

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:

- 1 Delete everything after the enacting clause and insert the
 2 following:
 3 SECTION 1. IC 4-5-1-11, AS AMENDED BY P.L.106-2008,
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2010]: Sec. 11. The secretary of state may adopt and enforce
 6 rules under IC 4-22-2 that are necessary to carry out:
 7 (1) IC 9-18-26;
 8 (2) IC 9-22-4;
 9 ~~(3) IC 9-23-1;~~
 10 ~~(4) (3) IC 9-23-2;~~
 11 ~~(5) (4) IC 9-23-3; and~~
 12 ~~(6) (5) IC 9-23-6.~~
 13 SECTION 2. IC 4-15-1.8-7, AS AMENDED BY P.L.158-2006,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2010]: Sec. 7. (a) The department shall do the following:
 16 (1) Develop personnel policies, methods, procedures, and
 17 standards for all state agencies.
 18 (2) Formulate, establish, and administer position classification
 19 plans and salary and wage schedules, all subject to final approval
 20 by the governor.
 21 (3) Allocate positions in the state agencies to their proper
 22 classifications.
 23 (4) Approve employees for transfer, demotion, promotion,
 24 suspension, layoff, and dismissal.
 25 (5) Rate employees' service.
 26 (6) Arrange with state agency heads for employee training.

- 1 (7) Investigate the need for positions in the state agencies.
- 2 (8) Promulgate and enforce personnel rules.
- 3 (9) Make and administer examinations for employment and for
- 4 promotions.
- 5 (10) Maintain personnel records and a roster of the personnel of
- 6 all state agencies.
- 7 (11) Render personnel services to the political subdivisions of
- 8 the state.
- 9 (12) Investigate the operation of personnel policies in all state
- 10 agencies.
- 11 (13) Assist state agencies in the improvement of their personnel
- 12 procedures.
- 13 (14) Conduct a vigorous program of recruitment of qualified and
- 14 able persons for the state agencies.
- 15 (15) Advise the governor and the general assembly of legislation
- 16 needed to improve the personnel system of this state.
- 17 (16) Furnish any information and counsel requested by the
- 18 governor or the general assembly.
- 19 (17) Establish and administer an employee training and career
- 20 advancement program.
- 21 (18) Administer the state personnel law, IC 4-15-2.
- 22 (19) Institute an employee awards system designed to encourage
- 23 all state employees to submit suggestions that will reduce the
- 24 costs or improve the quality of state agencies.
- 25 (20) Survey the administrative organization and procedures,
- 26 including personnel procedures, of all state agencies, and submit
- 27 to the governor measures to secure greater efficiency and
- 28 economy, to minimize the duplication of activities, and to effect
- 29 better organization and procedures among state agencies.
- 30 (21) Establish, implement, and maintain the state aggregate
- 31 prescription drug purchasing program established under
- 32 IC 16-47-1, as approved by the budget agency.
- 33 (b) Salary and wage schedules established by the department
- 34 under subsection (a) must provide:
 - 35 (1) for the establishment of overtime policies, which must
 - 36 include:
 - 37 (A) definition of overtime;
 - 38 (B) determination of employees or classes eligible for
 - 39 overtime pay;
 - 40 (C) procedures for authorization;
 - 41 (D) methods of computation;
 - 42 (E) procedures for payment; and
 - 43 (F) a provision that there shall be no mandatory adjustments
 - 44 to an employee's established work schedule in order to
 - 45 avoid the payment of overtime; and
 - 46 (2) that an appointing authority is not required to reduce the
 - 47 salary of an employee who is demoted, unless the appointing
 - 48 authority determines that the salary reduction is warranted for
 - 49 disciplinary reasons or other good cause.
 - 50 (c) ~~The state personnel advisory board shall advise the director and~~

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

2 ~~(d)~~ (c) The department shall establish programs of temporary
3 appointment for employees of state agencies. A program established
4 under this subsection must contain at least the following provisions:

5 (1) A temporary appointment may not exceed one hundred
6 eighty (180) working days in any twelve (12) month period.

7 (2) The department may allow exceptions to the prohibition in
8 subdivision (1) with the approval of the state budget agency.

9 (3) A temporary appointment in an agency covered by IC 4-15-2
10 is governed by the procedures of that chapter.

11 (4) A temporary appointment does not constitute creditable
12 service for purposes of the public employees' retirement program
13 under IC 5-10.2 and IC 5-10.3. However, an employee who
14 served in an intermittent form of temporary employment after
15 June 30, 1986, and before July 1, 2003, shall receive creditable
16 service for the period of temporary employment.

17 SECTION 3. IC 4-15-2-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Except as provided
19 in ~~IC 4-15-1.8-7(d)~~, **IC 4-15-1.8-7(c)** all persons covered on January
20 1, 1966, by this chapter or coming under the provisions of this chapter
21 after January 1, 1966, shall be eligible for, shall participate in, and shall
22 receive the benefits of the public employees retirement program as
23 provided by IC 5-10.2 and IC 5-10.3.

24 SECTION 4. IC 4-15-2-2.6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.6. "Department"
26 means ~~the Indiana personnel advisory board~~; the state personnel
27 director, ~~and~~ the employees of the ~~board~~ **department**, and the director.

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

31 (1) To make investigations concerning the enforcement and
32 effect of the provisions of this chapter.

33 (2) To keep minutes of its proceedings which shall be open to
34 public inspection.

35 ~~(3) To advise the state personnel director on matters pertaining~~
36 ~~to state personnel policies and practices.~~

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

42 (1) Establish and maintain a roster of all employees in the state
43 service. Prepare or cause to be prepared and recommend a
44 classification and pay plan. Administer the classification and pay
45 plan. Allocate all positions in the state service to their proper
46 class. Formulate eligible lists. Certify persons qualified for
47 appointment. Certify employees for transfer, demotion,
48 promotion, suspension, layoff, and dismissal. Rate employees'
49 services. Arrange with heads of the divisions of the service for
50 employee training. Attend to and perform all other duties

- 1 imposed by this chapter.
- 2 (2) Appoint, under this chapter, such employees of the
3 department and such experts and special assistants as may be
4 necessary to carry out effectively this chapter.
- 5 (3) Investigate systems of appointment and promotion already in
6 operation in various departments or divisions of the state
7 government.
- 8 (4) Investigate and approve the need for positions, existing and
9 to be created, in the state service.
- 10 (5) Investigate from time to time the operation and effect of this
11 chapter and of the rules. ~~and report the director's findings and~~
12 ~~recommendations to the board.~~
- 13 (6) Administer, enforce, and make effective this chapter and the
14 rules. ~~Discharge all duties imposed upon the director by the~~
15 ~~board, and perform~~ **Perform** any other lawful acts which the
16 director may consider necessary or desirable to carry out the
17 purposes of this chapter.
- 18 (b) The director shall appoint one (1) or more employees of the
19 department to be the director's deputies.
- 20 (c) The director shall employ such expert or special examiners for
21 the conduct of tests as may be required. The director may select
22 officers or employees in the state service to act as examiners in the
23 preparation and rating of tests. An appointing authority may excuse any
24 employee in the authority's division of the service from the employee's
25 regular duties for the time required for work as an examiner. Officers
26 and employees shall not be entitled to extra pay for their service as
27 examiners, but shall be entitled to reimbursement for necessary
28 traveling and other expense.
- 29 (d) The director shall adopt rules under IC 4-22-2 as the director
30 may consider necessary, appropriate, or desirable to carry out this
31 chapter.
- 32 (e) The director shall institute an employee awards system
33 designed to encourage state employees to submit suggestions that will
34 reduce the costs, or improve the quality, of state services. All full-time
35 employees are eligible to receive suggestion awards except:
- 36 (1) members of boards and commissions;
- 37 (2) the chief executive officer of any agency or institution, the
38 officer's principal deputies or assistants; or
- 39 (3) persons whose normal job duties include cost analyses.
- 40 (f) A state suggestion committee shall determine the amount of
41 any award to be given under subsection (e). The state suggestion
42 committee consists of the state personnel director, the director of the
43 budget agency, and the state examiner of the state board of accounts.
44 Any officer of state who is made a member of the suggestion
45 committee may delegate that responsibility to a subordinate employee.
- 46 SECTION 7. IC 4-15-2-8 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Whenever
48 additional agencies or institutions are brought within the provisions of
49 this chapter, either through a separate statute or by amendment to this
50 chapter, persons in such agencies or institutions who are in and have

1 been in positions or similar positions in the state service not theretofore
2 subject to the merit provisions of this chapter shall be entitled to
3 continue to hold such positions until they have an opportunity to
4 acquire regular status. Persons who have been in the same or similar
5 positions for six (6) months or more shall receive regular status by
6 passing a noncompetitive qualifying examination for the classification
7 to which their position has been allocated. Persons with less than six
8 (6) months' service in the same or similar positions shall hold their
9 positions temporarily subject to the entrance examination requirements
10 of this chapter. All qualifying examinations shall be held within one (1)
11 year after the agency or institution is brought under this chapter, unless
12 the period for holding such examinations is extended by the board with
13 adequate reasons for such extension made a part of the official minutes
14 of the board.

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

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

41 (b) In certification for appointment, in appointment, in
42 reinstatement, and in reemployment in any state service, preference
43 shall be given to former members of the military services of the United
44 States who served on active duty in any branch of the armed forces and
45 who at no time received a discharge or separation under other than
46 honorable conditions, except corrected separation or discharge to read
47 "honorable" as evidenced by appropriate records presented from the
48 United States Department of Defense or appropriate branch of the
49 military service.

50 (c) Preference shall be given in the following priorities:

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

1 must be documented by appropriate records of the United States
2 Department of Defense.

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

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

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

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

33 (l) In any reduction in personnel in any state service, competing
34 employees shall be released in accordance with ~~board regulations~~
35 **rules**, which shall give due effect to tenure of employment, military
36 preference, length of service, and efficiency ratings. The length of time
37 spent in active service in the armed forces of the United States of each
38 such employee shall be credited in computing length of total service.
39 Veteran's preference points shall be added to the retention score of a
40 preference eligible. When any of the functions of any state agency are
41 transferred to, or when any state agency is replaced by, some other state
42 agency or agencies, all preference employees in the function or
43 functions transferred or in the agency replaced shall first be transferred
44 to the replacing agency or agencies for employment in positions for
45 which they are qualified, before the agency or agencies appoint
46 additional employees from any other sources for such positions.

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

1 (n) Any preference eligible who has been furloughed or separated
 2 without delinquency or misconduct, upon request, shall have the
 3 preference eligible's name placed on all appropriate registers and
 4 employment lists, for every position for which the preference eligible's
 5 qualifications have been established.

