,
 38 or corporation in any city or town in Indiana.

39 Sec. 21. (a) A person to whom a permit is issued may not:

40 (1) hold the match or exhibition at any other time or place;

41 (2) permit any other contestant to participate in the match or
 42 exhibition;

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- 1 (3) charge a greater rate or rates of admission; or
- 2 (4) pay a greater fee, compensation, or percentage to
- 3 contestants than that specified in the application filed before
- 4 the issuance of the permit.

5 (b) Notwithstanding subsection (a), in case of emergency the
 6 commission may, upon application, allow a person to hold a
 7 boxing, sparring, or unarmed combat match or exhibition
 8 wherever and whenever it may deem fit within the city in which the
 9 person is located and substitute contestants or seconds as
 10 circumstances may require.

11 Sec. 22. In case the commission refuses to grant a license or
 12 permit to any applicant, the applicant, at the applicant's option, is
 13 entitled to a hearing in the manner provided by this chapter, but
 14 if the commission, before the refusal, after a hearing, makes a valid
 15 finding that the applicant has been guilty of disobeying any rule or
 16 order of the commission, or of any provision of this chapter, the
 17 applicant is not entitled to a license or permit; and in case any
 18 boxing, sparring, or unarmed combat match, or exhibition has
 19 been conducted by any person, club, corporation, or association
 20 under this chapter, the commission on its own motion, or on the
 21 petition of any resident of Indiana, may conduct a hearing to
 22 determine whether such person, club, corporation, or association
 23 has disobeyed any rule or order of the commission or has been
 24 guilty of any violation of this chapter.

25 Sec. 23. Any hearing by the commission must be in accordance
 26 with IC 4-21.5-3.

27 Sec. 24. All buildings or structures used, or in any way to be
 28 used for the purpose of holding or giving therein boxing, sparring,
 29 or unarmed combat matches or exhibitions, must be properly
 30 ventilated and provided with fire exits and fire escapes, if
 31 necessary, and in all manner must conform to the laws, ordinances,
 32 and regulations pertaining to buildings in the city or town where
 33 situated.

- 34 Sec. 25. (a) A person shall not:
- 35 (1) permit any person less than eighteen (18) years of age to
 - 36 participate in any boxing or sparring match or exhibition;
 - 37 (2) permit any gambling on the result of, or on any
 - 38 contingency in connection with, any boxing or sparring match
 - 39 or exhibition conducted by it; or
 - 40 (3) participate in or permit any sham or collusive boxing or
 - 41 sparring match or exhibition.
- 42 (b) A person who violates this section, in addition to any

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criminal penalty:

- (1) shall have the person's license or permit revoked, suspended, or restricted by the commission;**
- (2) shall be placed on probation by the commission;**
- (3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars (\$1,000);**
- (4) is ineligible for a license or permit at any future time; or**
- (5) is subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).**

Sec. 26. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match or exhibition where the match or exhibition is conducted by a licensed person; or**
- (2) being less than eighteen (18) years of age, participate in any boxing or sparring match or exhibition.**

(b) For a first offense, in addition to the fine, a person who is a licensed contestant in Indiana and violates this section:

- (1) shall have the person's license or permit revoked, suspended, or restricted by the commission;**
- (2) shall be placed on probation by the commission;**
- (3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars (\$1,000);**
- (4) is ineligible for a license or permit at any future time; or**
- (5) is subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).**

For a second offense, a licensed contestant who violates this section may be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

Sec. 27. (a) Each contestant for boxing, sparring, or unarmed combat shall be examined within two (2) hours before entering the ring by a competent physician licensed under IC 25-22.5 appointed by the commission. The physician shall certify in writing that each contestant is physically fit to engage in the contest if the physician so determines, and the physician's certificate shall be delivered to

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1 the commission before the contest. The physician shall mail the
 2 report of examination to the commission within twenty-four (24)
 3 hours after the contest. Blank forms of physicians' reports shall be
 4 furnished to physicians by the commission, and questions on blank
 5 forms must be answered in full. No match, contest, or exhibition
 6 shall be held unless a licensed physician is in attendance. Any boxer
 7 or unarmed competitor who, in the opinion of the physician, is
 8 physically unfit to enter the match or exhibition shall be excused by
 9 the commission or its deputy. During the conduct of the match or
 10 exhibition, the physician may observe the physical condition of the
 11 boxers or unarmed competitors and if, in the opinion of the
 12 physician, any contestant in any match or exhibition is physically
 13 unfit to continue, the physician shall advise the referee.

14 (b) A boxing or sparring match or exhibition may not last more
 15 than twelve (12) rounds, and each round may not last more than
 16 three (3) minutes. There must not be less than a one (1) minute
 17 intermission between each round. The commission may for any
 18 bout or any class of contestants limit the number of rounds of the
 19 bout within the maximum of twelve (12) rounds.

20 (c) Any contestant in a boxing or sparring match or an
 21 exhibition must wear standard gloves, weighing not less than eight
 22 (8) ounces, and the gloves worn by each of the contestants must be
 23 equal in weight.

24 (d) At each boxing, sparring, or unarmed combat match or
 25 exhibition there must be in attendance, at the expense of the person
 26 conducting the match or exhibition, a licensed referee who shall
 27 direct and control the match or exhibition. Before starting each
 28 contest, the referee shall ascertain from each contestant the name
 29 of his chief second, and shall hold the chief second responsible for
 30 the conduct of his assistant seconds during the contest. The referee
 31 may declare forfeited a part or all of any remuneration or purse
 32 belonging to the contestants, or one (1) of them, if, in the referee's
 33 judgment, the contestant or contestants are not honestly
 34 competing. Any forfeited amount shall be paid into the fund.

35 (e) There must also be in attendance at the expense of the person
 36 conducting the match or exhibition three (3) licensed judges who
 37 shall, at the termination of each boxing, sparring, or unarmed
 38 combat match or exhibition render their decisions as to the winner.

39 (f) A person who holds any boxing, sparring, or unarmed
 40 combat match or exhibition in violation of this section commits a
 41 Class A infraction.

42 (g) A physician who knowingly certifies falsely to the physical

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1 condition of any contestant commits a Class B infraction.

2 **Sec. 28. (a)** A contestant may not participate in any boxing,
3 sparring, or unarmed combat match or exhibition unless registered
4 and licensed with the commission, which license must be renewed
5 biennially. The license fee and the renewal fee may not be less than
6 five dollars (\$5), paid at the time of the application for the license
7 or renewal.

8 (b) Any person who desires to be registered and licensed as a
9 contestant shall file an application in writing with the executive
10 director of the commission stating:

- 11 (1) the correct name of the applicant;
12 (2) the date and place of the applicant's birth;
13 (3) the place of the applicant's residence; and
14 (4) the applicant's employment, business, or occupation, if
15 any.

16 The application must be verified under oath of the applicant. An
17 application for a renewal license must be in similar form.

18 (c) No assumed or ring names shall be used in any application
19 nor in any advertisement of any contest, unless the ring or assumed
20 name has been registered with the commission with the correct
21 name of the applicant.

22 (d) Each application for license by a contestant or for a license
23 renewal must be accompanied by the certificate of a physician
24 residing within Indiana who is licensed as provided in this article
25 and has practiced in Indiana for not less than five (5) years,
26 certifying that the physician has made a thorough physical
27 examination of the applicant, and that the applicant is physically
28 fit and qualified to participate in boxing, sparring, or unarmed
29 combat matches or exhibitions.

30 **Sec. 29. (a)** The commission shall, upon proper application,
31 grant licenses to competent referees and judges whose
32 qualifications may be tested by the commission, and the
33 commission may revoke any such license granted to any referee or
34 judge upon cause as the commission finds sufficient. A referee's or
35 judge's license must be renewed biennially. No person shall be
36 permitted to act as referee or judge in Indiana without a license.

37 (b) The application for license as referee, or renewal thereof,
38 shall be accompanied by a fee established by the commission.

39 (c) The commission shall appoint, from among licensed officials,
40 all officials for all contests held under this chapter.

41 **Sec. 30.** The commission may declare any person who has been
42 convicted of an offense under IC 35-48 ineligible to participate in

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1 any boxing, sparring, or unarmed combat match or exhibition, or
 2 any other activity or event regulated by the commission,
 3 notwithstanding that the person may hold a valid license issued by
 4 the commission. The period of ineligibility shall be for not less than
 5 six (6) months nor more than three (3) years, as determined by the
 6 commission. If a convicted person is declared ineligible, the
 7 commission shall suspend the person and declare the person
 8 ineligible to participate in any boxing, sparring, or unarmed
 9 combat match or exhibition, or any other activity or event
 10 regulated by the commission, as soon as it discovers the conviction,
 11 but the period of ineligibility shall commence from the actual date
 12 of the conviction. During the period of ineligibility, the suspended
 13 person may reapply to the commission for a license.

14 Sec. 31. (a) Any license under this chapter may be revoked or
 15 suspended by the commission for reasons sufficient under this
 16 chapter.

17 (b) If a person displays to the public credentials issued by the
 18 commission that:

- 19 (1) have been revoked or suspended under this chapter; or
 - 20 (2) have expired;
- 21 the commission may declare the person ineligible for a period to be
 22 determined by the commission to participate in any boxing,
 23 sparring, or unarmed combat match, exhibition, or other activity
 24 regulated by the commission.

25 Sec. 32. (a) Every person, club, corporation, firm, or association
 26 that may conduct any match or exhibition under this chapter shall
 27 do the following within twenty-four (24) hours after the end of the
 28 match or exhibition:

- 29 (1) Furnish to the commission, by mail, a written report duly
 30 verified by that person or, if a club, corporation, firm, or
 31 association, by one (1) of its officers, showing the amount of
 32 the gross proceeds for the match or exhibition and other
 33 related matters as the commission may prescribe.
- 34 (2) Pay a tax of five percent (5%) of the price from the sale of
 35 each admission ticket to the match or exhibition, which price
 36 is a separate and distinct charge and shall not include any tax
 37 imposed on and collected on account of the sale of the ticket.
 38 Money derived from the tax shall be deposited in the fund.
- 39 (3) Pay all fees established by the commission necessary to
 40 cover the administrative costs of its regulatory oversight
 41 function.

42 (b) Before any license is granted for any boxing, sparring, or

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1 unarmed combat match or exhibition in Indiana, a bond or other
2 instrument that provides financial recourse must be provided to
3 the commission. The instrument must be:

- 4 (1) in an amount determined by the commission;
- 5 (2) approved as to form and sufficiency of the sureties by the
6 commission;
- 7 (3) payable to the state; and
- 8 (4) conditioned for the payment of the tax imposed, the
9 officials and contestants, and compliance with this chapter
10 and the valid rules of the commission.

11 Sec. 33. (a) Every person, club, corporation, firm, or association
12 holding or showing any boxing, sparring, or unarmed combat
13 matches on a closed circuit telecast, pay per view telecast, or
14 subscription television viewed within Indiana, whether originating
15 within Indiana or another state, shall furnish the executive director
16 of the commission a written report, under oath, stating the amount
17 of gross proceeds from holding or showing the contest and any
18 other matter as the commission may prescribe and shall, within
19 seventy-two (72) hours after the showing of the contest, pay a tax
20 of five percent (5%) of its total gross receipts for the holding or
21 showing of the boxing, sparring, or unarmed combat match.
22 Money derived from the tax shall be placed in the fund.

23 (b) This section does not apply to a showing occurring at a
24 private residence.