6 (o) Applicants claiming preference of their own service must
 7 submit either:

8 (1) original discharge or separation or certified copies or
 9 photostat copies of the originals;

10 (2) an official statement from the United States Department of
 11 Defense showing record of service; or

12 (3) an official statement from the United States Department of
 13 Veterans Affairs supporting the claim for disability.

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

22 (1) in determining salary increases and decreases within the
 23 limits established by law and by the pay plan;

24 (2) as a factor in promotion tests;

25 (3) as a factor in determining the order of lay-off when forces are
 26 reduced because of lack of funds or work, and the order in which
 27 names are to be placed on reemployment lists; and

28 (4) as a means of discovering employees who should be
 29 promoted, transferred, or who, because of their low-service
 30 value, should be demoted or dismissed.

31 In such manner and at such time as the rules may require, each
 32 appointing authority shall make and report to the director the service
 33 ratings of employees in his division of the service or such information
 34 as the director may request as a basis for determining the service
 35 ratings.

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

43 SECTION 10. IC 4-15-2-30 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 30. Every appointment,
 45 transfer, promotion, demotion, dismissal, change of salary rate, absence
 46 from duty, and other temporary or permanent changes in the status of
 47 employees in both the unclassified and the classified service shall be
 48 reported to the director at such time, in such form, and together with
 49 such supporting or pertinent information, as the director may prescribe.
 50 The director shall maintain a perpetual roster of all officers and

1 employees in the unclassified service and the classified service,
 2 showing for each such person the title of the position held, his
 3 departmental or other agency assignment, his salary rate, date of
 4 appointment, complete employment history, and such other data as the
 5 director considers pertinent. The director ~~shall also maintain such other~~
 6 ~~personnel records as he may consider desirable or as the board shall~~
 7 ~~direct, and~~ shall make available to the governor, the general assembly,
 8 the budget director, department and institution executives, and other
 9 persons having a proper interest therein tabulations and analyses of
 10 such personnel data as he has available.

11 SECTION 11. IC 4-15-2-31 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 31. (a) A public
 13 disbursing officer, auditing officer, or other fiscal officer of the state
 14 shall not draw, sign, or issue or authorize the drawing, signing, or
 15 issuing of any warrant or check upon the treasurer of state or another
 16 disbursing officer of the state for the payment of a salary or other
 17 compensation for personal services within the state service. The
 18 treasurer of state or another disbursing officer of the state shall not pay
 19 any salary or other compensation for personal services unless a payroll
 20 or account for the salary or other compensation containing the name of
 21 every person to be paid and the accounts to be paid to the person has
 22 been certified by the director or a person designated by the director to
 23 the effect that the persons named on the payroll or account are either
 24 in the unclassified service or have been appointed or otherwise
 25 established in their positions according to the provisions of this
 26 chapter, and that the payment of the amounts shown on the payroll or
 27 account will not violate the provisions of the pay plan or the rules
 28 pertaining to the payment.

29 (b) Any payment violating the provisions of the pay plan or the
 30 rules pertaining to the payment, or made to a person appointed or
 31 established in the person's position in a manner contrary to the
 32 provisions of this chapter, may be recovered from the appointing
 33 authority, the director, or any officer or person making the payment,
 34 whichever is liable, or from the sureties on the official bond for the
 35 officer or person. Action for recovery may be maintained by ~~the board~~
 36 ~~or any member of the board,~~ any officer or employee of the state
 37 service, or any citizen of the state. All money recovered under this
 38 section shall be paid into the state treasury. Any citizen may maintain
 39 a suit to restrain a disbursing officer from making any payment in
 40 contravention of any provision of this chapter or of any lawful rule or
 41 order under this chapter.

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

50 (d) If the director wrongfully withholds certification of the payroll

1 voucher or account of any employee, the employee may maintain a
 2 proceeding to compel the director to certify the payroll voucher or
 3 account.

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

13 (b) No person elected to state or federal public office may, during
 14 the term for which he was elected, be appointed to any position in the
 15 classified service.

16 (c) Any employee in the classified service who becomes a
 17 candidate for local office shall, upon request, be granted a leave of
 18 absence; any employee in the classified service who is elected to a state
 19 or federal public office shall be considered to have resigned from the
 20 service. This subsection does not apply to precinct committeemen, state
 21 or national party convention delegates, or candidates for these party
 22 positions.

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

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

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

30 ~~(c)~~ (b) The term "appointing authority" means the head of a
 31 department, division, board, commission, person or group of persons
 32 who has the power by law or by lawfully delegated authority to make
 33 appointments to positions in state service.

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

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

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

45 (2) verify the political affiliation of each applicant for
 46 employment and each employee being considered for promotion
 47 which otherwise qualify for employment or promotion; however,
 48 no applicant or employee shall be verified if the employment or
 49 promotion would disrupt or postpone the attainment of the
 50 required political balance of the department or pay classification;

1 ~~therein unless the required political affiliation of an applicant or~~
 2 ~~employee has been waived by the board;~~

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

6 (4) develop a pay plan for all employees operating under the
 7 provisions of this chapter, which pay plan shall be subject to the
 8 approval of the budget agency and the Governor; and

9 (5) certify all individuals employed under the provisions of this
 10 chapter as provided by IC 4-15-2, except that:

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

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

24 (C) For positions involving unskilled or semi-skilled labor
 25 when the character or place of the work makes it
 26 impracticable to supply the needs of the service by
 27 appointments made in accordance with the procedure
 28 prescribed by this chapter, the director may make
 29 appointments by the procedure provided by IC 4-15-2.

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

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

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

44 SECTION 17. IC 4-15-2.5-21 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. (~~Agency Request;~~
 46 ~~Inclusion~~) The administrative head of any state agency may submit a
 47 request to the personnel director to have his entire agency or any part
 48 thereof operate under the provisions of this chapter. Upon the approval
 49 of the ~~personnel board~~ **department** and the governor, any state agency
 50 or any part of a state agency may operate under the provisions of this

1 chapter.

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

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

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

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

27 (1) An order adopted by the commissioner of the Indiana
 28 department of transportation under IC 9-20-1-3(d) or
 29 IC 9-21-4-7(a) and designated by the commissioner as an
 30 emergency rule.

31 (2) An action taken by the director of the department of natural
 32 resources under IC 14-22-2-6(d) or IC 14-22-6-13.

33 (3) An emergency temporary standard adopted by the
 34 occupational safety standards commission under
 35 IC 22-8-1.1-16.1.

36 (4) An emergency rule adopted by the solid waste management
 37 board under IC 13-22-2-3 and classifying a waste as hazardous.

38 (5) A rule, other than a rule described in subdivision (6), adopted
 39 by the department of financial institutions under IC 24-4.5-6-107
 40 and declared necessary to meet an emergency.

41 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
 42 department of financial institutions and declared necessary to
 43 meet an emergency under IC 24-4.5-6-107.

44 (7) A rule adopted by the Indiana utility regulatory commission
 45 to address an emergency under IC 8-1-2-113.

46 (8) An emergency rule adopted by the state lottery commission
 47 under IC 4-30-3-9.

48 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
 49 executive board of the state department of health declares is
 50 necessary to meet an emergency.

- 1 (10) An emergency rule adopted by the Indiana finance authority
2 under IC 8-21-12.
- 3 (11) An emergency rule adopted by the insurance commissioner
4 under IC 27-1-23-7.
- 5 (12) An emergency rule adopted by the Indiana horse racing
6 commission under IC 4-31-3-9.
- 7 (13) An emergency rule adopted by the air pollution control
8 board, the solid waste management board, or the water pollution
9 control board under IC 13-15-4-10(4) or to comply with a
10 deadline required by or other date provided by federal law,
11 provided:
- 12 (A) the variance procedures are included in the rules; and
13 (B) permits or licenses granted during the period the
14 emergency rule is in effect are reviewed after the
15 emergency rule expires.
- 16 (14) An emergency rule adopted by the Indiana election
17 commission under IC 3-6-4.1-14.
- 18 (15) An emergency rule adopted by the department of natural
19 resources under IC 14-10-2-5.
- 20 (16) An emergency rule adopted by the Indiana gaming
21 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
22 IC 4-33-4-14, or IC 4-35-4-2.
- 23 (17) An emergency rule adopted by the alcohol and tobacco
24 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
25 IC 7.1-3-20-24.4.
- 26 (18) An emergency rule adopted by the department of financial
27 institutions under IC 28-15-11.
- 28 (19) An emergency rule adopted by the office of the secretary of
29 family and social services under IC 12-8-1-12.
- 30 (20) An emergency rule adopted by the office of the children's
31 health insurance program under IC 12-17.6-2-11.
- 32 (21) An emergency rule adopted by the office of Medicaid policy
33 and planning under IC 12-15-41-15.
- 34 (22) An emergency rule adopted by the Indiana state board of
35 animal health under IC 15-17-10-9.
- 36 (23) An emergency rule adopted by the board of directors of the
37 Indiana education savings authority under IC 21-9-4-7.
- 38 (24) An emergency rule adopted by the Indiana board of tax
39 review under IC 6-1.1-4-34 (repealed).
- 40 (25) An emergency rule adopted by the department of local
41 government finance under IC 6-1.1-4-33 (repealed).
- 42 (26) An emergency rule adopted by the boiler and pressure
43 vessel rules board under IC 22-13-2-8(c).
- 44 (27) An emergency rule adopted by the Indiana board of tax
45 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
46 adopted by the department of local government finance under
47 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 48 (28) An emergency rule adopted by the board of the Indiana
49 economic development corporation under IC 5-28-5-8.
- 50 (29) A rule adopted by the department of financial institutions

- 1 under IC 34-55-10-2.5.
- 2 (30) A rule adopted by the Indiana finance authority:
- 3 (A) under IC 8-15.5-7 approving user fees (as defined in
- 4 IC 8-15.5-2-10) provided for in a public-private agreement
- 5 under IC 8-15.5;
- 6 (B) under IC 8-15-2-17.2(a)(10):
- 7 (i) establishing enforcement procedures; and
- 8 (ii) making assessments for failure to pay required
- 9 tolls;
- 10 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 11 establishing procedures for the implementation of the
- 12 collection of user fees by electronic or other nonmanual
- 13 means; or
- 14 (D) to make other changes to existing rules related to a toll
- 15 road project to accommodate the provisions of a
- 16 public-private agreement under IC 8-15.5.
- 17 (31) An emergency rule adopted by the board of the Indiana
- 18 health informatics corporation under IC 5-31-5-8.
- 19 ~~(32) An emergency rule adopted by the athletic commission~~
- 20 ~~under IC 25-9-1-4.5.~~
- 21 (32) An emergency rule adopted by the department of child
- 22 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
- 23 IC 31-27-4-3.
- 24 ~~(32)~~ (33) An emergency rule adopted by the Indiana real estate
- 25 commission under IC 25-34.1-2-5(15).
- 26 (b) The following do not apply to rules described in subsection (a):
- 27 (1) Sections 24 through 36 of this chapter.
- 28 (2) IC 13-14-9.
- 29 (c) After a rule described in subsection (a) has been adopted by the
- 30 agency, the agency shall submit the rule to the publisher for the
- 31 assignment of a document control number. The agency shall submit the
- 32 rule in the form required by section 20 of this chapter and with the
- 33 documents required by section 21 of this chapter. The publisher shall
- 34 determine the format of the rule and other documents to be submitted
- 35 under this subsection.
- 36 (d) After the document control number has been assigned, the
- 37 agency shall submit the rule to the publisher for filing. The agency
- 38 shall submit the rule in the form required by section 20 of this chapter
- 39 and with the documents required by section 21 of this chapter. The
- 40 publisher shall determine the format of the rule and other documents
- 41 to be submitted under this subsection.
- 42 (e) Subject to section 39 of this chapter, the publisher shall:
- 43 (1) accept the rule for filing; and
- 44 (2) electronically record the date and time that the rule is
- 45 accepted.
- 46 (f) A rule described in subsection (a) takes effect on the latest of
- 47 the following dates:
- 48 (1) The effective date of the statute delegating authority to the
- 49 agency to adopt the rule.
- 50 (2) The date and time that the rule is accepted for filing under