25 Sec. 34. Whenever a report under section 32 or 33 of this
26 chapter is unsatisfactory to the state treasurer, the state treasurer
27 may examine or cause to be examined the books and records of the
28 person, club, corporation, or association and subpoena and
29 examine, under oath, that person or officers and other persons as
30 witnesses for the purpose of determining the total amount of the
31 gross receipts derived from any contest, and the amount of tax due,
32 under this chapter, which tax the state treasurer may upon
33 examination, fix and determine. In case of default in the payment
34 of any tax due, together with the expenses incurred in making the
35 examination for a period of twenty (20) days after written notice to
36 the delinquent person, club, corporation, or association of the
37 amount fixed by the state treasurer as delinquent, the person, club,
38 corporation, or association shall be disqualified from receiving any
39 new license or permit, and the attorney general shall institute suit
40 upon the bond filed under section 32 of this chapter, to recover the
41 tax and penalties imposed by this chapter. In addition to the tax
42 due from the delinquent person, club, corporation, or association,

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1 a penalty in the sum of not more than one thousand dollars
2 (\$1,000) for each offense shall be recovered by the attorney general
3 for the state.

4 Sec. 35. The commission may appoint official representatives,
5 designated as inspectors, each of whom shall receive from the
6 commission a card authorizing the official representative to act as
7 an inspector wherever the commission may designate the official
8 representative to act. One (1) inspector or deputy shall:

9 (1) be present at all boxing, sparring, or unarmed combat
10 matches or exhibitions and ensure that the rules of the
11 commission and this chapter are strictly observed; and

12 (2) be present at the counting up of the gross receipts and
13 immediately mail to the commission the final box office
14 statement received by the inspector or deputy from the person
15 or officers of the club, corporation, or association conducting
16 the match or exhibition.

17 Sec. 36. The commission shall determine the weights and classes
18 of boxers and unarmed competitors and the rules and regulations
19 of boxing and unarmed combat.

20 Sec. 37. All tickets of admission to any boxing, sparring, or
21 unarmed combat match or exhibition must clearly show the
22 purchase price. Tickets shall not be sold for more than the price
23 printed on the tickets. It is unlawful for any person, club,
24 corporation, or association to admit to a contest a number of
25 people greater than the seating capacity of the place where the
26 contest is held.

27 Sec. 38. A contestant shall not be paid for services before the
28 contest, and the referee and judges must determine that if any
29 contestant did not give an honest exhibition of the contestant's skill,
30 the contestant's services shall not be paid for.

31 Sec. 39. All fees received by the executive director of the
32 commission on behalf of the commission under this chapter shall
33 be paid into the fund.

34 Sec. 40. A person who violates this chapter commits a Class B
35 misdemeanor.

36 Sec. 41. The commission may adopt rules under IC 4-22-2 to
37 administer this chapter.

38 Sec. 42. A licensee shall comply with the standards established
39 by the commission. A practitioner is subject to the disciplinary
40 sanctions under section 43 of this chapter if, after a hearing, the
41 commission finds any of the following concerning the practitioner:

42 (1) Failure, without just cause, to observe the terms of any

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- 1 contract required to be on file with the commission.
- 2 (2) Violation of any of the provisions of the statutes, rules, or
- 3 the orders of the commission.
- 4 (3) Interference with the official duties of other licensees, the
- 5 commission, or any administrative officer or representative
- 6 of the commission.
- 7 (4) Gambling that is otherwise prohibited by law on the result
- 8 of any bout permitted by the commission.
- 9 (5) Noncompetitive boxing, sparring, or unarmed combat or
- 10 the solicitation of noncompetitive boxers or unarmed
- 11 competitors.
- 12 (6) Failure to appear at designated times and places as
- 13 required by the commission.
- 14 (7) Bribery or attempted bribery of any licensee, employee, or
- 15 member of the commission.
- 16 (8) Employing or knowingly cooperating in fraud or material
- 17 deception in order to obtain any license or permit issued by
- 18 the commission.
- 19 (9) Has been convicted of a crime that has a direct bearing on
- 20 the applicant's or licensee's ability to perform acts that
- 21 require a license or permit issued by the commission.
- 22 (10) Unlicensed or unpermitted participation in any activity
- 23 in Indiana for which a license or permit issued by the
- 24 commission is required.
- 25 (11) Participating, directly or indirectly, in any agreement to
- 26 circumvent any rules or ruling of the commission.
- 27 (12) Any activity that undermines the integrity of boxing,
- 28 sparring, or unarmed combat.
- 29 **Sec. 43. (a) The commission may impose any of the following**
- 30 **sanctions, singly or in combination, if the commission finds that a**
- 31 **licensee is subject to disciplinary sanctions under section 42 of this**
- 32 **chapter:**
 - 33 (1) Permanently revoke a licensee's license.
 - 34 (2) Suspend a licensee's license.
 - 35 (3) Censure a licensee.
 - 36 (4) Issue a letter of reprimand.
 - 37 (5) Place a licensee on probation status and require the
 - 38 licensee to:
 - 39 (A) report regularly to the commission upon the matters
 - 40 that are the basis of probation;
 - 41 (B) limit the licensee's participation at boxing, sparring, or
 - 42 unarmed combat events to those areas prescribed by the

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1 **commission; or**
2 **(C) perform any acts, including community restitution or**
3 **service without compensation, or refrain from performing**
4 **any acts, that the commission considers appropriate to the**
5 **public interest or to the rehabilitation or treatment of the**
6 **licensee.**
7 **(6) Assess a civil penalty against the licensee for not more**
8 **than one thousand dollars (\$1,000) for each violation listed in**
9 **section 42 of this chapter.**
10 **(7) Order a licensee to pay consumer restitution to a person**
11 **who suffered damages as a result of the conduct or omission**
12 **that was the basis for the disciplinary sanctions under this**
13 **chapter.**
14 **(b) When imposing a civil penalty under subsection (a)(6), the**
15 **commission shall consider a licensee's ability to pay the amount**
16 **assessed. If the licensee fails to pay the civil penalty within the time**
17 **specified by the commission, the commission may suspend the**
18 **licensee's license without additional proceedings. However, a**
19 **suspension may not be imposed if the sole basis for the suspension**
20 **is the licensee's inability to pay a civil penalty.**
21 **(c) The commission may withdraw or modify the probation**
22 **under subsection (a)(5) if the commission finds after a hearing that**
23 **the deficiency that required disciplinary action has been remedied**
24 **or that changed circumstances warrant a modification of the order.**
25 **Sec. 44. (a) The commission may summarily suspend a licensee's**
26 **license for ninety (90) days before a final adjudication or during**
27 **the appeals process if the commission finds that a licensee**
28 **represents a clear and immediate danger to the public's health,**
29 **safety, or property if the licensee is allowed to continue to**
30 **participate in boxing, sparring, or unarmed combat matches,**
31 **contests, or exhibitions. The summary suspension may be renewed**
32 **upon a hearing before the commission, and each renewal may be**
33 **for not more than ninety (90) days.**
34 **(b) Before the commission may summarily suspend a license**
35 **under this section, the commission shall make a reasonable attempt**
36 **to notify the licensee of:**
37 **(1) a hearing by the commission to suspend the licensee's**
38 **license; and**
39 **(2) information regarding the allegation against the licensee.**
40 **The commission shall also notify the licensee that the licensee may**
41 **provide a written or an oral statement to the commission on the**
42 **licensee's behalf before the commission issues an order for**

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1 summary suspension. A reasonable attempt to notify the licensee
 2 is made if the commission attempts to notify the licensee by
 3 telephone or facsimile at the last telephone number or facsimile
 4 number of the licensee on file with the commission.

5 **Sec. 45.** The commission may reinstate a license that has been
 6 suspended under this chapter if, after a hearing, the commission is
 7 satisfied that the applicant is able to participate at a boxing,
 8 sparring, or unarmed combat match, contest, or exhibition in a
 9 professional manner and with reasonable skill. As a condition of
 10 reinstatement, the commission may impose disciplinary or
 11 corrective measures authorized under this chapter.

12 **Sec. 46.** The commission may not reinstate a license that has
 13 been revoked under this chapter. An individual whose license has
 14 been revoked under this chapter may not apply for a new license
 15 until seven (7) years after the date of revocation.

16 **Sec. 47.** A licensee may petition the commission to accept the
 17 surrender of the licensee's license instead of having a hearing
 18 before the commission. The licensee may not surrender the
 19 licensee's license without the written approval of the commission,
 20 and the commission may impose any conditions appropriate to the
 21 surrender or reinstatement of a surrendered license.

22 **Sec. 48.** A licensee who has been subjected to disciplinary
 23 sanctions may be required by the commission to pay the costs of
 24 the proceeding. The licensee's ability to pay shall be considered
 25 when costs are assessed. If the licensee fails to pay the costs, a
 26 suspension may not be imposed solely upon the licensee's inability
 27 to pay the amount assessed. These costs are limited to costs for the
 28 following:

- 29 (1) Court reporters.
- 30 (2) Transcripts.
- 31 (3) Certification of documents.
- 32 (4) Photo duplication.
- 33 (5) Witness attendance and mileage fees.
- 34 (6) Postage.
- 35 (7) Expert witnesses.
- 36 (8) Depositions.
- 37 (9) Notarizations.
- 38 (10) Administrative law judges.

39 **Sec. 49. (a)** The commission may refuse to issue a license or may
 40 issue a probationary license to an applicant for licensure if:

- 41 (1) the applicant has:
 - 42 (A) been disciplined by a licensing entity of another state

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- 1 or jurisdiction; or
- 2 **(B) committed an act that would have subjected the**
- 3 **applicant to the disciplinary process if the applicant had**
- 4 **been licensed in Indiana when the act occurred; and**
- 5 **(2) the violation for which the applicant was or could have**
- 6 **been disciplined has a bearing on the applicant's ability to**
- 7 **competently and professionally participate in a boxing,**
- 8 **sparring, or unarmed combat match, contest, or exhibition in**
- 9 **Indiana.**
- 10 **(b) The board may:**
- 11 **(1) refuse to issue a license; or**
- 12 **(2) issue a probationary license;**
- 13 **to an applicant for licensure if the applicant participated in a**
- 14 **boxing, sparring, or unarmed combat match, contest, or exhibition**
- 15 **in Indiana without a license in violation of the law.**
- 16 **(c) Whenever the commission issues a probationary license, the**
- 17 **commission may require a licensee to do any of the following:**
- 18 **(1) Report regularly to the commission upon the matters that**
- 19 **are the basis of the discipline of the other state or jurisdiction.**
- 20 **(2) Limit participation in a boxing, sparring, or unarmed**
- 21 **combat match, contest, or exhibition to the areas prescribed**
- 22 **by the commission.**
- 23 **(3) Engage in community restitution or service without**
- 24 **compensation for the number of hours specified by the**
- 25 **commission.**
- 26 **(4) Perform or refrain from performing an act that the**
- 27 **commission considers appropriate to the public interest or to**
- 28 **the rehabilitation or treatment of the applicant.**
- 29 **(d) The commission shall remove any limitations placed on a**
- 30 **probationary license under this section if the commission finds**
- 31 **after a public hearing that the deficiency that required disciplinary**
- 32 **action has been remedied.**

33 SECTION 24. IC 5-2-1-2, AS AMENDED BY P.L.77-2009,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2010]: Sec. 2. For the purposes of this chapter, and unless the
 36 context clearly denotes otherwise, the following definitions apply
 37 throughout this chapter:

- 38 (1) "Law enforcement officer" means an appointed officer or
- 39 employee hired by and on the payroll of the state, any of the
- 40 state's political subdivisions, or a public or private postsecondary
- 41 educational institution whose board of trustees has established a
- 42 police department under IC 21-17-5-2 or IC 21-39-4-2 who is

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1 granted lawful authority to enforce all or some of the penal laws
 2 of the state of Indiana and who possesses, with respect to those
 3 laws, the power to effect arrests for offenses committed in the
 4 officer's or employee's presence. However, the following are
 5 expressly excluded from the term "law enforcement officer" for
 6 the purposes of this chapter:

7 (A) A constable.

8 (B) A special officer whose powers and duties are described
 9 in IC 36-8-3-7 or a special deputy whose powers and duties are
 10 described in IC 36-8-10-10.6.

11 (C) A county police reserve officer who receives compensation
 12 for lake patrol duties under IC 36-8-3-20(f)(4).

13 (D) A conservation reserve officer who receives compensation
 14 for lake patrol duties under IC 14-9-8-27.

15 (E) An employee of the gaming commission whose powers
 16 and duties are described in IC 4-32.2-9.

17 (F) A correctional police officer described in IC 11-8-9.

18 (2) "Board" means the law enforcement training board created by
 19 this chapter.

20 ~~(3)~~ "Advisory council" means the law enforcement advisory
 21 council created by this chapter.

22 ~~(4)~~ (3) "Executive training program" means the police chief
 23 executive training program developed by the board under section
 24 9 of this chapter.

25 ~~(5)~~ (4) "Law enforcement training council" means one (1) of the
 26 confederations of law enforcement agencies recognized by the
 27 board and organized for the sole purpose of sharing training,
 28 instructors, and related resources.

29 ~~(6)~~ (5) "Training regarding the lawful use of force" includes
 30 classroom and skills training in the proper application of hand to
 31 hand defensive tactics, use of firearms, and other methods of:

32 (A) overcoming unlawful resistance; or

33 (B) countering other action that threatens the safety of the
 34 public or a law enforcement officer.

35 ~~(7)~~ (6) "Hiring or appointing authority" means:

36 (A) the chief executive officer, board, or other entity of a
 37 police department or agency with authority to appoint and hire
 38 law enforcement officers; or

39 (B) the governor, mayor, board, or other entity with the
 40 authority to appoint a chief executive officer of a police
 41 department or agency.

42 SECTION 25. IC 5-2-1-3, AS AMENDED BY P.L.22-2005,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2010]: Sec. 3. (a) There is created, as a criminal justice
 3 agency of the state, a law enforcement training board to carry out the
 4 provisions of this chapter. The board members are to be selected as
 5 provided by this chapter. The board is composed of the following
 6 members:

7 (1) The superintendent of the Indiana state police department,
 8 who shall serve as chairperson of the board.

9 (2) The deputy director of the division of preparedness and
 10 training of the department of homeland security. The deputy
 11 director shall serve as the vice chair of the board.

12 (3) The chief of police of a consolidated city.

13 (4) One (1) county sheriff from a county with a population of at
 14 least one hundred thousand (100,000).

15 (5) One (1) county sheriff from a county of at least fifty thousand
 16 (50,000) but less than one hundred thousand (100,000)
 17 population.

18 (6) One (1) county sheriff from a county of under fifty thousand
 19 (50,000) population.

20 (7) One (1) chief of police from a city of at least thirty-five
 21 thousand (35,000) population, who is not the chief of police of a
 22 consolidated city.

23 (8) One (1) chief of police from a city of at least ten thousand
 24 (10,000) but under thirty-five thousand (35,000) population.

25 (9) One (1) chief of police, police officer, or town marshal from
 26 a city or town of under ten thousand (10,000) population.

27 (10) One (1) prosecuting attorney.

28 (11) One (1) judge of a circuit or superior court exercising
 29 criminal jurisdiction.

30 (12) One (1) member representing professional journalism.

31 (13) One (1) member representing the medical profession.

32 (14) One (1) member representing education.

33 (15) One (1) member representing business and industry.

34 (16) One (1) member representing labor.

35 (17) One (1) member representing Indiana elected officials of
 36 counties, cities, and towns.

37 (b) The following members constitute an advisory council to assist
 38 the members of the board in an advisory, nonvoting capacity:

39 (1) The special agent in charge of the Federal Bureau of
 40 Investigation field office covering the state of Indiana, subject to
 41 the agent's approval to serve in such capacity.

42 (2) The attorney general of Indiana.

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- 1 ~~(3) One (1) member representing forensic science, to be~~
- 2 ~~appointed by the governor.~~
- 3 ~~(4) One (1) member representing theology, to be appointed by the~~
- 4 ~~governor.~~
- 5 ~~(5) The director of the law enforcement division of the~~
- 6 ~~department of natural resources.~~

7 SECTION 26. IC 5-2-1-4, AS AMENDED BY P.L.52-2005,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 4. ~~(a)~~ All members of the board shall be appointed
 10 to the board by the governor. The appointments shall be made on a
 11 bipartisan basis so that not more than one-half (1/2) of the members of
 12 the board shall at any time be members of either of the two (2) major
 13 political parties. All appointments shall be for terms of four (4) years
 14 or while maintaining the position held at the time of appointment to the
 15 board, whichever is the lesser period. Appointees to the board shall
 16 serve as members of the board only while holding the office or position
 17 held at the time of appointment to the board in order that the
 18 representative nature of the board outlined in section 3 of this chapter
 19 may be maintained. However, each member of the board shall serve
 20 until the member's successor has been appointed and qualified, unless
 21 the member's services are terminated earlier for sufficient reason.
 22 Vacancies on the board caused by expiration of a term, termination of
 23 the office or position held at time of appointment, or for any other
 24 reason shall be filled in the same manner as original appointments. A
 25 member appointed to fill a vacancy created other than by expiration of
 26 a term shall be appointed for the unexpired term of the member
 27 succeeded in the same manner as an original appointment. Members of
 28 the board may be reappointed for additional terms. All members of the
 29 board shall serve, unless their services are terminated earlier for
 30 sufficient reason, until their successors have been appointed and
 31 qualified. Members of the board may be removed by the governor for
 32 inefficiency, incompetence, neglect of duty, or other good cause after
 33 having been accorded a hearing by the governor upon reasonable notice
 34 of the charge being made against them.

35 (b) Members of the advisory council who serve by virtue of their
 36 office or position shall serve as members of the advisory council only
 37 during the term of their office or position as the case may be. The
 38 governor is authorized and empowered to appoint members to the
 39 advisory council in addition to those enumerated in section 3(b) of this
 40 chapter. All members appointed to the advisory council by the
 41 governor shall serve only during the pleasure of the governor. Advisory
 42 council appointments need not be made on a bipartisan basis.

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1 SECTION 27. IC 5-2-1-5 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2010]: Sec. 5. Membership on the law
 3 enforcement training board ~~or the advisory council~~ shall not constitute
 4 holding a public office and members of the board ~~and advisory council~~
 5 shall not be required to take and file oaths of office before serving in
 6 such capacities. The board ~~and the advisory council~~ shall exercise only
 7 the powers granted by this chapter. No member of the board ~~or of the~~
 8 ~~advisory council~~ shall be disqualified from holding any public office or
 9 position by reason of ~~his~~ **the member's** appointment or membership on
 10 the board, ~~or advisory council~~, nor shall any such person forfeit any
 11 office, position, or employment by reason of an appointment pursuant
 12 to this chapter, notwithstanding the provisions of any statute,
 13 ordinance, or city charter.

14 SECTION 28. IC 5-2-1-6, AS AMENDED BY P.L.110-2009,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2010]: Sec. 6. The board ~~and advisory council~~ shall meet at
 17 least four (4) times in each year and shall hold special meetings when
 18 called by the chairperson. The presence of nine (9) members of the
 19 board constitutes a quorum for doing business. At least nine (9)
 20 affirmative votes are required for the passage of any matter put to a
 21 vote of the board. ~~Advisory council members are entitled to participate~~
 22 ~~in the business and deliberation of the board, but only board members~~
 23 ~~are entitled to vote.~~ The board shall establish its own procedure and
 24 requirements with respect to place and conduct of its meetings.

25 SECTION 29. IC 5-2-1-8 IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2010]: Sec. 8. The members of the board ~~and~~
 27 ~~the advisory council~~ shall serve without compensation except that a
 28 salary per diem and actual expenses incurred, in accordance with travel
 29 policies and procedures established by the department of
 30 administration and the state budget agency, shall be allowed to each
 31 member for attendance at regular or special meetings or otherwise
 32 engaging in official business of the board.

33 SECTION 30. IC 9-17-3-3.1, AS AMENDED BY P.L.131-2008,
 34 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2010]: Sec. 3.1. The affidavit required by section 3(a)(5) of
 36 this chapter shall be printed in the following form:

37 STATE OF INDIANA)
 38) ss:
 39 COUNTY OF _____)

40 I affirm under the penalties for perjury that all of the following are
 41 true:

- 42 (1) That I am a dealer licensed under ~~IC 9-23-1~~ **IC 9-23-2-1**.

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1 (2) That I cannot deliver a valid certificate of title to the retail
 2 purchaser of the vehicle described in paragraph (3) at the time of
 3 sale of the vehicle to the retail purchaser. The identity of the
 4 previous seller or transferor is _____.
 5 Payoff of lien was made on (date)_____. I expect to deliver a
 6 valid and transferable certificate of title not later than
 7 (date)_____ from the (State of)_____ to the
 8 purchaser.
 9 (3) That I will undertake reasonable commercial efforts to
 10 produce the valid certificate of title. The vehicle identification
 11 number is _____.
 12 Signed _____, Dealer

13 By _____
 14 Dated _____, _____

15 CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
 16 AFFIDAVIT.

17 _____
 18 Customer Signature

19 NOTICE TO THE CUSTOMER

20 If you do not receive a valid certificate of title within the time
 21 specified by this affidavit, you have the right to return the vehicle to the
 22 vehicle dealer ten (10) days after giving the vehicle dealer written
 23 notice demanding delivery of a valid certificate of title and after the
 24 vehicle dealer's failure to deliver a valid certificate of title within that
 25 ten (10) day period. Upon return of the vehicle to the vehicle dealer in
 26 the same or similar condition as when it was delivered to you, the
 27 vehicle dealer shall pay you the purchase price plus sales taxes, finance
 28 expenses, insurance expenses, and any other amount that you paid to
 29 the vehicle dealer.

30 If a lien is present on the previous owner's certificate of title, it is the
 31 responsibility of the third party lienholder to timely deliver the
 32 certificate of title in the third party's possession to the dealer not more
 33 than ten (10) business days after there is no obligation secured by the
 34 vehicle. If the dealer's inability to deliver a valid certificate of title to
 35 you within the above-described ten (10) day period results from the
 36 acts or omissions of a third party who has failed to timely deliver the
 37 certificate of title in the third party's possession to the dealer, the dealer
 38 may be entitled to claim against the third party the damages allowed by
 39 law.

40 SECTION 31. IC 9-27-2-4, AS AMENDED BY P.L.210-2005,
 41 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2010]: Sec. 4. The office shall do the following to carry out

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this chapter:

(1) Develop, plan, and conduct programs and activities designed to prevent and reduce traffic accidents and to facilitate the control of traffic on Indiana streets and highways.

(2) Advise, recommend, and consult with state departments, divisions, boards, commissions, and agencies concerning traffic safety, accident prevention, and traffic facilitation programs and activities and coordinate these programs and activities on an effective statewide basis.

(3) Organize and conduct, in cooperation with state departments and agencies, programs, services, and activities designed to aid political subdivisions in the control of traffic and prevention of traffic accidents.

(4) Develop informational, educational, and promotional material on traffic control and traffic accident prevention, disseminate the material through all possible means of public information, and serve as a clearinghouse for information and publicity on traffic control and accident prevention programs and activities of state departments and agencies. These activities must include materials and information designed to make senior citizens aware of the effect of age on driving ability.

(5) Cooperate with public and private agencies interested in traffic control and traffic accident prevention in the development and conduct of public informational and educational activities designed to promote traffic safety or to support the official traffic safety program of Indiana.

(6) Study and determine the merits of proposals affecting traffic control, traffic safety, or traffic accident prevention activities in Indiana and recommend to the governor and the general assembly the measures that will serve to further control and reduce traffic accidents.

(7) Study proposed revisions and amendments to the motor vehicle laws and all other laws concerning traffic safety and make recommendations relative to those laws to the governor and general assembly.

(8) Develop and conduct a program of effective alcohol and drug countermeasures to protect and conserve life and property on Indiana streets and highways.

(9) Administer the operation lifesaver program referred to in section 12 of this chapter to promote and coordinate public education concerning railroad grade crossing safety.