- 1 subsection (e).
- 2 (3) The effective date stated by the adopting agency in the rule.
- 3 (4) The date of compliance with every requirement established
- 4 by law as a prerequisite to the adoption or effectiveness of the
- 5 rule.
- 6 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
- 7 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
- 8 subsections (j), (k), and (l), a rule adopted under this section expires
- 9 not later than ninety (90) days after the rule is accepted for filing under
- 10 subsection (e). Except for a rule adopted under subsection (a)(13),
- 11 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
- 12 another rule under this section, but only for one (1) extension period.
- 13 The extension period for a rule adopted under subsection (a)(28) may
- 14 not exceed the period for which the original rule was in effect. A rule
- 15 adopted under subsection (a)(13) may be extended for two (2)
- 16 extension periods. Subject to subsection (j), a rule adopted under
- 17 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
- 18 number of extension periods. Except for a rule adopted under
- 19 subsection (a)(13), for a rule adopted under this section to be effective
- 20 after one (1) extension period, the rule must be adopted under:
- 21 (1) sections 24 through 36 of this chapter; or
- 22 (2) IC 13-14-9;
- 23 as applicable.
- 24 (h) A rule described in subsection (a)(8), (a)(12), or (a)(29)
- 25 expires on the earlier of the following dates:
- 26 (1) The expiration date stated by the adopting agency in the rule.
- 27 (2) The date that the rule is amended or repealed by a later rule
- 28 adopted under sections 24 through 36 of this chapter or this
- 29 section.
- 30 (i) This section may not be used to readopt a rule under
- 31 IC 4-22-2.5.
- 32 (j) A rule described in subsection (a)(24) or (a)(25) expires not
- 33 later than January 1, 2006.
- 34 (k) A rule described in subsection (a)(28) expires on the expiration
- 35 date stated by the board of the Indiana economic development
- 36 corporation in the rule.
- 37 (l) A rule described in subsection (a)(30) expires on the expiration
- 38 date stated by the Indiana finance authority in the rule.
- 39 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
- 40 date the department is next required to issue a rule under the statute
- 41 authorizing or requiring the rule.
- 42 SECTION 21. IC 4-31-3-9, AS AMENDED BY P.L.182-2009(ss),
- 43 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 44 JULY 1, 2010]: Sec. 9. Subject to section 14 of this chapter, the
- 45 commission may:
- 46 (1) adopt rules under IC 4-22-2, including emergency rules
- 47 under IC 4-22-2-37.1, to implement this article, including rules
- 48 that prescribe:
- 49 (A) the forms of wagering that are permitted;
- 50 (B) the number of races;

- 1 (C) the procedures for wagering;
 2 (D) the wagering information to be provided to the public;
 3 (E) fees for the issuance and renewal of:
 4 (i) permits under IC 4-31-5;
 5 (ii) satellite facility licenses under IC 4-31-5.5; and
 6 (iii) licenses for racetrack personnel and racing
 7 participants under IC 4-31-6;
 8 (F) investigative fees;
 9 (G) fines and penalties; and
 10 (H) any other regulation that the commission determines is
 11 in the public interest in the conduct of recognized meetings
 12 and wagering on horse racing in Indiana;
 13 (2) appoint employees in the manner provided by IC 4-15-2 and
 14 fix their compensation, subject to the approval of the budget
 15 agency under IC 4-12-1-13; **and**
 16 (3) enter into contracts necessary to implement this article. ~~and~~
 17 ~~(4) receive and consider recommendations from an advisory~~
 18 ~~development committee established under IC 4-31-11.~~

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

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

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

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

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

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

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

- 48 (1) an engagement; or
 49 (2) a contract;

50 **for the boxer.**

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

- 3 **(1) inflict kicks, punches, and blows; and**
 4 **(2) apply other techniques;**

5 **that may reasonably be expected to inflict injury on an opponent**
 6 **in a contest, exhibition, or performance.**

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

9 **Sec. 7. As used in this chapter, "unarmed combat" means the**
 10 **practice, or any related practice, of mixed martial arts or martial**
 11 **arts.**

12 **Sec. 8. As used in this chapter, "unarmed competitor" means**
 13 **a person who engages in an unarmed combat match, contest,**
 14 **exhibition, or performance.**

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

17 **(b) The athletic fund is created for purposes of administering**
 18 **this chapter. The fund shall be administered by the Indiana gaming**
 19 **commission.**

20 **(c) Expenses of administering the fund shall be paid from**
 21 **money in the fund.**

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

26 **(e) The fund consists of:**

- 27 **(1) appropriations made by the general assembly;**
 28 **(2) fees collected under this chapter; and**
 29 **(3) penalties collected under this chapter.**

30 **(f) An amount necessary to administer this chapter is**
 31 **continually appropriated from the fund to the Indiana gaming**
 32 **commission.**

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

37 **Sec. 10. The commission shall ensure the:**

- 38 **(1) safety of participants in;**
 39 **(2) fairness of; and**
 40 **(3) integrity of;**

41 **sparring, boxing, and unarmed combat matches or exhibitions in**
 42 **Indiana.**

43 **Sec. 11. (a) The executive director of the commission may**
 44 **appoint and remove deputies for use by the commission. The**
 45 **commission shall, when the commission considers it advisable,**
 46 **direct a deputy to be present at any place where sparring, boxing,**
 47 **or unarmed combat matches or exhibitions are to be held under**
 48 **this chapter. The deputies shall ascertain the exact conditions**
 49 **surrounding the match or exhibition and make a written report of**
 50 **the conditions in the manner and form prescribed by the**

1 **commission.**

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

4 **(1) keep a full and true record of all the commission's**
5 **proceedings;**

6 **(2) preserve at its general office all the commission's books,**
7 **documents, and papers; and**

8 **(3) prepare for service notices and other papers as may be**
9 **required by the commission.**

10 **The executive director of the commission may employ only such**
11 **clerical employees as are actually necessary and fix their salaries**
12 **as provided by law.**

13 **(c) The executive director of the commission or a deputy**
14 **appointed under subsection (a) may execute orders, subpoenas,**
15 **continuances, and other legal documents on behalf of the**
16 **commission.**

17 **(d) All expenses incurred in the administration of this chapter**
18 **shall be paid from the fund upon appropriation being made for the**
19 **expenses.**

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

23 **(1) Mixed martial arts.**

24 **(2) Martial arts, including the following:**

25 **(A) Jujutsu.**

26 **(B) Karate.**

27 **(C) Kickboxing.**

28 **(D) Kung fu.**

29 **(E) Tae kwon do.**

30 **(F) Judo.**

31 **(G) Sambo.**

32 **(H) Pankration.**

33 **(I) Shootwrestling.**

34 **(3) Professional wrestling.**

35 **(4) Boxing.**

36 **(5) Sparring.**

37 **(b) The commission may adopt emergency rules under**
38 **IC 4-22-2-37.1 if the commission determines that:**

39 **(1) the need for a rule is so immediate and substantial that**
40 **the ordinary rulemaking procedures under IC 4-22-2 are**
41 **inadequate to address the need; and**

42 **(2) an emergency rule is likely to address the need.**

43 **Sec. 13. (a) Boxing, sparring, and unarmed combat matches or**
44 **exhibitions, whether or not for prizes or purses, may be held in**
45 **Indiana.**

46 **(b) The commission:**

47 **(1) has the sole direction, management, control, and**
48 **jurisdiction over all boxing, sparring, and unarmed combat**
49 **matches or exhibitions to be conducted, held, or given in**
50 **Indiana; and**

- 1 (2) may issue licenses for those matches or exhibitions.
- 2 (c) A boxing, sparring, or unarmed combat match or an
3 exhibition that is:
- 4 (1) conducted by any school, college, or university within
5 Indiana; or
- 6 (2) sanctioned by United States Amateur Boxing, Inc.;
- 7 is not subject to the provisions of this chapter requiring a license.
8 The term "school, college, or university" does not include a school
9 or other institution for the principal purpose of furnishing
10 instruction in boxing, or other athletics.
- 11 (d) Except as provided under section 17 of this chapter, no
12 boxing, sparring, or unarmed combat match or exhibition, except
13 as provided in this chapter, may be held or conducted within
14 Indiana except under a license and permit issued by the
15 commission in accordance with this chapter and the rules adopted
16 under this chapter.
- 17 Sec. 14. (a) The commission may:
- 18 (1) cause to be issued an annual license in writing for holding
19 boxing, sparring, or unarmed combat matches or exhibitions
20 to any person who is qualified under this chapter; and
- 21 (2) adopt rules to establish the qualifications of the
22 applicants.
- 23 (b) In addition to a general license, a person must, before
24 conducting any particular boxing, sparring, or unarmed combat
25 match or exhibition where one (1) or more contests are to be held,
26 obtain a permit from the commission.
- 27 (c) Annual licenses may be revoked or suspended by the
28 commission upon hearing and proof that any holder of an annual
29 license has violated this chapter or any rule or order of the
30 commission.
- 31 (d) A person who knowingly, recklessly, or intentionally
32 conducts a boxing, sparring, or unarmed combat match or
33 exhibition without first obtaining a license or permit commits a
34 Class B misdemeanor.
- 35 Sec. 15. (a) Applications for licenses or permits to conduct or
36 participate in, either directly or indirectly, a boxing, sparring, or
37 unarmed combat match or exhibition must be:
- 38 (1) made in writing upon forms prescribed by the
39 commission and shall be addressed to and filed with the
40 gaming commission; and
- 41 (2) verified by the applicant, if an individual, or by an officer
42 of the club, corporation, or association in whose behalf the
43 application is made.
- 44 (b) The application for a permit to conduct a particular
45 boxing, sparring, or unarmed combat match or exhibition must,
46 among other things, state:
- 47 (1) the time and exact place at which the boxing, sparring, or
48 unarmed combat match or exhibition is proposed to be held;
- 49 (2) the names of the contestants who will participate and
50 their seconds;