SECTION 32. IC 10-13-3-38.5, AS AMENDED BY P.L.160-2009,

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1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2010]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat.
3 1115), the department may use an individual's fingerprints submitted
4 by the individual for the following purposes:

5 (1) Determining the individual's suitability for employment with
6 the state, or as an employee of a contractor of the state, in a
7 position:

8 (A) that has a job description that includes contact with, care
9 of, or supervision over a person less than eighteen (18) years
10 of age;

11 (B) that has a job description that includes contact with, care
12 of, or supervision over an endangered adult (as defined in
13 IC 12-10-3-2), except the individual is not required to meet the
14 standard for harmed or threatened with harm set forth in
15 IC 12-10-3-2(a)(3);

16 (C) at a state institution managed by the office of the secretary
17 of family and social services or state department of health;

18 (D) at the Indiana School for the Deaf established by
19 IC 20-22-2-1;

20 (E) at the Indiana School for the Blind and Visually Impaired
21 established by IC 20-21-2-1;

22 (F) at a juvenile detention facility;

23 (G) with the Indiana gaming commission under IC 4-33-3-16;

24 (H) with the department of financial institutions under
25 IC 28-11-2-3; or

26 (I) that has a job description that includes access to or
27 supervision over state financial or personnel data, including
28 state warrants, banking codes, or payroll information
29 pertaining to state employees.

30 (2) Identification in a request related to an application for a
31 teacher's license submitted to the department of education
32 established by IC 20-19-3-1.

33 (3) Use by the ~~state athletic gaming~~ **gaming** commission established
34 under ~~IC 25-9-1-1~~ **IC 4-33-3-1** for licensure of a promoter (as
35 defined in ~~IC 25-9-1-0.7~~ **IC 4-33-22-6**) under ~~IC 25-9-1-~~
36 **IC 4-33-22**.

37 (4) Use by the Indiana board of pharmacy in determining the
38 individual's suitability for a position or employment with a
39 wholesale drug distributor, as specified in IC 25-26-14-16(b),
40 IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.

41 An applicant shall submit the fingerprints in an appropriate format or
42 on forms provided for the employment or license application. The

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1 department shall charge each applicant the fee established under
 2 section 28 of this chapter and by federal authorities to defray the costs
 3 associated with a search for and classification of the applicant's
 4 fingerprints. The department may forward fingerprints submitted by an
 5 applicant to the Federal Bureau of Investigation or any other agency for
 6 processing. The state personnel department or the agency to which the
 7 applicant is applying for employment or a license may receive the
 8 results of all fingerprint investigations.

9 (b) An applicant who is an employee of the state may not be charged
 10 under subsection (a).

11 (c) Subsection (a)(1) does not apply to an employee of a contractor
 12 of the state if the contract involves the construction or repair of a
 13 capital project or other public works project of the state.

14 SECTION 33. IC 10-17-9-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Each member,
 16 the estate of a deceased member, or the estate of a member under
 17 guardianship is liable for the costs of maintenance of the member in an
 18 amount up to one hundred percent (100%) of the daily per capita cost
 19 of personal services and all other operating expenses for the preceding
 20 fiscal year. The per capita charge may be adjusted to reflect the level
 21 of care provided.

22 (b) The level of care must be as consistent as possible with:

- 23 (1) the care category of the facility in which the member is
 24 placed;
- 25 (2) the rules of the Indiana health facilities, **home health care,**
 26 **and hospice** council adopted under IC 16-28; and
- 27 (3) the applicable code of the federal government covering
 28 reimbursement from the United States Department of Veterans'
 29 Affairs or another department of the federal government.

30 (c) The liability created for the costs of maintenance of a member
 31 constitutes a lien upon the real property of the member if the lien is
 32 recorded as provided in this chapter. The lien has priority over all liens
 33 subsequently acquired.

34 SECTION 34. IC 12-7-2-44, AS AMENDED BY P.L.130-2009,
 35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]: Sec. 44. "Council" means the following:

- 37 (1) For purposes of IC 12-9-4, the meaning set forth in
 38 IC 12-9-4-1.
- 39 (2) For purposes of IC 12-12-8, the meaning set forth in
 40 IC 12-12-8-2.5.
- 41 (3) For purposes of IC 12-13-4, the meaning set forth in
 42 IC 12-13-4-1.

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- 1 ~~(4)~~ For purposes of IC ~~12-15-41~~ and IC ~~12-15-42~~, the Medicaid
- 2 work incentives council established by IC ~~12-15-42-1~~.
- 3 ~~(5)~~ (4) For purposes of IC 12-12.7-2, the meaning set forth in
- 4 IC 12-12.7-2-2.
- 5 ~~(6)~~ (5) For purposes of IC 12-21-4, the meaning set forth in
- 6 IC 12-21-4-1.
- 7 ~~(7)~~ (6) For purposes of IC 12-28-5, the meaning set forth in
- 8 IC 12-28-5-1.

9 SECTION 35. IC 12-10-6-5, AS AMENDED BY P.L.99-2007,
 10 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2010]: Sec. 5. (a) An individual who is determined under
 12 section 2.1(a)(2) of this chapter to be incapable of residing in the
 13 individual's own home because of mental illness may be admitted to a
 14 home or facility that provides residential care to the extent that money
 15 is available for the care.

16 (b) Within thirty (30) days after an individual with a mental illness
 17 is placed in a home or facility that provides residential care, a
 18 comprehensive care plan must be developed for the individual.

19 (c) The residential care facility, in cooperation with the community
 20 mental health center or an individual's managed care provider (as
 21 defined in IC 12-7-2-127(b)) serving the area in which the residential
 22 care facility is located, shall develop the comprehensive care plan for
 23 the individual. The plan must include the following:

- 24 (1) Psychosocial rehabilitation services that are provided within
- 25 the community.
- 26 (2) A comprehensive range of activities to meet multiple levels of
- 27 need, including the following:
 - 28 (A) Recreational and socialization activities.
 - 29 (B) Social skills.
 - 30 (C) Educational, training, occupational, and work programs.
 - 31 (D) Opportunities for progression into less restrictive and
 - 32 more independent living arrangements.
- 33 (3) Appropriate alternate placement if the individual's needs
- 34 cannot be met by the facility.

35 (d) The **Indiana** health facilities, **home health care, and hospice**
 36 council shall, in coordination with the division of mental health and
 37 addiction and the division, adopt rules under IC 4-22-2 to govern:

- 38 (1) residential care; and
- 39 (2) the comprehensive care plan;
- 40 provided to individuals with a mental illness who reside under this
- 41 chapter in a home or facility that provides residential care.

42 SECTION 36. IC 12-11-2.1-1, AS AMENDED BY P.L.99-2007,

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1 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2010]: Sec. 1. (a) The bureau shall determine whether or not
3 an individual has a developmental disability. For individuals for whom
4 there is not enough current information available to make a
5 determination of eligibility, the bureau shall use the results of a
6 diagnostic assessment in determining whether an individual has a
7 developmental disability. A diagnostic assessment must include the
8 following:

9 (1) Diagnostic information concerning the individual's
10 functioning level and medical and habilitation needs.

11 (2) All information necessary for the use of the office of Medicaid
12 policy and planning, the Indiana health facilities, **home health**
13 **care, and hospice** council, and the division.

14 (3) The use of all appropriate assessments conducted under rules
15 adopted under IC 16-28.

16 (b) An individual who is found not to have a developmental
17 disability may appeal the bureau's finding under IC 4-21.5.

18 (c) If an individual is determined to have a developmental disability,
19 the office shall determine whether the individual meets the appropriate
20 federal level of care requirements.

21 SECTION 37. IC 12-15-41-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. As used in this
23 chapter, "countable resources" means all cash, other liquid assets, real
24 property, and personal property owned by an applicant for or a
25 recipient of Medicaid under this chapter, or the spouse of an applicant
26 or a recipient, that could be converted to cash to be used for support or
27 maintenance, except the following:

28 (1) All resources disregarded by the office under this article for
29 the purpose of determining eligibility for Medicaid.

30 (2) Any resource eligible for exclusion under 42 U.S.C.
31 1396a(r)(2), including a retirement account established under 26
32 U.S.C. 220 and held by either the applicant or recipient or the
33 applicant's or recipient's spouse.

34 (3) Subject to approval by the office, not more than twenty
35 thousand dollars (\$20,000) in independence and self-sufficiency
36 accounts held by the applicant or recipient for the sole purpose of
37 purchasing goods or services, including assistive technology and
38 personal assistance, that:

39 (A) will increase the employability or independence of the
40 applicant or recipient; and

41 (B) are not services to which the recipient is entitled under
42 Medicaid or any other publicly funded program.

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1 In determining the types of accounts to be approved under this
2 subdivision, the office shall consider any recommendations made
3 by the Medicaid work incentives council established by
4 IC 12-15-42-1.

5 SECTION 38. IC 12-15-41-13 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) The office shall
7 establish criteria to determine the effectiveness of:

- 8 (1) the buy-in program; and
- 9 (2) continued Medicaid coverage through Section 1619 of the
10 federal Social Security Act (42 U.S.C. 1382h).

11 (b) The criteria required under subsection (a) must include the
12 following:

- 13 (1) The number of individuals with disabilities who are:
 - 14 (A) enrolled in the buy-in program; or
 - 15 (B) receiving Medicaid through Section 1619 of the federal
16 Social Security Act (42 U.S.C. 1382h).
- 17 (2) State revenues resulting from premiums paid by participants
18 in the buy-in program.
- 19 (3) State costs incurred as a result of implementing the buy-in
20 program, including administrative costs and costs of providing
21 services.

22 (c) In addition to the criteria required under subsection (b), the
23 office may establish criteria to determine the following:

- 24 (1) Comparative costs of Medicaid funded services for
25 participants in the buy-in program and work incentives created
26 through Section 1619 of the federal Social Security Act (42
27 U.S.C. 1382h) before and after employment.
- 28 (2) The number of Supplemental Security Income and Social
29 Security Disability Insurance recipients in Indiana who are no
30 longer dependent on, or who have reduced dependence on, public
31 assistance or health care entitlement services, other than Medicaid
32 or the children's health insurance program, due to participation in
33 the buy-in program or work incentives created through Section
34 1619 of the federal Social Security Act (42 U.S.C. 1382h).
- 35 (3) The number of individuals with severe disabilities who are no
36 longer dependent on, or who have reduced dependence on, public
37 benefits or services, other than Medicaid or the children's health
38 insurance program, due to income or support services received
39 through participation in the buy-in program or work incentives
40 created through Section 1619 of the federal Social Security Act
41 (42 U.S.C. 1382h).
- 42 (4) The change in the number of buy-in program participants or

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1 participants in work incentives created through Section 1619 of
 2 the federal Social Security Act (42 U.S.C. 1382h) who have
 3 health care needs and related services covered through employer
 4 based benefit programs.

5 (d) In evaluating the effectiveness of the state's work incentive
 6 initiatives for individuals with disabilities, the office:

7 (1) shall collaborate with other state agencies on data collection;
 8 and

9 (2) may consult with an independent contractor to collect data on
 10 the criteria listed under subsection (b).

11 ~~(e) The office shall provide an annual report of its evaluation under~~
 12 ~~this section to the council not later than October 1 each year, beginning~~
 13 ~~in 2003.~~

14 SECTION 39. IC 12-15-41-15 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) The office shall
 16 adopt rules under IC 4-22-2 to implement this chapter.

17 (b) The office may adopt emergency rules under IC 4-22-2-37.1 to
 18 implement this chapter on an emergency basis.

19 ~~(c) In adopting rules under this section, the office shall:~~

20 ~~(1) submit proposed rules to the council; and~~

21 ~~(2) consider any recommendations of the council before adopting~~
 22 ~~final rules.~~

23 SECTION 40. IC 12-28-5-10, AS AMENDED BY P.L.99-2007,
 24 SECTION 147, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2010]: Sec. 10. In conjunction with the division
 26 of disability and rehabilitative services, the council shall do the
 27 following:

28 (1) Determine the current and projected needs of each geographic
 29 area of Indiana for residential services for individuals with a
 30 developmental disability.