- 1 **(3) the seating capacity of the buildings or the hall in which**
 2 **such exhibition is proposed to be held;**
 3 **(4) the proposed admission charge;**
 4 **(5) the amount of the compensation percentage of gate**
 5 **receipts that is proposed to be paid to each of the**
 6 **participants;**
 7 **(6) the name and address of the applicant;**
 8 **(7) the names and addresses of all the officers if the applicant**
 9 **is a club, a corporation, or an association; and**
 10 **(8) the record of each contestant from a source approved by**
 11 **the commission.**

12 **(c) The commission shall keep records of the names and**
 13 **addresses of all persons receiving permits and licenses.**

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

- 16 **(b) The commission shall require an applicant to provide:**
 17 **(1) information, including fingerprints, that is needed to**
 18 **facilitate access to criminal history information; and**
 19 **(2) financial information, to the extent allowed by law.**

- 20 **(c) The state police department shall:**
 21 **(1) provide assistance in obtaining criminal history**
 22 **information of an applicant; and**
 23 **(2) forward fingerprints submitted by an applicant to the**
 24 **Federal Bureau of Investigation for the release of an**
 25 **applicant's criminal history information for the purposes of**
 26 **licensure under this chapter.**

27 **(d) The applicant shall pay any fees associated with the release**
 28 **of the criminal history information of the applicant.**

29 **Sec. 17. All promoters, either corporations or natural persons,**
 30 **physicians, referees, judges, timekeepers, matchmakers,**
 31 **professional boxers, unarmed competitors, managers of**
 32 **professional boxers or unarmed competitors, trainers and seconds,**
 33 **shall be licensed as provided in this chapter, and such a**
 34 **corporation or person may not be permitted to participate, either**
 35 **directly or indirectly, in any such boxing, sparring, or unarmed**
 36 **combat match or exhibition, or the holding thereof, unless the**
 37 **corporation and all such persons have first procured licenses. A**
 38 **contest conforming to the rules and requirements of this chapter**
 39 **is not considered to be a prize-fight.**

40 **Sec. 18. (a) As used in this section, "amateur mixed martial**
 41 **arts" refers to mixed martial arts that is:**

- 42 **(1) performed for training purposes in a school or other**
 43 **educational facility for no:**
 44 **(A) purse; or**
 45 **(B) prize with a value greater than one hundred dollars**
 46 **(\$100); or**
 47 **(2) performed in a match, contest, exhibition, or**
 48 **performance for no:**
 49 **(A) purse; or**
 50 **(B) prize with a value greater than one hundred dollars**

1 **(\$100).**

2 **(b) As used in this section, "promoter" means the person**
 3 **primarily responsible for organizing, promoting, and producing an**
 4 **amateur mixed martial arts match or exhibition. The term does not**
 5 **include a hotel, casino, resort, or other commercial establishment**
 6 **hosting or sponsoring an amateur mixed martial arts match unless:**

7 **(1) the hotel, casino, resort, or other commercial**
 8 **establishment is primarily responsible for organizing,**
 9 **promoting, and producing the match or exhibition; and**

10 **(2) there is no other person primarily responsible for**
 11 **organizing, promoting, and producing the match or**
 12 **exhibition.**

13 **(c) For amateur mixed martial arts matches or exhibitions,**
 14 **only:**

15 **(1) a body sanctioning the match or exhibition; and**

16 **(2) the promoter of the match or exhibition;**

17 **must procure licenses under this chapter. The commission shall**
 18 **develop procedures and standards governing application for**
 19 **licensure and license renewal of bodies sanctioning a match or**
 20 **exhibition and promoters under this section. The commission shall**
 21 **develop procedures for inspection and enforcement with respect to**
 22 **licenses issued under this subsection.**

23 **(d) The commission shall adopt rules under IC 4-22-2 to**
 24 **license sanctioning bodies and promoters required to be licensed**
 25 **under this chapter.**

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

29 **(1) The presence of a medical doctor licensed under**
 30 **IC 25-22.5.**

31 **(2) The presence of an ambulance.**

32 **(3) Requirements for medical and life insurance to be carried**
 33 **for each participant.**

34 **(4) The need for medical tests, including:**

35 **(A) tests for HIV;**

36 **(B) pregnancy tests for women participants; and**

37 **(C) screening tests for illegal drugs.**

38 **Sec. 19. A permit or license may not be issued to any person**
 39 **who has not complied with this chapter or who, before the**
 40 **applications, failed to obey a rule or order of the commission. In**
 41 **the case of a club, corporation, or association, a license or permit**
 42 **may not be issued to it if, before its application, any of its officers**
 43 **have violated this chapter or any rule or order of the commission.**
 44 **A promoter, physician, referee, judge, timekeeper, matchmaker,**
 45 **professional boxer, unarmed competitor, manager of a professional**
 46 **boxer or unarmed competitor, trainer, or second may not be**
 47 **licensed if the person holds a federal gambling stamp. A license or**
 48 **permit when issued must recite that the person to whom it is**
 49 **granted has complied with this chapter and that a license or permit**
 50 **is not transferable.**

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

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

- 6 **(1) hold the match or exhibition at any other time or place;**
 7 **(2) permit any other contestant to participate in the match or**
 8 **exhibition;**
 9 **(3) charge a greater rate or rates of admission; or**
 10 **(4) pay a greater fee, compensation, or percentage to**
 11 **contestants than that specified in the application filed before**
 12 **the issuance of the permit.**

13 **(b) Notwithstanding subsection (a), in case of emergency the**
 14 **commission may, upon application, allow a person to hold a**
 15 **boxing, sparring, or unarmed combat match or exhibition**
 16 **wherever and whenever it may deem fit within the city in which the**
 17 **person is located and substitute contestants or seconds as**
 18 **circumstances may require.**

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

33 **Sec. 23. Any hearing by the commission must be in accordance**
 34 **with IC 4-21.5-3.**

35 **Sec. 24. All buildings or structures used, or in any way to be**
 36 **used for the purpose of holding or giving therein boxing, sparring,**
 37 **or unarmed combat matches or exhibitions, must be properly**
 38 **ventilated and provided with fire exits and fire escapes, if**
 39 **necessary, and in all manner must conform to the laws, ordinances,**
 40 **and regulations pertaining to buildings in the city or town where**
 41 **situated.**

42 **Sec. 25. (a) A person shall not:**

- 43 **(1) permit any person less than eighteen (18) years of age to**
 44 **participate in any boxing or sparring match or exhibition;**
 45 **(2) permit any gambling on the result of, or on any**
 46 **contingency in connection with, any boxing or sparring**
 47 **match or exhibition conducted by it; or**
 48 **(3) participate in or permit any sham or collusive boxing or**
 49 **sparring match or exhibition.**

50 **(b) A person who violates this section, in addition to any**

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

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

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

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

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

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

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

37 **Sec. 27. (a) Each contestant for boxing, sparring, or unarmed**
 38 **combat shall be examined within two (2) hours before entering the**
 39 **ring by a competent physician licensed under IC 25-22.5 appointed**
 40 **by the commission. The physician shall certify in writing that each**
 41 **contestant is physically fit to engage in the contest if the physician**
 42 **so determines, and the physician's certificate shall be delivered to**
 43 **the commission before the contest. The physician shall mail the**
 44 **report of examination to the commission within twenty-four (24)**
 45 **hours after the contest. Blank forms of physicians' reports shall be**
 46 **furnished to physicians by the commission, and questions on blank**
 47 **forms must be answered in full. No match, contest, or exhibition**
 48 **shall be held unless a licensed physician is in attendance. Any boxer**
 49 **or unarmed competitor who, in the opinion of the physician, is**
 50 **physically unfit to enter the match or exhibition shall be excused by**

1 the commission or its deputy. During the conduct of the match or
2 exhibition, the physician may observe the physical condition of the
3 boxers or unarmed competitors and if, in the opinion of the
4 physician, any contestant in any match or exhibition is physically
5 unfit to continue, the physician shall advise the referee.

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

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

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

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

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

34 (g) A physician who knowingly certifies falsely to the physical
35 condition of any contestant commits a Class B infraction.

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

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

- 45 (1) the correct name of the applicant;
- 46 (2) the date and place of the applicant's birth;
- 47 (3) the place of the applicant's residence; and
- 48 (4) the applicant's employment, business, or occupation, if
49 any.

50 The application must be verified under oath of the applicant. An

1 application for a renewal license must be in similar form.

2 (c) No assumed or ring names shall be used in any application
3 nor in any advertisement of any contest, unless the ring or assumed
4 name has been registered with the commission with the correct
5 name of the applicant.

6 (d) Each application for license by a contestant or for a license
7 renewal must be accompanied by the certificate of a physician
8 residing within Indiana who is licensed as provided in this article
9 and has practiced in Indiana for not less than five (5) years,
10 certifying that the physician has made a thorough physical
11 examination of the applicant, and that the applicant is physically
12 fit and qualified to participate in boxing, sparring, or unarmed
13 combat matches or exhibitions.

14 Sec. 29. (a) The commission shall, upon proper application,
15 grant licenses to competent referees and judges whose
16 qualifications may be tested by the commission, and the
17 commission may revoke any such license granted to any referee or
18 judge upon cause as the commission finds sufficient. A referee's or
19 judge's license must be renewed biennially. No person shall be
20 permitted to act as referee or judge in Indiana without a license.

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

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

25 Sec. 30. The commission may declare any person who has been
26 convicted of an offense under IC 35-48 ineligible to participate in
27 any boxing, sparring, or unarmed combat match or exhibition, or
28 any other activity or event regulated by the commission,
29 notwithstanding that the person may hold a valid license issued by
30 the commission. The period of ineligibility shall be for not less than
31 six (6) months nor more than three (3) years, as determined by the
32 commission. If a convicted person is declared ineligible, the
33 commission shall suspend the person and declare the person
34 ineligible to participate in any boxing, sparring, or unarmed
35 combat match or exhibition, or any other activity or event
36 regulated by the commission, as soon as it discovers the conviction,
37 but the period of ineligibility shall commence from the actual date
38 of the conviction. During the period of ineligibility, the suspended
39 person may reapply to the commission for a license.

40 Sec. 31. (a) Any license under this chapter may be revoked or
41 suspended by the commission for reasons sufficient under this
42 chapter.

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

- 45 (1) have been revoked or suspended under this chapter; or
46 (2) have expired;

47 the commission may declare the person ineligible for a period to be
48 determined by the commission to participate in any boxing,
49 sparring, or unarmed combat match, exhibition, or other activity
50 regulated by the commission.