31 (2) Determine how the provision of developmental or vocational
 32 services for residents in these geographic areas affects the
 33 availability of developmental or vocational services to individuals
 34 with a developmental disability living in their own homes.

35 (3) Develop standards for licensure of supervised group living
 36 facilities regarding the following:

37 (A) A sanitary and safe environment for residents and
 38 employees.

39 (B) Classification of supervised group living facilities.

40 (C) Any other matters that will ensure that the residents will
 41 receive a residential environment.

42 (4) Develop standards for the approval of entities providing

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1 supported living services.

2 (5) Recommend social and habilitation programs to the Indiana

3 health facilities, **home health care, and hospice** council for

4 individuals with a developmental disability who reside in health

5 facilities licensed under IC 16-28.

6 (6) Develop and update semiannually a report that identifies the

7 numbers of individuals with a developmental disability who live

8 in health facilities licensed under IC 16-28. The Indiana health

9 facilities, **home health care, and hospice** council shall assist in

10 developing and updating this report.

11 SECTION 41. IC 14-8-2-48, AS AMENDED BY P.L.85-2008,

12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

13 JULY 1, 2010]: Sec. 48. (a) "Commission", except as provided in

14 subsections (b) through ~~(r)~~, **(q)**, refers to the natural resources

15 commission.

16 (b) "Commission", for purposes of IC 14-13-1, has the meaning set

17 forth in IC 14-13-1-1.

18 (c) "Commission", for purposes of IC 14-13-2, has the meaning set

19 forth in IC 14-13-2-2.

20 (d) "Commission", for purposes of IC 14-13-3, has the meaning set

21 forth in IC 14-13-3-1.

22 (e) "Commission", for purposes of IC 14-13-4, has the meaning set

23 forth in IC 14-13-4-1.

24 (f) "Commission", for purposes of IC 14-13-5, has the meaning set

25 forth in IC 14-13-5-1.

26 (g) "Commission", for purposes of IC 14-13-6, has the meaning set

27 forth in IC 14-13-6-2.

28 (h) "Commission", for purposes of IC 14-14-1, has the meaning set

29 forth in IC 14-14-1-3.

30 ~~(i) "Commission", for purposes of IC 14-20-4, has the meaning set~~

31 ~~forth in IC 14-20-4-1.~~

32 ~~(j)~~ **(i)** "Commission", for purposes of IC 14-20-11, has the meaning

33 set forth in IC 14-20-11-1.

34 ~~(k)~~ **(j)** "Commission", for purposes of IC 14-21-4, has the meaning

35 set forth in IC 14-21-4-1.

36 ~~(l)~~ **(k)** "Commission", for purposes of IC 14-25-11, has the meaning

37 set forth in IC 14-25-11-1.

38 ~~(m)~~ **(l)** "Commission", for purposes of IC 14-28-4, has the meaning

39 set forth in IC 14-28-4-1.

40 ~~(n)~~ **(m)** "Commission", for purposes of IC 14-30-1, has the meaning

41 set forth in IC 14-30-1-2.

42 ~~(o)~~ **(n)** "Commission", for purposes of IC 14-30-2, has the meaning

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1 set forth in IC 14-30-2-2.
 2 ~~(p)~~ (o) "Commission", for purposes of IC 14-30-3, has the meaning
 3 set forth in IC 14-30-3-2.
 4 ~~(q)~~ (p) "Commission", for purposes of IC 14-30-4, has the meaning
 5 set forth in IC 14-30-4-2.
 6 ~~(r)~~ (q) "Commission", for purposes of IC 14-33-20, has the meaning
 7 set forth in IC 14-33-20-2.
 8 SECTION 42. IC 15-19-2-8, AS ADDED BY P.L.2-2008,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2010]: Sec. 8. (a) ~~After considering the recommendations of~~
 11 ~~the board~~; The Indiana horse racing commission may:
 12 (1) conduct educational, informational, and youth programs, and
 13 sponsor and expend funds for any program and advertising aimed
 14 at promoting the standardbred industry in Indiana;
 15 (2) employ persons to aid in general promotion or race
 16 administration programs for the standardbred industry in Indiana;
 17 (3) prescribe standards for race programs and conditions of races,
 18 which may include types of races, length of races, positioning of
 19 entries, or gait;
 20 (4) disburse available money to supplement purses for any
 21 individual race with a cooperating fair or standardbred race
 22 meeting;
 23 (5) disburse available money to supplement purses for races
 24 having the requirement that the entries be owned by legal
 25 residents of Indiana; and
 26 (6) accept and disburse donations, contributions, appropriations,
 27 or grants of money or real or personal property.
 28 (b) ~~After considering the recommendations of the board~~; The
 29 Indiana horse racing commission shall distribute available money so
 30 that either:
 31 (1) the division between the trotting and pacing gaits of the
 32 standardbred horse is as near equal as possible in proportion to
 33 entries received for any race program; or
 34 (2) the entries may have been conceived by a stallion that
 35 regularly stands within Indiana and that is listed in the
 36 standardbred registry.
 37 (c) The Indiana horse racing commission shall establish a
 38 standardbred registry.
 39 (d) ~~After considering the recommendations of the board~~; The
 40 Indiana horse racing commission shall collect fees for the registration
 41 of standardbred stallions in an amount established by the commission.
 42 However, amounts collected may not exceed five hundred dollars

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1 (\$500) per stallion.

2 (e) ~~After considering the recommendations of the board,~~ The
3 Indiana horse racing commission shall establish purses for races or to
4 promote races if the races are open to only the offspring of
5 standardbred stallions registered under subsection (c).

6 SECTION 43. IC 15-19-2-10, AS ADDED BY P.L.2-2008,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2010]: Sec. 10. (a) The standardbred horse fund is established.

9 (b) The money received by the Indiana horse racing commission
10 under this chapter shall be deposited in the standardbred horse fund.
11 The standardbred horse fund is a nonbudgetary fund. Money remaining
12 in the standardbred horse fund at the end of a state fiscal year does not
13 revert to the state general fund.

14 (c) ~~After considering the recommendations of the advisory board,~~
15 the Indiana horse racing commission may disburse money from the
16 standardbred horse fund for any purpose described in section 8 of this
17 chapter.

18 (d) The Indiana horse racing commission shall pay any expense
19 incurred in administering this chapter from the standardbred horse
20 fund.

21 SECTION 44. IC 16-18-2-84 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 84. "Council" refers to
23 the following:

- 24 (1) For purposes of IC 16-21, the hospital council.
- 25 ~~(2) For purposes of IC 16-25 and IC 16-27, the home health care~~
26 ~~services and hospice services council.~~
- 27 ~~(3)~~ **(2)** For purposes of **IC 16-27**, IC 16-28 and IC 16-29, the
28 Indiana health facilities, **home health care, and hospice** council.
- 29 ~~(4)~~ **(3)** For purposes of IC 16-46-6, the interagency state council
30 on black and minority health.

31 SECTION 45. IC 16-18-2-150, AS AMENDED BY P.L.152-2005,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2010]: Sec. 150. (a) "Governing body", for purposes of
34 IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

35 (b) ~~"Governing body", for purposes of IC 16-27-0.5, has the~~
36 ~~meaning set forth in IC 16-27-0.5-0.5.~~

37 ~~(e)~~ **(b)** "Governing body", for purposes of IC 16-41-22, has the
38 meaning set forth in IC 16-41-22-3.

39 SECTION 46. IC 16-21-1-8 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. For that part of a
41 hospital that functions as a health facility described by IC 16-28,
42 IC 16-28 applies. The **Indiana** health facilities, **home health care, and**

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1 **hospice** council does not have greater authority to adopt rules
2 concerning facilities that are licensed under this article than the health
3 facilities council has with regard to health facilities licensed under
4 IC 16-28.

5 SECTION 47. IC 16-25-3-2.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.5. The state
7 department shall administer this chapter with the advice of the ~~home~~
8 ~~health care services and hospice services council established by~~
9 ~~IC 16-27-0.5-1.~~ **health facilities, home health care, and hospice**
10 **council established by IC 16-28-1-1.**

11 SECTION 48. IC 16-28-1-1, AS AMENDED BY P.L.1-2007,
12 SECTION 133, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The Indiana health facilities,
14 **home health care, and hospice** council is created. The council
15 consists of ~~fourteen (14)~~ **fifteen (15)** members as follows:

- 16 (1) One (1) ~~licensed~~ **physician licensed under IC 25-22.5.**
- 17 (2) ~~Two (2)~~ **administrators, One (1) administrator**, licensed
18 under IC 25-19-1, of a ~~proprietary~~ health facility licensed under
19 this article.
- 20 (3) One (1) ~~administrator, licensed under IC 25-19-1, of a~~
21 ~~nonproprietary health facility licensed under this article.~~
22 **individual who is engaged in the administration of a home**
23 **health agency or hospice.**
- 24 (4) One (1) registered nurse **who is licensed under IC 25-23 and**
25 **who has experience in long term care.**
- 26 (5) One (1) registered pharmacist licensed under IC 25-26.
- 27 (6) ~~Two (2)~~ **citizens One (1) individual** having knowledge or
28 experience in the field of gerontology.
- 29 (7) One (1) ~~representative of a statewide senior citizens~~
30 ~~organization.~~ **individual having knowledge or experience in**
31 **home health care or hospice care.**
- 32 (8) One (1) ~~citizen having knowledge or experience in the field of~~
33 ~~mental health.~~ **individual who is a mental health professional.**
- 34 (9) One (1) ~~nurse-educator of a practical nurse program.~~
35 **registered nurse who is licensed under IC 25-23 and who has**
36 **experience in home health care or hospice care.**
- 37 (10) The commissioner.
- 38 (11) The ~~director of the division of family resources state~~
39 **ombudsman (as defined in IC 12-10-13-6)** or the ~~director's state~~
40 **ombudsman's** designee.
- 41 (12) The director of the division of aging or the director's
42 designee.

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(13) One (1) individual having knowledge of or experience in long term care.

(14) One (1) individual having knowledge of or experience in health care quality improvement, patient safety, or health law.

(15) One (1) individual who is a health care educator in a nursing, allied health, or medical profession and who has experience at an accredited college or university in a health care education program.

(b) The members of the council designated by subsection (a)(1) through (a)(9) and subsection (a)(13) through (a)(15) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 49. IC 16-28-1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8.5. (a) Subject to the rulemaking authority granted in IC 16-25 and IC 16-27, the council shall do the following:**

(1) Propose the adoption of rules by the state department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(B) Qualifications of applicants for licenses issued under IC 16-25 and IC 16-27.

(2) Recommend to other state agencies or governing bodies rules necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(3) Act as an advisory body for the division, state health commissioner, and state department.

(b) The council may recommend interpretive guidelines when necessary to assist a home health agency or hospice in meeting the requirements of a rule.

(c) The state department may request the council to propose a

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1 new rule or an amendment to a rule necessary to protect the
 2 health, safety, rights, and welfare of the home health care patients
 3 and hospice patients. If the council does not propose a rule within
 4 ninety (90) days after the state department's request, the state
 5 department may propose the rule. The executive board shall
 6 consider rules proposed by the council under this section. The
 7 executive board may adopt, modify, remand, or reject specific
 8 rules or parts of rules proposed by the council. To become
 9 effective, all rules proposed by the council under this chapter must
 10 be adopted by the executive board in accordance with IC 4-22-2.

11 SECTION 50. IC 16-29-4-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The Indiana health
 13 facilities, **home health care, and hospice** council may recommend,
 14 before the conversion of existing health facility beds to ICF/MR beds
 15 or the construction of a new ICF/MR facility, that the state department
 16 issue a preliminary approval of the proposed project, but only if the
 17 council determines that there is an insufficient number of available
 18 beds to care for all the persons who are determined under IC 12-11-2.1
 19 to be appropriate for placement in an ICF/MR facility.

20 SECTION 51. IC 16-29-4-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A proposed project
 22 that receives preliminary approval under this chapter may not add more
 23 beds than the number determined by the Indiana health facilities, **home**
 24 **health care, and hospice** council to be necessary to provide an
 25 available bed for each person determined under IC 12-11-2.1 to be
 26 appropriate for placement in an ICF/MR facility. Upon completion of
 27 the proposed project and compliance with the other requirements for
 28 licensure under IC 16-28, the state department shall issue a license to
 29 the facility.

30 SECTION 52. IC 25-1-2-6, AS AMENDED BY P.L.122-2009,
 31 SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS
 32 CORRECTED AND AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
 34 "license" includes all occupational and professional licenses,
 35 registrations, permits, and certificates issued under the Indiana Code,
 36 and "licensee" includes all occupational and professional licensees,
 37 registrants, permittees, and certificate holders regulated under the
 38 Indiana Code.

39 (b) This section applies to the following entities that regulate
 40 occupations or professions under the Indiana Code:

- 41 (1) Indiana board of accountancy.
- 42 (2) Indiana grain buyers and warehouse licensing agency.

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- 1 (3) Indiana auctioneer commission.
- 2 (4) Board of registration for architects and landscape architects.
- 3 (5) State board of barber examiners.
- 4 (6) State board of cosmetology examiners.
- 5 (7) Medical licensing board of Indiana.
- 6 (8) Secretary of state.
- 7 (9) State board of dentistry.
- 8 (10) State board of funeral and cemetery service.
- 9 (11) Worker's compensation board of Indiana.
- 10 (12) Indiana state board of health facility administrators.
- 11 (13) Committee of hearing aid dealer examiners.
- 12 (14) Indiana state board of nursing.
- 13 (15) Indiana optometry board.
- 14 (16) Indiana board of pharmacy.
- 15 (17) Indiana plumbing commission.
- 16 (18) Board of podiatric medicine.
- 17 (19) Private investigator and security guard licensing board.
- 18 (20) State board of registration for professional engineers.
- 19 (21) Board of environmental health specialists.
- 20 (22) State psychology board.
- 21 (23) Indiana real estate commission.
- 22 (24) Speech-language pathology and audiology board.
- 23 (25) Department of natural resources.
- 24 ~~(26) State boxing athletic commission.~~
- 25 ~~(27) (26) Board of chiropractic examiners.~~
- 26 ~~(28) (27) Mining board.~~
- 27 ~~(29) (28) Indiana board of veterinary medical examiners.~~
- 28 ~~(30) (29) State department of health.~~
- 29 ~~(31) (30) Indiana physical therapy committee.~~
- 30 ~~(32) (31) Respiratory care committee.~~
- 31 ~~(33) (32) Occupational therapy committee.~~
- 32 ~~(34) (33) Social worker, marriage and family therapist, and~~
- 33 ~~mental health counselor Behavioral health and human services~~
- 34 ~~licensing board.~~
- 35 ~~(35) (34) Real estate appraiser licensure and certification board.~~
- 36 ~~(36) (35) State board of registration for land surveyors.~~
- 37 ~~(37) (36) Physician assistant committee.~~
- 38 ~~(38) (37) Indiana dietitians certification board.~~
- 39 ~~(39) (38) Indiana hypnotist committee.~~
- 40 ~~(40) (39) Attorney general (only for the regulation of athlete~~
- 41 ~~agents).~~
- 42 ~~(41) (40) Manufactured home installer licensing board.~~

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- 1 ~~(42)~~ **(41)** Home inspectors licensing board.
- 2 ~~(43)~~ **(42)** State board of massage therapy.
- 3 ~~(44)~~ **(43)** Any other occupational or professional agency created
- 4 after June 30, 1981.

5 (c) Notwithstanding any other law, the entities included in
6 subsection (b) shall send a notice of the upcoming expiration of a
7 license to each licensee at least sixty (60) days prior to the expiration
8 of the license. The notice must inform the licensee of the need to renew
9 and the requirement of payment of the renewal fee. If this notice of
10 expiration is not sent by the entity, the licensee is not subject to a
11 sanction for failure to renew if, once notice is received from the entity,
12 the license is renewed within forty-five (45) days of the receipt of the
13 notice.

14 SECTION 53. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
15 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
16 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
17 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
18 2010]: Sec. 1. As used in this chapter:

19 "Board" means the appropriate agency listed in the definition of
20 regulated occupation in this section.

21 "Director" refers to the director of the division of consumer
22 protection.

23 "Division" refers to the division of consumer protection, office of
24 the attorney general.

25 "Licensee" means a person who is:

- 26 (1) licensed, certified, or registered by a board listed in this
- 27 section; and
- 28 (2) the subject of a complaint filed with the division.

29 "Person" means an individual, a partnership, a limited liability
30 company, or a corporation.

31 "Regulated occupation" means an occupation in which a person is
32 licensed, certified, or registered by one (1) of the following:

- 33 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 34 (2) Board of registration for architects and landscape architects
35 (IC 25-4-1-2).
- 36 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 37 (4) State board of barber examiners (IC 25-7-5-1).
- 38 ~~(5) State boxing athletic commission (IC 25-9-1):~~
- 39 ~~(6)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
- 40 ~~(7)~~ **(6)** State board of cosmetology examiners (IC 25-8-3-1).
- 41 ~~(8)~~ **(7)** State board of dentistry (IC 25-14-1).
- 42 ~~(9)~~ **(8)** State board of funeral and cemetery service (IC 25-15-9).

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- 1 ~~(10)~~ **(9)** State board of registration for professional engineers
2 (IC 25-31-1-3).
- 3 ~~(11)~~ **(10)** Indiana state board of health facility administrators
4 (IC 25-19-1).
- 5 ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).
- 6 ~~(13)~~ **(12)** Indiana state board of nursing (IC 25-23-1).
- 7 ~~(14)~~ **(13)** Indiana optometry board (IC 25-24).
- 8 ~~(15)~~ **(14)** Indiana board of pharmacy (IC 25-26).
- 9 ~~(16)~~ **(15)** Indiana plumbing commission (IC 25-28.5-1-3).
- 10 ~~(17)~~ **(16)** Board of podiatric medicine (IC 25-29-2-1).
- 11 ~~(18)~~ **(17)** Board of environmental health specialists (IC 25-32-1).
- 12 ~~(19)~~ **(18)** State psychology board (IC 25-33).
- 13 ~~(20)~~ **(19)** Speech-language pathology and audiology board
14 (IC 25-35.6-2).
- 15 ~~(21)~~ **(20)** Indiana real estate commission (IC 25-34.1-2).
- 16 ~~(22)~~ **(21)** Indiana board of veterinary medical examiners
17 (IC 25-38.1).
- 18 ~~(23)~~ **(22)** Department of natural resources for purposes of
19 licensing water well drillers under IC 25-39-3.
- 20 ~~(24)~~ **(23)** Respiratory care committee (IC 25-34.5).
- 21 ~~(25)~~ **(24)** Private investigator and security guard licensing board
22 (IC 25-30-1-5.2).
- 23 ~~(26)~~ **(25)** Occupational therapy committee (IC 25-23.5).
- 24 ~~(27)~~ **(26)** *Social worker, marriage and family therapist, and*
25 *mental health counselor Behavioral health and human services*
26 *licensing board* (IC 25-23.6).
- 27 ~~(28)~~ **(27)** Real estate appraiser licensure and certification board
28 (IC 25-34.1-8).
- 29 ~~(29)~~ **(28)** State board of registration for land surveyors
30 (IC 25-21.5-2-1).
- 31 ~~(30)~~ **(29)** Physician assistant committee (IC 25-27.5).
- 32 ~~(31)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 33 ~~(32)~~ **(31)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 34 ~~(33)~~ **(32)** Indiana hypnotist committee (IC 25-20.5-1-7).
- 35 ~~(34)~~ **(33)** Indiana physical therapy committee (IC 25-27).
- 36 ~~(35)~~ **(34)** Manufactured home installer licensing board
37 (IC 25-23.7).
- 38 ~~(36)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
- 39 ~~(37)~~ **(36)** State department of health, for out-of-state mobile
40 health care entities.
- 41 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).
- 42 ~~(39)~~ **(38)** Any other occupational or professional agency created

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1 after June 30, 1981.

2 SECTION 54. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
3 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
4 CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
6 means any of the following:

7 (1) Indiana board of accountancy (IC 25-2.1-2-1).
8 (2) Board of registration for architects and landscape architects
9 (IC 25-4-1-2).
10 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
11 (4) State board of barber examiners (IC 25-7-5-1).
12 ~~(5) State boxing athletic commission (IC 25-9-1).~~
13 ~~(6)~~ (5) Board of chiropractic examiners (IC 25-10-1).
14 ~~(7)~~ (6) State board of cosmetology examiners (IC 25-8-3-1).
15 ~~(8)~~ (7) State board of dentistry (IC 25-14-1).
16 ~~(9)~~ (8) State board of funeral and cemetery service (IC 25-15).
17 ~~(10)~~ (9) State board of registration for professional engineers
18 (IC 25-31-1-3).
19 ~~(11)~~ (10) Indiana state board of health facility administrators
20 (IC 25-19-1).
21 ~~(12)~~ (11) Medical licensing board of Indiana (IC 25-22.5-2).
22 ~~(13)~~ (12) Mining board (IC 22-10-1.5-2).
23 ~~(14)~~ (13) Indiana state board of nursing (IC 25-23-1).
24 ~~(15)~~ (14) Indiana optometry board (IC 25-24).
25 ~~(16)~~ (15) Indiana board of pharmacy (IC 25-26).
26 ~~(17)~~ (16) Indiana plumbing commission (IC 25-28.5-1-3).
27 ~~(18)~~ (17) Board of environmental health specialists (IC 25-32-1).
28 ~~(19)~~ (18) State psychology board (IC 25-33).
29 ~~(20)~~ (19) Speech-language pathology and audiology board
30 (IC 25-35.6-2).
31 ~~(21)~~ (20) Indiana real estate commission (IC 25-34.1-2-1).
32 ~~(22)~~ (21) Indiana board of veterinary medical examiners
33 (IC 25-38.1-2-1).
34 ~~(23)~~ (22) Department of insurance (IC 27-1).
35 ~~(24)~~ (23) State police department (IC 10-11-2-4), for purposes of
36 certifying polygraph examiners under IC 25-30-2.
37 ~~(25)~~ (24) Department of natural resources for purposes of
38 licensing water well drillers under IC 25-39-3.
39 ~~(26)~~ (25) Private investigator and security guard licensing board
40 (IC 25-30-1-5.2).
41 ~~(27)~~ (26) Occupational therapy committee (IC 25-23.5-2-1).
42 ~~(28)~~ (27) *Social worker, marriage and family therapist, and*

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- 1 ~~mental health counselor Behavioral health and human services~~
 2 ~~licensing board (IC 25-23.6-2-1).~~
 3 ~~(29)~~ **(28)** Real estate appraiser licensure and certification board
 4 (IC 25-34.1-8).
 5 ~~(30)~~ **(29)** State board of registration for land surveyors
 6 (IC 25-21.5-2-1).
 7 ~~(31)~~ **(30)** Physician assistant committee (IC 25-27.5).
 8 ~~(32)~~ **(31)** Indiana athletic trainers board (IC 25-5.1-2-1).
 9 ~~(33)~~ **(32)** Board of podiatric medicine (IC 25-29-2-1).
 10 ~~(34)~~ **(33)** Indiana dietitians certification board (IC 25-14.5-2-1).
 11 ~~(35)~~ **(34)** Indiana physical therapy committee (IC 25-27).
 12 ~~(36)~~ **(35)** Manufactured home installer licensing board
 13 (IC 25-23.7).
 14 ~~(37)~~ **(36)** Home inspectors licensing board (IC 25-20.2-3-1).
 15 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).
 16 ~~(39)~~ **(38)** Any other occupational or professional agency created
 17 after June 30, 1981.
- 18 SECTION 55. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,
 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
 21 the following:
- 22 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 - 23 (2) Board of registration for architects and landscape architects
 24 (IC 25-4-1-2).
 - 25 (3) Indiana auctioneer commission (IC 25-6.1-2).
 - 26 (4) State board of barber examiners (IC 25-7-5-1).
 - 27 ~~(5) State athletic commission (IC 25-9-1).~~
 - 28 ~~(6)~~ **(5)** State board of cosmetology examiners (IC 25-8-3-1).
 - 29 ~~(7)~~ **(6)** State board of registration of land surveyors
 30 (IC 25-21.5-2-1).
 - 31 ~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15-9).
 - 32 ~~(9)~~ **(8)** State board of registration for professional engineers
 33 (IC 25-31-1-3).
 - 34 ~~(10)~~ **(9)** Indiana plumbing commission (IC 25-28.5-1-3).
 - 35 ~~(11)~~ **(10)** Indiana real estate commission (IC 25-34.1-2-1).
 - 36 ~~(12)~~ **(11)** Real estate appraiser licensure and certification board
 37 (IC 25-34.1-8).
 - 38 ~~(13)~~ **(12)** Private investigator and security guard licensing board
 39 (IC 25-30-1-5.2).
 - 40 ~~(14)~~ **(13)** Manufactured home installer licensing board
 41 (IC 25-23.7).
 - 42 ~~(15)~~ **(14)** Home inspectors licensing board (IC 25-20.2-3-1).