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

5 **(1) Furnish to the commission, by mail, a written report duly**
6 **verified by that person or, if a club, corporation, firm, or**
7 **association, by one (1) of its officers, showing the amount of**
8 **the gross proceeds for the match or exhibition and other**
9 **related matters as the commission may prescribe.**

10 **(2) Pay a tax of five percent (5%) of the price from the sale**
11 **of each admission ticket to the match or exhibition, which**
12 **price is a separate and distinct charge and shall not include**
13 **any tax imposed on and collected on account of the sale of the**
14 **ticket. Money derived from the tax shall be deposited in the**
15 **fund.**

16 **(3) Pay all fees established by the commission necessary to**
17 **cover the administrative costs of its regulatory oversight**
18 **function.**

19 **(b) Before any license is granted for any boxing, sparring, or**
20 **unarmed combat match or exhibition in Indiana, a bond or other**
21 **instrument that provides financial recourse must be provided to**
22 **the commission. The instrument must be:**

23 **(1) in an amount determined by the commission;**

24 **(2) approved as to form and sufficiency of the sureties by the**
25 **commission;**

26 **(3) payable to the state; and**

27 **(4) conditioned for the payment of the tax imposed, the**
28 **officials and contestants, and compliance with this chapter**
29 **and the valid rules of the commission.**

30 **Sec. 33. (a) Every person, club, corporation, firm, or**
31 **association holding or showing any boxing, sparring, or unarmed**
32 **combat matches on a closed circuit telecast, pay per view telecast,**
33 **or subscription television viewed within Indiana, whether**
34 **originating within Indiana or another state, shall furnish the**
35 **executive director of the commission a written report, under oath,**
36 **stating the amount of gross proceeds from holding or showing the**
37 **contest and any other matter as the commission may prescribe and**
38 **shall, within seventy-two (72) hours after the showing of the**
39 **contest, pay a tax of five percent (5%) of its total gross receipts for**
40 **the holding or showing of the boxing, sparring, or unarmed combat**
41 **match. Money derived from the tax shall be placed in the fund.**

42 **(b) This section does not apply to a showing occurring at a**
43 **private residence.**

44 **Sec. 34. Whenever a report under section 33 of this chapter is**
45 **unsatisfactory to the state treasurer, the state treasurer may**
46 **examine or cause to be examined the books and records of the**
47 **person, club, corporation, or association and subpoena and**
48 **examine, under oath, that person or officers and other persons as**
49 **witnesses for the purpose of determining the total amount of the**
50 **gross receipts derived from any contest, and the amount of tax due,**

1 under this chapter, which tax the state treasurer may upon
 2 examination, fix and determine. In case of default in the payment
 3 of any tax due, together with the expenses incurred in making the
 4 examination for a period of twenty (20) days after written notice to
 5 the delinquent person, club, corporation, or association of the
 6 amount fixed by the state treasurer as delinquent, the person, club,
 7 corporation, or association shall be disqualified from receiving any
 8 new license or permit, and the attorney general shall institute suit
 9 upon the bond filed under section 32 of this chapter, to recover the
 10 tax and penalties imposed by this chapter. In addition to the tax
 11 due from the delinquent person, club, corporation, or association,
 12 a penalty in the sum of not more than one thousand dollars
 13 (\$1,000) for each offense shall be recovered by the attorney general
 14 for the state.

15 **Sec. 35.** The commission may appoint official representatives,
 16 designated as inspectors, each of whom shall receive from the
 17 commission a card authorizing the official representative to act as
 18 an inspector wherever the commission may designate the official
 19 representative to act. One (1) inspector or deputy shall:

- 20 (1) be present at all boxing, sparring, or unarmed combat
 21 matches or exhibitions and ensure that the rules of the
 22 commission and this chapter are strictly observed; and
- 23 (2) be present at the counting up of the gross receipts and
 24 immediately mail to the commission the final box office
 25 statement received by the inspector or deputy from the
 26 person or officers of the club, corporation, or association
 27 conducting the match or exhibition.

28 **Sec. 36.** The commission shall determine the weights and
 29 classes of boxers and unarmed competitors and the rules and
 30 regulations of boxing and unarmed combat.

31 **Sec. 37.** All tickets of admission to any boxing, sparring, or
 32 unarmed combat match or exhibition must clearly show the
 33 purchase price. Tickets shall not be sold for more than the price
 34 printed on the tickets. It is unlawful for any person, club,
 35 corporation, or association to admit to a contest a number of
 36 people greater than the seating capacity of the place where the
 37 contest is held.

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

42 **Sec. 39.** All fees received by the executive director of the
 43 commission on behalf of the commission under this chapter shall
 44 be paid into the fund.

45 **Sec. 40.** A person who violates this chapter commits a Class B
 46 misdemeanor.

47 **Sec. 41.** The commission may adopt rules under IC 4-22-2 to
 48 administer this chapter.

49 SECTION 24. IC 5-2-1-2, AS AMENDED BY P.L.77-2009,
 50 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2010]: Sec. 2. For the purposes of this chapter, and unless the
 2 context clearly denotes otherwise, the following definitions apply
 3 throughout this chapter:

4 (1) "Law enforcement officer" means an appointed officer or
 5 employee hired by and on the payroll of the state, any of the
 6 state's political subdivisions, or a public or private postsecondary
 7 educational institution whose board of trustees has established
 8 a police department under IC 21-17-5-2 or IC 21-39-4-2 who is
 9 granted lawful authority to enforce all or some of the penal laws
 10 of the state of Indiana and who possesses, with respect to those
 11 laws, the power to effect arrests for offenses committed in the
 12 officer's or employee's presence. However, the following are
 13 expressly excluded from the term "law enforcement officer" for
 14 the purposes of this chapter:

15 (A) A constable.

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

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

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

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

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

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

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

31 ~~(4)~~ (3) "Executive training program" means the police chief
 32 executive training program developed by the board under section
 33 9 of this chapter.

34 ~~(5)~~ (4) "Law enforcement training council" means one (1) of the
 35 confederations of law enforcement agencies recognized by the
 36 board and organized for the sole purpose of sharing training,
 37 instructors, and related resources.

38 ~~(6)~~ (5) "Training regarding the lawful use of force" includes
 39 classroom and skills training in the proper application of hand to
 40 hand defensive tactics, use of firearms, and other methods of:

41 (A) overcoming unlawful resistance; or

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

44 ~~(7)~~ (6) "Hiring or appointing authority" means:

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

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

1 SECTION 25. IC 5-2-1-3, AS AMENDED BY P.L.22-2005,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2010]: Sec. 3. ~~(a)~~ There is created, as a criminal justice
 4 agency of the state, a law enforcement training board to carry out the
 5 provisions of this chapter. The board members are to be selected as
 6 provided by this chapter. The board is composed of the following
 7 members:

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

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

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

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

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

19 (6) One (1) county sheriff from a county of under fifty thousand
 20 (50,000) population.

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

24 (8) One (1) chief of police from a city of at least ten thousand
 25 (10,000) but under thirty-five thousand (35,000) population.

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

28 (10) One (1) prosecuting attorney.

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

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

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

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

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

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

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

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

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

43 ~~(2) The attorney general of Indiana.~~

44 ~~(3) One (1) member representing forensic science, to be~~
 45 ~~appointed by the governor.~~

46 ~~(4) One (1) member representing theology, to be appointed by~~
 47 ~~the governor.~~

48 ~~(5) The director of the law enforcement division of the~~
 49 ~~department of natural resources.~~

50 SECTION 26. IC 5-2-1-4, AS AMENDED BY P.L.52-2005,

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

28 ~~(b) Members of the advisory council who serve by virtue of their~~
 29 ~~office or position shall serve as members of the advisory council only~~
 30 ~~during the term of their office or position as the case may be. The~~
 31 ~~governor is authorized and empowered to appoint members to the~~
 32 ~~advisory council in addition to those enumerated in section 3(b) of this~~
 33 ~~chapter. All members appointed to the advisory council by the~~
 34 ~~governor shall serve only during the pleasure of the governor. Advisory~~
 35 ~~council appointments need not be made on a bipartisan basis.~~

36 SECTION 27. IC 5-2-1-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. Membership on the
 38 law enforcement training board ~~or the advisory council~~ shall not
 39 constitute holding a public office and members of the board ~~and~~
 40 ~~advisory council~~ shall not be required to take and file oaths of office
 41 before serving in such capacities. The board ~~and the advisory council~~
 42 shall exercise only the powers granted by this chapter. No member of
 43 the board ~~or of the advisory council~~ shall be disqualified from holding
 44 any public office or position by reason of ~~his~~ **the member's**
 45 appointment or membership on the board, ~~or advisory council~~, nor shall
 46 any such person forfeit any office, position, or employment by reason
 47 of an appointment pursuant to this chapter, notwithstanding the
 48 provisions of any statute, ordinance, or city charter.

49 SECTION 28. IC 5-2-1-6, AS AMENDED BY P.L.110-2009,
 50 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2010]: Sec. 6. The board ~~and advisory council~~ shall meet at
 2 least four (4) times in each year and shall hold special meetings when
 3 called by the chairperson. The presence of nine (9) members of the
 4 board constitutes a quorum for doing business. At least nine (9)
 5 affirmative votes are required for the passage of any matter put to a
 6 vote of the board. ~~Advisory council members are entitled to participate~~
 7 ~~in the business and deliberation of the board; but only board members~~
 8 ~~are entitled to vote.~~ The board shall establish its own procedure and
 9 requirements with respect to place and conduct of its meetings.

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

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

22 STATE OF
 23 INDIANA)
 24) ss:
 25 COUNTY OF _____)

26 I affirm under the penalties for perjury that all of the following are
 27 true:

- 28 (1) That I am a dealer licensed under ~~IC 9-23-1~~ **IC 9-23-2-1**.
- 29 (2) That I cannot deliver a valid certificate of title to the retail
 30 purchaser of the vehicle described in paragraph (3) at the time of
 31 sale of the vehicle to the retail purchaser. The identity of the
 32 previous seller or transferor is _____.
 33 Payoff of lien was made on (date) _____. I expect to deliver a
 34 valid and transferable certificate of title not later than
 35 (date) _____ from the (State of) _____ to the
 36 purchaser.
- 37 (3) That I will undertake reasonable commercial efforts to
 38 produce the valid certificate of title. The vehicle identification
 39 number is _____.

40 Signed _____, Dealer

41 By _____

42 Dated _____, _____

43 CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
 44 AFFIDAVIT.

45 _____

46 Customer Signature

47
 48 NOTICE TO THE CUSTOMER

49 If you do not receive a valid certificate of title within the time
 50 specified by this affidavit, you have the right to return the vehicle to the

1 vehicle dealer ten (10) days after giving the vehicle dealer written
 2 notice demanding delivery of a valid certificate of title and after the
 3 vehicle dealer's failure to deliver a valid certificate of title within that
 4 ten (10) day period. Upon return of the vehicle to the vehicle dealer in
 5 the same or similar condition as when it was delivered to you, the
 6 vehicle dealer shall pay you the purchase price plus sales taxes, finance
 7 expenses, insurance expenses, and any other amount that you paid to
 8 the vehicle dealer.

9 If a lien is present on the previous owner's certificate of title, it is the
 10 responsibility of the third party lienholder to timely deliver the
 11 certificate of title in the third party's possession to the dealer not more
 12 than ten (10) business days after there is no obligation secured by the
 13 vehicle. If the dealer's inability to deliver a valid certificate of title to
 14 you within the above-described ten (10) day period results from the
 15 acts or omissions of a third party who has failed to timely deliver the
 16 certificate of title in the third party's possession to the dealer, the dealer
 17 may be entitled to claim against the third party the damages allowed by
 18 law.

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

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

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

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

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

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

48 (6) Study and determine the merits of proposals affecting traffic
 49 control, traffic safety, or traffic accident prevention activities in
 50 Indiana and recommend to the governor and the general assembly

1 the measures that will serve to further control and reduce traffic
2 accidents.

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

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

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

13 SECTION 32. IC 10-13-3-38.5, AS AMENDED BY P.L.160-2009,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2010]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat.
16 1115), the department may use an individual's fingerprints submitted
17 by the individual for the following purposes:

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

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

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

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

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

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

35 (F) at a juvenile detention facility;

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

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

39 (I) that has a job description that includes access to or
40 supervision over state financial or personnel data, including
41 state warrants, banking codes, or payroll information
42 pertaining to state employees.

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

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

50 (4) Use by the Indiana board of pharmacy in determining the

1 individual's suitability for a position or employment with a
 2 wholesale drug distributor, as specified in IC 25-26-14-16(b),
 3 IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.
 4 An applicant shall submit the fingerprints in an appropriate format or
 5 on forms provided for the employment or license application. The
 6 department shall charge each applicant the fee established under
 7 section 28 of this chapter and by federal authorities to defray the costs
 8 associated with a search for and classification of the applicant's
 9 fingerprints. The department may forward fingerprints submitted by an
 10 applicant to the Federal Bureau of Investigation or any other agency for
 11 processing. The state personnel department or the agency to which the
 12 applicant is applying for employment or a license may receive the
 13 results of all fingerprint investigations.

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

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

19 SECTION 33. IC 12-7-2-44, AS AMENDED BY P.L.130-2009,
 20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2010]: Sec. 44. "Council" means the following:

22 (1) For purposes of IC 12-9-4, the meaning set forth in
 23 IC 12-9-4-1.

24 (2) For purposes of IC 12-12-8, the meaning set forth in
 25 IC 12-12-8-2.5.

26 (3) For purposes of IC 12-13-4, the meaning set forth in
 27 IC 12-13-4-1.

28 ~~(4) For purposes of IC 12-15-41 and IC 12-15-42, the Medicaid~~
 29 ~~work incentives council established by IC 12-15-42-1.~~

30 ~~(5) (4)~~ For purposes of IC 12-12.7-2, the meaning set forth in
 31 IC 12-12.7-2-2.

32 ~~(6) (5)~~ For purposes of IC 12-21-4, the meaning set forth in
 33 IC 12-21-4-1.

34 ~~(7) (6)~~ For purposes of IC 12-28-5, the meaning set forth in
 35 IC 12-28-5-1.

36 SECTION 34. IC 12-15-41-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. As used in this
 38 chapter, "countable resources" means all cash, other liquid assets, real
 39 property, and personal property owned by an applicant for or a
 40 recipient of Medicaid under this chapter, or the spouse of an applicant
 41 or a recipient, that could be converted to cash to be used for support or
 42 maintenance, except the following:

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

45 (2) Any resource eligible for exclusion under 42 U.S.C.
 46 1396a(r)(2), including a retirement account established under 26
 47 U.S.C. 220 and held by either the applicant or recipient or the
 48 applicant's or recipient's spouse.

49 (3) Subject to approval by the office, not more than twenty
 50 thousand dollars (\$20,000) in independence and self-sufficiency

1 accounts held by the applicant or recipient for the sole purpose of
 2 purchasing goods or services, including assistive technology and
 3 personal assistance, that:

4 (A) will increase the employability or independence of the
 5 applicant or recipient; and

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

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

12 SECTION 35. IC 12-15-41-13 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) The office shall
 14 establish criteria to determine the effectiveness of:

15 (1) the buy-in program; and

16 (2) continued Medicaid coverage through Section 1619 of the
 17 federal Social Security Act (42 U.S.C. 1382h).

18 (b) The criteria required under subsection (a) must include the
 19 following:

20 (1) The number of individuals with disabilities who are:

21 (A) enrolled in the buy-in program; or

22 (B) receiving Medicaid through Section 1619 of the federal
 23 Social Security Act (42 U.S.C. 1382h).

24 (2) State revenues resulting from premiums paid by participants
 25 in the buy-in program.

26 (3) State costs incurred as a result of implementing the buy-in
 27 program, including administrative costs and costs of providing
 28 services.

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

31 (1) Comparative costs of Medicaid funded services for
 32 participants in the buy-in program and work incentives created
 33 through Section 1619 of the federal Social Security Act (42
 34 U.S.C. 1382h) before and after employment.

35 (2) The number of Supplemental Security Income and Social
 36 Security Disability Insurance recipients in Indiana who are no
 37 longer dependent on, or who have reduced dependence on, public
 38 assistance or health care entitlement services, other than Medicaid
 39 or the children's health insurance program, due to participation in
 40 the buy-in program or work incentives created through Section
 41 1619 of the federal Social Security Act (42 U.S.C. 1382h).

42 (3) The number of individuals with severe disabilities who are no
 43 longer dependent on, or who have reduced dependence on, public
 44 benefits or services, other than Medicaid or the children's health
 45 insurance program, due to income or support services received
 46 through participation in the buy-in program or work incentives
 47 created through Section 1619 of the federal Social Security Act
 48 (42 U.S.C. 1382h).

49 (4) The change in the number of buy-in program participants or
 50 participants in work incentives created through Section 1619 of

1 the federal Social Security Act (42 U.S.C. 1382h) who have
 2 health care needs and related services covered through employer
 3 based benefit programs.

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

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

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

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

13 SECTION 36. IC 12-15-41-15 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) The office shall
 15 adopt rules under IC 4-22-2 to implement this chapter.

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

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

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

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

22 SECTION 37. IC 14-8-2-48, AS AMENDED BY P.L.85-2008,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2010]: Sec. 48. (a) "Commission", except as provided in
 25 subsections (b) through ~~(r)~~; **(q)**, refers to the natural resources
 26 commission.

27 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
 28 forth in IC 14-13-1-1.

29 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
 30 forth in IC 14-13-2-2.

31 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
 32 forth in IC 14-13-3-1.

33 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
 34 forth in IC 14-13-4-1.

35 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
 36 forth in IC 14-13-5-1.

37 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
 38 forth in IC 14-13-6-2.

39 (h) "Commission", for purposes of IC 14-14-1, has the meaning set
 40 forth in IC 14-14-1-3.

41 ~~(i) "Commission", for purposes of IC 14-20-4, has the meaning set~~
 42 ~~forth in IC 14-20-4-1.~~

43 ~~(j) (i) "Commission", for purposes of IC 14-20-11, has the meaning~~
 44 ~~set forth in IC 14-20-11-1.~~

45 ~~(k) (j) "Commission", for purposes of IC 14-21-4, has the meaning~~
 46 ~~set forth in IC 14-21-4-1.~~

47 ~~(l) (k) "Commission", for purposes of IC 14-25-11, has the meaning~~
 48 ~~set forth in IC 14-25-11-1.~~

49 ~~(m) (l) "Commission", for purposes of IC 14-28-4, has the meaning~~
 50 ~~set forth in IC 14-28-4-1.~~

1 ~~(m)~~ **(m)** "Commission", for purposes of IC 14-30-1, has the meaning
2 set forth in IC 14-30-1-2.

3 ~~(n)~~ **(n)** "Commission", for purposes of IC 14-30-2, has the meaning
4 set forth in IC 14-30-2-2.

5 ~~(o)~~ **(o)** "Commission", for purposes of IC 14-30-3, has the meaning
6 set forth in IC 14-30-3-2.

7 ~~(p)~~ **(p)** "Commission", for purposes of IC 14-30-4, has the meaning
8 set forth in IC 14-30-4-2.

9 ~~(q)~~ **(q)** "Commission", for purposes of IC 14-33-20, has the meaning
10 set forth in IC 14-33-20-2.

11 SECTION 38. IC 14-8-2-61 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 61. "Council" has the
13 following meaning:

14 (1) For purposes of IC 14-13-1-22, the meaning set forth in
15 IC 14-13-1-22.

16 (2) For purposes of IC 14-13-1-23, the meaning set forth in
17 IC 14-13-1-23.

18 (3) For purposes of IC 14-13-1-24, the meaning set forth in
19 IC 14-13-1-24.

20 (4) For purposes of IC 14-13-1-25, the meaning set forth in
21 IC 14-13-1-25.

22 ~~(5) For purposes of IC 14-21-1, the meaning set forth in~~
23 ~~IC 14-21-1-5.~~

24 SECTION 39. IC-14-10-1-1, AS AMENDED BY P.L.95-2006,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2010]: Sec. 1. The natural resources commission is
27 established. The commission consists of ~~twelve (12)~~ **eleven** members
28 as follows:

29 (1) The commissioner of the Indiana department of transportation
30 or the commissioner's designee.

31 (2) The commissioner of the department of environmental
32 management or the commissioner's designated deputy.

33 (3) The director of the office of tourism development or the
34 director's designee.

35 (4) The director of the department.

36 ~~(5) The chairperson of the advisory council established by~~
37 ~~IC 14-9-6-1.~~

38 ~~(6)~~ **(5)** The president of the Indiana academy of science or the
39 president's designee.

40 ~~(7)~~ **(6)** Six (6) citizen members appointed by the governor, at
41 least two (2) of whom must have knowledge, experience, or
42 education in the environment or in natural resource conservation.
43 Not more than three (3) citizen members may be of the same
44 political party.

45 SECTION 40. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008,
46 SECTION 102, IS AMENDED TO READ AS FOLLOWS
47 [EFFECTIVE JULY 1, 2010]: Sec. 2.5. (a) As used in this chapter,
48 "water utility" means:

49 (1) a public utility (as defined in IC 8-1-2-1(a));

50 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));

- 1 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
 2 (4) a cooperatively owned corporation;
 3 (5) a conservancy district established under IC 14-33; or
 4 (6) a regional water district established under IC 13-26;

5 that provides water service to the public.