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1 ~~(16)~~ **(15)** State board of massage therapy (IC 25-21.8-2-1).
2 SECTION 56. IC 25-1-14-2, AS AMENDED BY P.L.160-2009,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2010]: Sec. 2. (a) A member of a board, committee, or
5 commission may participate in a meeting of the board, committee, or
6 commission:

7 (1) except as provided in ~~subsections~~ **subsection** (b), and ~~(c)~~; at
8 which at least a quorum is physically present at the place where
9 the meeting is conducted; and

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

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

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

14 to simultaneously communicate with each other during the
15 meeting.

16 (b) A member of a board, committee, or commission may participate
17 in an emergency meeting of the board, committee, or commission to
18 consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by
19 using a means of communication that permits:

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

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

23 to simultaneously communicate with each other during the meeting.

24 ~~(c) A member of the state athletic commission may participate in~~
25 ~~meetings of the commission to consider the final approval of a permit~~
26 ~~for a particular boxing, sparring, or unarmed combat match or~~
27 ~~exhibition under IC 25-9-1-6(b) by using a means of communication~~
28 ~~that permits:~~

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

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

32 ~~to simultaneously communicate with each other during the meeting.~~

33 ~~(d)~~ **(c)** A member who participates in a meeting under subsection
34 (b): ~~or (c):~~

35 (1) is considered to be present at the meeting;

36 (2) shall be counted for purposes of establishing a quorum; and

37 (3) may vote at the meeting.

38 SECTION 57. IC 25-19-1-5, AS AMENDED BY P.L.54-2007,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2010]: Sec. 5. (a) The Indiana health facilities, **home health**
41 **care, and hospice** council, pursuant to authority provided by IC 16-28,
42 has, by rule duly promulgated, classified health facilities into

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1 comprehensive health facilities and residential health facilities. The fee
2 for a health facility administrator's license in either classification shall
3 be set by the board under section 8 of this chapter.

4 (b) Such fee and application shall be submitted to the board, and the
5 board shall transmit all such funds so received to the treasurer of state
6 to be deposited by him in the general fund of the state. All expenses
7 incurred in the administration of this chapter shall be paid from the
8 general fund upon appropriation being made therefor in the manner
9 provided by law for making such appropriations.

10 (c) The administrator of a comprehensive care facility must have a
11 comprehensive care facility administrator license issued by the board
12 in accordance with rules adopted under section 8 of this chapter.

13 (d) The administrator of a residential care facility must have one (1)
14 of the following licenses issued by the board under rules adopted under
15 section 8 of this chapter:

16 (1) A comprehensive care facility administrator license.

17 (2) A residential care facility administrator license.

18 SECTION 58. IC 35-45-18-1, AS AMENDED BY P.L.160-2009,
19 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2010]: Sec. 1. (a) As used in this chapter, "combative
21 fighting" (also known as "toughman fighting", "badman fighting", and
22 "extreme fighting") means a match, contest, or exhibition that involves
23 at least (2) contestants, with or without gloves or protective headgear,
24 in which the contestants:

- 25 (1) use their:
 - 26 (A) hands;
 - 27 (B) feet; or
 - 28 (C) both hands and feet;
- 29 to strike each other; and
- 30 (2) compete for a financial prize or any item of pecuniary value.

- 31 (b) The term does not include:
 - 32 (1) a boxing, sparring, or unarmed combat match regulated under
33 ~~IC 25-9-1-4.5; IC 4-33-22;~~
 - 34 (2) mixed martial arts (as defined by ~~IC 25-9-1-0.3;~~
35 **IC 4-33-22-2**);
 - 36 (3) martial arts, as regulated by the ~~state athletic gaming~~
37 **commission** in rules adopted under ~~IC 25-9-1-4.5; IC 4-33-22;~~
 - 38 (4) professional wrestling, as regulated by the ~~state athletic~~
39 **gaming** commission in rules adopted under ~~IC 25-9-1-4.5;~~
40 **IC 4-33-22;** or
 - 41 (5) a match, contest, or game in which a fight breaks out among
42 the participants as an unplanned, spontaneous event and not as an

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1 intended part of the match, contest, or game.
 2 SECTION 59. THE FOLLOWING ARE REPEALED [EFFECTIVE
 3 JULY 1, 2010]: IC 4-15-1-1; IC 4-15-2-2.2; IC 4-15-2.5-2;
 4 IC 4-31-11-1; IC 4-31-11-2; IC 4-31-11-3; IC 4-31-11-4; IC 4-31-11-5;
 5 IC 4-31-11-6; IC 4-31-11-7; IC 4-31-11-8; IC 4-31-11-9; IC 8-4.5-1-3;
 6 IC 8-4.5-2; IC 9-23-1; IC 9-27-2-12; IC 12-15-42; IC 14-20-4;
 7 IC 15-19-2-1; IC 15-19-2-2; IC 15-19-2-3; IC 15-19-2-4; IC 15-19-2-5;
 8 IC 15-19-2-6; IC 15-19-2-7; IC 16-18-2-9; IC 16-19-6-9; IC 16-27-0.5;
 9 IC 16-41-35-2; IC 16-41-35-16; IC 16-41-35-17; IC 16-41-35-18;
 10 IC 16-41-35-19; IC 16-41-35-20; IC 16-41-35-21; IC 16-41-35-22;
 11 IC 16-41-35-23; IC 16-41-35-24; IC 25-9-1; IC 27-1-3-30.
 12 SECTION 60. [EFFECTIVE JULY 1, 2010] **(a) After June 30,**
 13 **2010, a reference in any law, rule, contract, or other document or**
 14 **record to the state athletic commission shall be treated as a**
 15 **reference to the gaming commission created by IC 4-33-3-1.**
 16 **(b) After June 30, 2010, any balance in the athletic commission**
 17 **fund created by IC 25-9-1-1.5 before its repeal by this act is**
 18 **transferred to the athletic fund created by IC 4-33-22-9.**
 19 **(c) The rules adopted by the state athletic commission before**
 20 **July 1, 2010, and in effect on June 30, 2010, shall be treated after**
 21 **June 30, 2010, as the rules of the Indiana gaming commission.**
 22 SECTION 61. [EFFECTIVE JULY 1, 2010] **On July 1, 2010, the**
 23 **board of trustees of the public employees' retirement fund**
 24 **established by IC 5-10.3-2-1 shall assume responsibility for all**
 25 **matters before the 1977 fund advisory committee abolished by this**
 26 **act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 1 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 15, line 32, after "IC 4-33-4-14," insert "IC 4-33-22-12,".

Page 22, line 24, delete "17" and insert "18".

Page 31, line 25, after "section" insert "32 or".

Page 32, between lines 37 and 38, begin a new paragraph and insert: "Sec. 42. A licensee shall comply with the standards established by the commission. A practitioner is subject to the disciplinary sanctions under section 43 of this chapter if, after a hearing, the commission finds any of the following concerning the practitioner:

- (1) Failure, without just cause, to observe the terms of any contract required to be on file with the commission.
- (2) Violation of any of the provisions of the statutes, rules, or the orders of the commission.
- (3) Interference with the official duties of other licensees, the commission, or any administrative officer or representative of the commission.
- (4) Gambling that is otherwise prohibited by law on the result of any bout permitted by the commission.
- (5) Noncompetitive boxing, sparring, or unarmed combat or

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the solicitation of noncompetitive boxers or unarmed competitors.

(6) Failure to appear at designated times and places as required by the commission.

(7) Bribery or attempted bribery of any licensee, employee, or member of the commission.

(8) Employing or knowingly cooperating in fraud or material deception in order to obtain any license or permit issued by the commission.

(9) Has been convicted of a crime that has a direct bearing on the applicant's or licensee's ability to perform acts that require a license or permit issued by the commission.

(10) Unlicensed or unpermitted participation in any activity in Indiana for which a license or permit issued by the commission is required.

(11) Participating, directly or indirectly, in any agreement to circumvent any rules or ruling of the commission.

(12) Any activity that undermines the integrity of boxing, sparring, or unarmed combat.

Sec. 43. (a) The commission may impose any of the following sanctions, singly or in combination, if the commission finds that a licensee is subject to disciplinary sanctions under section 42 of this chapter:

(1) Permanently revoke a licensee's license.

(2) Suspend a licensee's license.

(3) Censure a licensee.

(4) Issue a letter of reprimand.

(5) Place a licensee on probation status and require the licensee to:

(A) report regularly to the commission upon the matters that are the basis of probation;

(B) limit the licensee's participation at boxing, sparring, or unarmed combat events to those areas prescribed by the commission; or

(C) perform any acts, including community restitution or service without compensation, or refrain from performing any acts, that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the licensee.

(6) Assess a civil penalty against the licensee for not more than one thousand dollars (\$1,000) for each violation listed in section 42 of this chapter.

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(7) Order a licensee to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the commission shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the commission, the commission may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.

(c) The commission may withdraw or modify the probation under subsection (a)(5) if the commission finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

Sec. 44. (a) The commission may summarily suspend a licensee's license for ninety (90) days before a final adjudication or during the appeals process if the commission finds that a licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to continue to participate in boxing, sparring, or unarmed combat matches, contests, or exhibitions. The summary suspension may be renewed upon a hearing before the commission, and each renewal may be for not more than ninety (90) days.

(b) Before the commission may summarily suspend a license under this section, the commission shall make a reasonable attempt to notify the licensee of:

- (1) a hearing by the commission to suspend the licensee's license; and
- (2) information regarding the allegation against the licensee.

The commission shall also notify the licensee that the licensee may provide a written or an oral statement to the commission on the licensee's behalf before the commission issues an order for summary suspension. A reasonable attempt to notify the licensee is made if the commission attempts to notify the licensee by telephone or facsimile at the last telephone number or facsimile number of the licensee on file with the commission.

Sec. 45. The commission may reinstate a license that has been suspended under this chapter if, after a hearing, the commission is satisfied that the applicant is able to participate at a boxing, sparring, or unarmed combat match, contest, or exhibition in a professional manner and with reasonable skill. As a condition of

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reinstatement, the commission may impose disciplinary or corrective measures authorized under this chapter.

Sec. 46. The commission may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

Sec. 47. A licensee may petition the commission to accept the surrender of the licensee's license instead of having a hearing before the commission. The licensee may not surrender the licensee's license without the written approval of the commission, and the commission may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

Sec. 48. A licensee who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The licensee's ability to pay shall be considered when costs are assessed. If the licensee fails to pay the costs, a suspension may not be imposed solely upon the licensee's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

Sec. 49. (a) The commission may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently and professionally participate in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana.