6 (b) A person that seeks to contract with the commission for the
 7 provision of certain minimum quantities of stream flow or the sale of
 8 water on a unit pricing basis under section 2 of this chapter must
 9 submit a request to the commission and the department. The
 10 commission shall not make a determination as to whether to enter into
 11 a contract with the person making the request until

12 ~~(1)~~ the procedures set forth in this section have been followed.

13 ~~and~~

14 ~~(2) the commission has reviewed and considered each report~~
 15 ~~submitted to the commission under subsection (i).~~

16 (c) Not later than thirty (30) days after receiving a request under
 17 subsection (b), the department shall provide, by certified mail, written
 18 notice of the request to the following:

19 (1) Each person with whom the commission holds a contract for:
 20 (A) the provision of certain minimum quantities of stream
 21 flow; or

22 (B) the sale of water on a unit pricing basis;

23 as of the date of the request.

24 (2) The executive and legislative body of each:

25 (A) county;

26 (B) municipality, if any; and

27 (C) conservancy district established under IC 14-33, if any;

28 in which the water sought in the request would be used.

29 (3) The executive and legislative body of each:

30 (A) county;

31 (B) municipality, if any; and

32 (C) conservancy district established under IC 14-33, if any;

33 in which the affected reservoir is located.

34 (d) Not later than seven (7) days after receiving a notice from the
 35 department under subsection (c), each person described in subsection
 36 (c)(1) shall, by certified mail, provide written notice of the request to
 37 each:

38 (1) water utility; or

39 (2) other person;

40 that contracts with the person described in subsection (c)(1) for the
 41 purchase of water for resale. Each person to whom notice is mailed
 42 under this subsection is in turn responsible for providing written notice
 43 by certified mail to each water utility or other person that purchases
 44 water from that person for resale. A water utility or another person
 45 required to provide notice under this subsection shall mail the required
 46 notice not later than seven (7) days after it receives notice of the
 47 request from the water utility or other person from whom it purchases
 48 water for resale.

49 (e) At the same time that:

50 (1) a person described in subsection (c)(1); or

1 (2) a water utility or another person described in subsection (d);
 2 mails any notice required under subsection (d), it shall also mail to the
 3 department, by certified mail, a list of the names and addresses of each
 4 water utility or other person to whom it has mailed the notice under
 5 subsection (d).

6 (f) In addition to the mailed notice required under subsection (c), the
 7 department shall publish notice of the request, in accordance with
 8 IC 5-3-1, in each county:

9 (1) in which a person described in section (c)(1) is located;

10 (2) in which the affected reservoir is located;

11 (3) in which the water sought in the request would be used; and

12 (4) in which a water utility or other person included in a list
 13 received by the department under subsection (e) is located.

14 Notwithstanding IC 5-3-1-6, in each county in which publication is
 15 required under this subsection, notice shall be published in at least one
 16 (1) general circulation newspaper in the county. The department may,
 17 in its discretion, publish public notices in a qualified publication (as
 18 defined in IC 5-3-1-0.7) or additional newspapers to provide
 19 supplementary notification to the public. The cost of publishing
 20 supplementary notification is a proper expenditure of the department.

21 (g) A notice required to be mailed or published under this section
 22 must:

23 (1) identify the person making the request;

24 (2) include a brief description of:

25 (A) the nature of the pending request; and

26 (B) the process by which the commission will determine
 27 whether to enter into a contract with the person making the
 28 request; **and**

29 ~~(3) set forth the date, time, and location of the public meeting
 30 required under subsection (h); and~~

31 ~~(4) (3) in the case of a notice that is required to be mailed under
 32 subsection (c)(1) or (d), a statement of the recipient's duty to in
 33 turn provide notice to any:~~

34 (A) water utility; or

35 (B) other person;

36 that purchases water for resale from the recipient, in accordance
 37 with subsection (d).

38 ~~(h) The advisory council established by IC 14-9-6-1 shall hold a
 39 public meeting in each county in which notice is published under
 40 subsection (f). A public meeting required under this subsection must
 41 include the following:~~

42 ~~(1) A presentation by the department describing:~~

43 ~~(A) the nature of the pending request; and~~

44 ~~(B) the process by which the commission will determine
 45 whether to enter into a contract with the person making the
 46 request.~~

47 ~~(2) An opportunity for public comment on the pending request.~~

48 ~~The advisory council may appoint a hearing officer to assist with a
 49 public meeting held under this subsection.~~

50 ~~(i) Not later than thirty (30) days after a public meeting is held~~

1 under subsection (h); the advisory council shall submit to the
2 commission a report summarizing the public meeting.

3 SECTION 41. IC 14-25-7-10, AS AMENDED BY P.L.95-2006,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 10. (a) The commission shall administer this
6 chapter.

7 (b) The deputy director for water and resource regulation shall serve
8 as technical secretary to the commission. The deputy director shall
9 perform the duties that are required by this chapter or that the
10 commission directs.

11 (c) The advisory council established by IC 14-9-6-1 shall serve in
12 an advisory capacity to the commission with respect to the
13 implementation of the commission's powers and duties, including the
14 drafting of rules and development of inventories, assessments, and
15 plans.

16 (d) For the time that the advisory council is involved in the drafting
17 of rules, the membership of the council shall be augmented as follows:

18 (1) Two (2) members of the senate, not more than one (1) of
19 whom may be of the same political party, shall be appointed for
20 a term of two (2) years by the president pro tempore of the senate.

21 (2) Two (2) members of the house of representatives, not more
22 than one (1) of whom may be of the same political party, shall be
23 appointed for a term of two (2) years by the speaker of the house
24 of representatives.

25 These members are entitled to travel expenses and a per diem
26 allowance as determined by the budget agency for members of boards
27 and commissions generally.

28 (e) (c) The department shall provide professional, technical, and
29 clerical personnel, equipment, supplies, and support services
30 reasonably required to assist the commission in the exercise of the
31 commission's powers and duties under this chapter. The department
32 shall include money for this purpose in the regular operating budget
33 requests of the department.

34 SECTION 42. IC 14-26-2-24, AS ADDED BY P.L.6-2008,
35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2010]: Sec. 24. (a) Relying on recommendations of the
37 department, and the advisory council established by IC 14-9-6-1, the
38 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a
39 nonrule policy statement that lists the public freshwater lakes in
40 Indiana. For each public freshwater lake the statement must include the
41 following information:

42 (1) The name of the lake.

43 (2) The county and specific location within the county where the
44 lake is located.

45 (b) A person may obtain administrative review from the commission
46 for the listing or nonlisting of a lake as a public freshwater lake through
47 a licensure action, status determination, or enforcement action under
48 IC 4-21.5.

49 SECTION 43. IC 15-19-2-8, AS ADDED BY P.L.2-2008,
50 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2010]: Sec. 8. (a) ~~After considering the recommendations of~~
2 ~~the board~~; The Indiana horse racing commission may:

3 (1) conduct educational, informational, and youth programs, and
4 sponsor and expend funds for any program and advertising aimed
5 at promoting the standardbred industry in Indiana;

6 (2) employ persons to aid in general promotion or race
7 administration programs for the standardbred industry in Indiana;

8 (3) prescribe standards for race programs and conditions of races,
9 which may include types of races, length of races, positioning of
10 entries, or gait;

11 (4) disburse available money to supplement purses for any
12 individual race with a cooperating fair or standardbred race
13 meeting;

14 (5) disburse available money to supplement purses for races
15 having the requirement that the entries be owned by legal
16 residents of Indiana; and

17 (6) accept and disburse donations, contributions, appropriations,
18 or grants of money or real or personal property.

19 (b) ~~After considering the recommendations of the board~~; The
20 Indiana horse racing commission shall distribute available money so
21 that either:

22 (1) the division between the trotting and pacing gaits of the
23 standardbred horse is as near equal as possible in proportion to
24 entries received for any race program; or

25 (2) the entries may have been conceived by a stallion that
26 regularly stands within Indiana and that is listed in the
27 standardbred registry.

28 (c) The Indiana horse racing commission shall establish a
29 standardbred registry.

30 (d) ~~After considering the recommendations of the board~~; The
31 Indiana horse racing commission shall collect fees for the registration
32 of standardbred stallions in an amount established by the commission.
33 However, amounts collected may not exceed five hundred dollars
34 (\$500) per stallion.

35 (e) ~~After considering the recommendations of the board~~; The
36 Indiana horse racing commission shall establish purses for races or to
37 promote races if the races are open to only the offspring of
38 standardbred stallions registered under subsection (c).

39 SECTION 44. IC 15-19-2-10, AS ADDED BY P.L.2-2008,
40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2010]: Sec. 10. (a) The standardbred horse fund is established.

42 (b) The money received by the Indiana horse racing commission
43 under this chapter shall be deposited in the standardbred horse fund.
44 The standardbred horse fund is a nonbudgetary fund. Money remaining
45 in the standardbred horse fund at the end of a state fiscal year does not
46 revert to the state general fund.

47 (c) ~~After considering the recommendations of the advisory board~~;
48 the Indiana horse racing commission may disburse money from the
49 standardbred horse fund for any purpose described in section 8 of this
50 chapter.

1 (d) The Indiana horse racing commission shall pay any expense
2 incurred in administering this chapter from the standardbred horse
3 fund.

4 SECTION 45. IC 16-18-2-84 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 84. "Council" refers to
6 the following:

7 (1) For purposes of IC 16-21, the hospital council.

8 ~~(2) For purposes of IC 16-25 and IC 16-27, the home health care
9 services and hospice services council.~~

10 ~~(3)~~ **(2)** For purposes of **IC 16-27**, IC 16-28 and IC 16-29, the
11 Indiana health facilities council.

12 ~~(4)~~ **(3)** For purposes of IC 16-46-6, the interagency state council
13 on black and minority health.

14 SECTION 46. IC 16-18-2-150, AS AMENDED BY P.L.152-2005,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2010]: Sec. 150. (a) "Governing body", for purposes of
17 IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

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

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

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

27 SECTION 48. IC 16-28-1-8.5 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2010]: **Sec. 8.5. (a) Subject to the rulemaking
30 authority granted in IC 16-25 and IC 16-27, the council shall do the
31 following:**

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

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

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

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

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

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

47 **(c) The state department may request the council to propose a
48 new rule or an amendment to a rule necessary to protect the
49 health, safety, rights, and welfare of the home health care patients
50 and hospice patients. If the council does not propose a rule within**

1 **ninety (90) days after the state department's request, the state**
 2 **department may propose the rule. The executive board shall**
 3 **consider rules proposed by the council under this section. The**
 4 **executive board may adopt, modify, remand, or reject specific**
 5 **rules or parts of rules proposed by the council. To become**
 6 **effective, all rules proposed by the council under this chapter must**
 7 **be adopted by the executive board in accordance with IC 4-22-2.**

8 SECTION 49. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
 9 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
 10 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
 11 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 12 2010]: Sec. 1. As used in this chapter:

13 "Board" means the appropriate agency listed in the definition of
 14 regulated occupation in this section.