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(b) The board may:

- (1) refuse to issue a license; or**
- (2) issue a probationary license;**

to an applicant for licensure if the applicant participated in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana without a license in violation of the law.

(c) Whenever the commission issues a probationary license, the commission may require a licensee to do any of the following:

- (1) Report regularly to the commission upon the matters that are the basis of the discipline of the other state or jurisdiction.**
- (2) Limit participation in a boxing, sparring, or unarmed combat match, contest, or exhibition to the areas prescribed by the commission.**
- (3) Engage in community restitution or service without compensation for the number of hours specified by the commission.**
- (4) Perform or refrain from performing an act that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.**

(d) The commission shall remove any limitations placed on a probationary license under this section if the commission finds after a public hearing that the deficiency that required disciplinary action has been remedied."

Page 40, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 33. IC 10-17-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Each member, the estate of a deceased member, or the estate of a member under guardianship is liable for the costs of maintenance of the member in an amount up to one hundred percent (100%) of the daily per capita cost of personal services and all other operating expenses for the preceding fiscal year. The per capita charge may be adjusted to reflect the level of care provided.

(b) The level of care must be as consistent as possible with:

- (1) the care category of the facility in which the member is placed;**
- (2) the rules of the Indiana health facilities, **home health care, and hospice** council adopted under IC 16-28; and**
- (3) the applicable code of the federal government covering reimbursement from the United States Department of Veterans' Affairs or another department of the federal government.**

(c) The liability created for the costs of maintenance of a member constitutes a lien upon the real property of the member if the lien is

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recorded as provided in this chapter. The lien has priority over all liens subsequently acquired."

Page 40, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 35. IC 12-10-6-5, AS AMENDED BY P.L.99-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) An individual who is determined under section 2.1(a)(2) of this chapter to be incapable of residing in the individual's own home because of mental illness may be admitted to a home or facility that provides residential care to the extent that money is available for the care.

(b) Within thirty (30) days after an individual with a mental illness is placed in a home or facility that provides residential care, a comprehensive care plan must be developed for the individual.

(c) The residential care facility, in cooperation with the community mental health center or an individual's managed care provider (as defined in IC 12-7-2-127(b)) serving the area in which the residential care facility is located, shall develop the comprehensive care plan for the individual. The plan must include the following:

- (1) Psychosocial rehabilitation services that are provided within the community.
- (2) A comprehensive range of activities to meet multiple levels of need, including the following:
 - (A) Recreational and socialization activities.
 - (B) Social skills.
 - (C) Educational, training, occupational, and work programs.
 - (D) Opportunities for progression into less restrictive and more independent living arrangements.
- (3) Appropriate alternate placement if the individual's needs cannot be met by the facility.

(d) The **Indiana** health facilities, **home health care, and hospice** council shall, in coordination with the division of mental health and addiction and the division, adopt rules under IC 4-22-2 to govern:

- (1) residential care; and
- (2) the comprehensive care plan;

provided to individuals with a mental illness who reside under this chapter in a home or facility that provides residential care.

SECTION 36. IC 12-11-2.1-1, AS AMENDED BY P.L.99-2007, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The bureau shall determine whether or not an individual has a developmental disability. For individuals for whom there is not enough current information available to make a determination of eligibility, the bureau shall use the results of a

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diagnostic assessment in determining whether an individual has a developmental disability. A diagnostic assessment must include the following:

- (1) Diagnostic information concerning the individual's functioning level and medical and habilitation needs.
- (2) All information necessary for the use of the office of Medicaid policy and planning, the Indiana health facilities, **home health care, and hospice** council, and the division.
- (3) The use of all appropriate assessments conducted under rules adopted under IC 16-28.

(b) An individual who is found not to have a developmental disability may appeal the bureau's finding under IC 4-21.5.

(c) If an individual is determined to have a developmental disability, the office shall determine whether the individual meets the appropriate federal level of care requirements."

Page 42, between lines 37 and 38, begin a new paragraph and insert:
 "SECTION 40. IC 12-28-5-10, AS AMENDED BY P.L.99-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. In conjunction with the division of disability and rehabilitative services, the council shall do the following:

- (1) Determine the current and projected needs of each geographic area of Indiana for residential services for individuals with a developmental disability.
- (2) Determine how the provision of developmental or vocational services for residents in these geographic areas affects the availability of developmental or vocational services to individuals with a developmental disability living in their own homes.
- (3) Develop standards for licensure of supervised group living facilities regarding the following:
 - (A) A sanitary and safe environment for residents and employees.
 - (B) Classification of supervised group living facilities.
 - (C) Any other matters that will ensure that the residents will receive a residential environment.
- (4) Develop standards for the approval of entities providing supported living services.
- (5) Recommend social and habilitation programs to the Indiana health facilities, **home health care, and hospice** council for individuals with a developmental disability who reside in health facilities licensed under IC 16-28.
- (6) Develop and update semiannually a report that identifies the

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numbers of individuals with a developmental disability who live in health facilities licensed under IC 16-28. The Indiana health facilities, **home health care, and hospice** council shall assist in developing and updating this report."

Page 43, delete lines 35 through 42.

Delete pages 44 through 47.

Page 48, delete lines 1 through 11.

Page 49, line 32, after "facilities" insert ", **home health care, and hospice**".

Page 49, after line 42, begin a new paragraph and insert:

"SECTION 46. IC 16-21-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. For that part of a hospital that functions as a health facility described by IC 16-28, IC 16-28 applies. The **Indiana** health facilities, **home health care, and hospice** council does not have greater authority to adopt rules concerning facilities that are licensed under this article than the health facilities council has with regard to health facilities licensed under IC 16-28."

Page 50, line 5, after "facilities" insert ", **home health care, and hospice**".

Page 50, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 48. IC 16-28-1-1, AS AMENDED BY P.L.1-2007, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The Indiana health facilities, **home health care, and hospice** council is created. The council consists of ~~fourteen (14)~~ **fifteen (15)** members as follows:

- (1) One (1) ~~licensed~~ physician **licensed under IC 25-22.5.**
- (2) ~~Two (2)~~ **One (1) administrator, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.**
- (3) One (1) ~~administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.~~ **individual who is engaged in the administration of a home health agency or hospice.**
- (4) One (1) registered nurse **who is licensed under IC 25-23 and who has experience in long term care.**
- (5) One (1) registered pharmacist licensed under IC 25-26.
- (6) ~~Two (2)~~ **citizens One (1) individual** having knowledge or experience in the field of gerontology.
- (7) One (1) ~~representative of a statewide senior citizens organization.~~ **individual having knowledge or experience in home health care or hospice care.**

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(8) One (1) ~~citizen having knowledge or experience in the field of mental health:~~ **individual who is a mental health professional.**

(9) One (1) ~~nurse-educator of a practical nurse program:~~ **registered nurse who is licensed under IC 25-23 and who has experience in home health care or hospice care.**

(10) The commissioner.

(11) The ~~director of the division of family resources~~ **state ombudsman (as defined in IC 12-10-13-6)** or the ~~director's~~ **state ombudsman's** designee.

(12) The director of the division of aging or the director's designee.

(13) One (1) individual having knowledge of or experience in long term care.

(14) One (1) individual having knowledge of or experience in health care quality improvement, patient safety, or health law.

(15) One (1) individual who is a health care educator in a nursing, allied health, or medical profession and who has experience at an accredited college or university in a health care education program.

(b) The members of the council designated by subsection (a)(1) through (a)(9) **and subsection (a)(13) through (a)(15)** shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article."

Page 50, between lines 36 and 37, begin a new paragraph and insert:
"SECTION 51. IC 16-29-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The Indiana health facilities, **home health care, and hospice** council may recommend, before the conversion of existing health facility beds to ICF/MR beds or the construction of a new ICF/MR facility, that the state department issue a preliminary approval of the proposed project, but only if the council determines that there is an insufficient number of available beds to care for all the persons who are determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility.

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SECTION 52. IC 16-29-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A proposed project that receives preliminary approval under this chapter may not add more beds than the number determined by the Indiana health facilities, **home health care, and hospice** council to be necessary to provide an available bed for each person determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility. Upon completion of the proposed project and compliance with the other requirements for licensure under IC 16-28, the state department shall issue a license to the facility.

SECTION 53. IC 25-1-2-6, AS AMENDED BY P.L.122-2009, SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.

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- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- ~~(26) State boxing athletic commission.~~
- ~~(27)~~ **(26)** Board of chiropractic examiners.
- ~~(28)~~ **(27)** Mining board.
- ~~(29)~~ **(28)** Indiana board of veterinary medical examiners.
- ~~(30)~~ **(29)** State department of health.
- ~~(31)~~ **(30)** Indiana physical therapy committee.
- ~~(32)~~ **(31)** Respiratory care committee.
- ~~(33)~~ **(32)** Occupational therapy committee.
- ~~(34)~~ **(33)** *Social worker, marriage and family therapist, and mental health counselor Behavioral health and human services licensing* board.
- ~~(35)~~ **(34)** Real estate appraiser licensure and certification board.
- ~~(36)~~ **(35)** State board of registration for land surveyors.
- ~~(37)~~ **(36)** Physician assistant committee.
- ~~(38)~~ **(37)** Indiana dietitians certification board.
- ~~(39)~~ **(38)** Indiana hypnotist committee.
- ~~(40)~~ **(39)** Attorney general (only for the regulation of athlete agents).
- ~~(41)~~ **(40)** Manufactured home installer licensing board.
- ~~(42)~~ **(41)** Home inspectors licensing board.
- ~~(43)~~ **(42)** State board of massage therapy.
- ~~(44)~~ **(43)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice."

Page 54, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 57. IC 25-1-14-2, AS AMENDED BY P.L.160-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or



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commission:

(1) except as provided in ~~subsections~~ **subsection (b), and (c)**; 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.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 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.

~~(c) A member of the state athletic commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, sparring, or unarmed combat match or exhibition under IC 25-9-1-6(b) 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) (c) A member who participates in a meeting under subsection (b): or (c):~~

~~(1) is considered to be present at the meeting;~~

~~(2) shall be counted for purposes of establishing a quorum; and~~

~~(3) may vote at the meeting.~~

SECTION 58. IC 25-19-1-5, AS AMENDED BY P.L.54-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The Indiana health facilities, **home health care, and hospice** council, pursuant to authority provided by IC 16-28, has, by rule duly promulgated, classified health facilities into comprehensive health facilities and residential health facilities. The fee for a health facility administrator's license in either classification shall be set by the board under section 8 of this chapter.

(b) Such fee and application shall be submitted to the board, and the board shall transmit all such funds so received to the treasurer of state

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to be deposited by him in the general fund of the state. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for making such appropriations.

(c) The administrator of a comprehensive care facility must have a comprehensive care facility administrator license issued by the board in accordance with rules adopted under section 8 of this chapter.

(d) The administrator of a residential care facility must have one (1) of the following licenses issued by the board under rules adopted under section 8 of this chapter:

(1) A comprehensive care facility administrator license.

(2) A residential care facility administrator license."

Delete pages 55 through 56.

Page 57, delete lines 1 through 40.

Page 58, delete lines 25 through 42.

Delete pages 59 through 65.

Page 66, delete lines 1 through 30.

Page 66, line 33, delete "IC 4-23-24.2;"

Page 66, line 36, delete "IC 14-9-6;"

Page 66, line 36, delete "IC 14-21-1-5;"

Page 66, line 39, after "IC 16-41-35-17;" insert "IC 16-41-35-18; IC 16-41-35-19; IC 16-41-35-20; IC 16-41-35-21; IC 16-41-35-22; IC 16-41-35-23; IC 16-41-35-24;"

Page 66, line 39, after "IC 27-1-3-30" delete ";" and insert "."

Page 66, delete line 40.

Page 67, between lines 5 and 6, begin a new paragraph and insert:

"(c) The rules adopted by the state athletic commission before July 1, 2010, and in effect on June 30, 2010, shall be treated after June 30, 2010, as the rules of the Indiana gaming commission."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as printed January 15, 2010.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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