15 "Director" refers to the director of the division of consumer
 16 protection.

17 "Division" refers to the division of consumer protection, office of
 18 the attorney general.

19 "Licensee" means a person who is:

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

23 "Person" means an individual, a partnership, a limited liability
 24 company, or a corporation.

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

- 27 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 28 (2) Board of registration for architects and landscape architects
 29 (IC 25-4-1-2).
- 30 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 31 (4) State board of barber examiners (IC 25-7-5-1).
- 32 ~~(5) State boxing athletic commission (IC 25-9-1).~~
- 33 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~
- 34 ~~(7) (6) State board of cosmetology examiners (IC 25-8-3-1).~~
- 35 ~~(8) (7) State board of dentistry (IC 25-14-1).~~
- 36 ~~(9) (8) State board of funeral and cemetery service (IC 25-15-9).~~
- 37 ~~(10) (9) State board of registration for professional engineers
 38 (IC 25-31-1-3).~~
- 39 ~~(11) (10) Indiana state board of health facility administrators
 40 (IC 25-19-1).~~
- 41 ~~(12) (11) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 42 ~~(13) (12) Indiana state board of nursing (IC 25-23-1).~~
- 43 ~~(14) (13) Indiana optometry board (IC 25-24).~~
- 44 ~~(15) (14) Indiana board of pharmacy (IC 25-26).~~
- 45 ~~(16) (15) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 46 ~~(17) (16) Board of podiatric medicine (IC 25-29-2-1).~~
- 47 ~~(18) (17) Board of environmental health specialists (IC 25-32-1).~~
- 48 ~~(19) (18) State psychology board (IC 25-33).~~
- 49 ~~(20) (19) Speech-language pathology and audiology board
 50 (IC 25-35.6-2).~~

- 1 ~~(21)~~ **(20)** Indiana real estate commission (IC 25-34.1-2).
 2 ~~(22)~~ **(21)** Indiana board of veterinary medical examiners
 3 (IC 25-38.1).
 4 ~~(23)~~ **(22)** Department of natural resources for purposes of
 5 licensing water well drillers under IC 25-39-3.
 6 ~~(24)~~ **(23)** Respiratory care committee (IC 25-34.5).
 7 ~~(25)~~ **(24)** Private investigator and security guard licensing board
 8 (IC 25-30-1-5.2).
 9 ~~(26)~~ **(25)** Occupational therapy committee (IC 25-23.5).
 10 ~~(27)~~ **(26)** *Social worker, marriage and family therapist, and*
 11 *mental health counselor Behavioral health and human services*
 12 *licensing board (IC 25-23.6).*
 13 ~~(28)~~ **(27)** Real estate appraiser licensure and certification board
 14 (IC 25-34.1-8).
 15 ~~(29)~~ **(28)** State board of registration for land surveyors
 16 (IC 25-21.5-2-1).
 17 ~~(30)~~ **(29)** Physician assistant committee (IC 25-27.5).
 18 ~~(31)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
 19 ~~(32)~~ **(31)** Indiana dietitians certification board (IC 25-14.5-2-1).
 20 ~~(33)~~ **(32)** Indiana hypnotist committee (IC 25-20.5-1-7).
 21 ~~(34)~~ **(33)** Indiana physical therapy committee (IC 25-27).
 22 ~~(35)~~ **(34)** Manufactured home installer licensing board
 23 (IC 25-23.7).
 24 ~~(36)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
 25 ~~(37)~~ **(36)** State department of health, for out-of-state mobile
 26 health care entities.
 27 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).
 28 ~~(39)~~ **(38)** Any other occupational or professional agency created
 29 after June 30, 1981.
- 30 SECTION 50. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
 31 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
 32 CORRECTED AND AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
 34 means any of the following:
- 35 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 36 (2) Board of registration for architects and landscape architects
 37 (IC 25-4-1-2).
 38 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 39 (4) State board of barber examiners (IC 25-7-5-1).
 40 ~~(5) State *boxing athletic* commission (IC 25-9-1).~~
 41 ~~(6)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
 42 ~~(7)~~ **(6)** State board of cosmetology examiners (IC 25-8-3-1).
 43 ~~(8)~~ **(7)** State board of dentistry (IC 25-14-1).
 44 ~~(9)~~ **(8)** State board of funeral and cemetery service (IC 25-15).
 45 ~~(10)~~ **(9)** State board of registration for professional engineers
 46 (IC 25-31-1-3).
 47 ~~(11)~~ **(10)** Indiana state board of health facility administrators
 48 (IC 25-19-1).
 49 ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).
 50 ~~(13)~~ **(12)** Mining board (IC 22-10-1.5-2).

- 1 ~~(14)~~ **(13)** Indiana state board of nursing (IC 25-23-1).
2 ~~(15)~~ **(14)** Indiana optometry board (IC 25-24).
3 ~~(16)~~ **(15)** Indiana board of pharmacy (IC 25-26).
4 ~~(17)~~ **(16)** Indiana plumbing commission (IC 25-28.5-1-3).
5 ~~(18)~~ **(17)** Board of environmental health specialists (IC 25-32-1).
6 ~~(19)~~ **(18)** State psychology board (IC 25-33).
7 ~~(20)~~ **(19)** Speech-language pathology and audiology board
8 (IC 25-35.6-2).
9 ~~(21)~~ **(20)** Indiana real estate commission (IC 25-34.1-2-1).
10 ~~(22)~~ **(21)** Indiana board of veterinary medical examiners
11 (IC 25-38.1-2-1).
12 ~~(23)~~ **(22)** Department of insurance (IC 27-1).
13 ~~(24)~~ **(23)** State police department (IC 10-11-2-4), for purposes of
14 certifying polygraph examiners under IC 25-30-2.
15 ~~(25)~~ **(24)** Department of natural resources for purposes of
16 licensing water well drillers under IC 25-39-3.
17 ~~(26)~~ **(25)** Private investigator and security guard licensing board
18 (IC 25-30-1-5.2).
19 ~~(27)~~ **(26)** Occupational therapy committee (IC 25-23.5-2-1).
20 ~~(28)~~ **(27)** *Social worker, marriage and family therapist, and*
21 *mental health counselor Behavioral health and human services*
22 *licensing board* (IC 25-23.6-2-1).
23 ~~(29)~~ **(28)** Real estate appraiser licensure and certification board
24 (IC 25-34.1-8).
25 ~~(30)~~ **(29)** State board of registration for land surveyors
26 (IC 25-21.5-2-1).
27 ~~(31)~~ **(30)** Physician assistant committee (IC 25-27.5).
28 ~~(32)~~ **(31)** Indiana athletic trainers board (IC 25-5.1-2-1).
29 ~~(33)~~ **(32)** Board of podiatric medicine (IC 25-29-2-1).
30 ~~(34)~~ **(33)** Indiana dietitians certification board (IC 25-14.5-2-1).
31 ~~(35)~~ **(34)** Indiana physical therapy committee (IC 25-27).
32 ~~(36)~~ **(35)** Manufactured home installer licensing board
33 (IC 25-23.7).
34 ~~(37)~~ **(36)** Home inspectors licensing board (IC 25-20.2-3-1).
35 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).
36 ~~(39)~~ **(38)** Any other occupational or professional agency created
37 after June 30, 1981.
- 38 SECTION 51. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,
39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
41 the following:
- 42 (1) Indiana board of accountancy (IC 25-2.1-2-1).
43 (2) Board of registration for architects and landscape architects
44 (IC 25-4-1-2).
45 (3) Indiana auctioneer commission (IC 25-6.1-2).
46 (4) State board of barber examiners (IC 25-7-5-1).
47 ~~(5) State athletic commission (IC 25-9-1).~~
48 ~~(6)~~ **(5)** State board of cosmetology examiners (IC 25-8-3-1).
49 ~~(7)~~ **(6)** State board of registration of land surveyors
50 (IC 25-21.5-2-1).

- 1 ~~(8)~~ (7) State board of funeral and cemetery service (IC 25-15-9).
 2 ~~(9)~~ (8) State board of registration for professional engineers
 3 (IC 25-31-1-3).
 4 ~~(10)~~ (9) Indiana plumbing commission (IC 25-28.5-1-3).
 5 ~~(11)~~ (10) Indiana real estate commission (IC 25-34.1-2-1).
 6 ~~(12)~~ (11) Real estate appraiser licensure and certification board
 7 (IC 25-34.1-8).
 8 ~~(13)~~ (12) Private investigator and security guard licensing board
 9 (IC 25-30-1-5.2).
 10 ~~(14)~~ (13) Manufactured home installer licensing board
 11 (IC 25-23.7).
 12 ~~(15)~~ (14) Home inspectors licensing board (IC 25-20.2-3-1).
 13 ~~(16)~~ (15) State board of massage therapy (IC 25-21.8-2-1).

14 SECTION 52. IC 27-1-15.7-4, AS AMENDED BY P.L.57-2005,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2010]: Sec. 4. (a) The commissioner shall approve and
 17 disapprove continuing education courses. ~~after considering~~
 18 ~~recommendations made by the insurance producer education and~~
 19 ~~continuing education advisory council created under section 6 of this~~
 20 ~~chapter.~~

21 (b) The commissioner may not approve a course under this section
 22 if the course:

- 23 (1) is designed to prepare an individual to receive an initial
 24 license under this chapter;
 25 (2) concerns only routine, basic office skills, including filing,
 26 keyboarding, and basic computer skills;
 27 (3) concerns sales promotion and sales techniques;
 28 (4) concerns motivation, psychology, or time management; or
 29 (5) may be completed by a licensee without supervision by an
 30 instructor, unless the course involves an examination process that
 31 is:

32 (A) completed and passed by the licensee as determined by the
 33 provider of the course; and

34 (B) approved by the commissioner.

35 (c) The commissioner shall approve a course under this section that
 36 is submitted for approval by an insurance trade association or
 37 professional insurance association if:

- 38 (1) the objective of the course is to educate a manager or an
 39 owner of a business entity that is required to obtain an insurance
 40 producer license under IC 27-1-15.6-6(d);
 41 (2) the course teaches insurance producer management and is
 42 designed to result in improved efficiency in insurance producer
 43 operations, systems use, or key functions;
 44 (3) the course is designed to benefit consumers; and
 45 (4) the course is not described in subsection (b).

46 (d) Approval of a continuing education course under this section
 47 shall be for a period of not more than two (2) years.

48 (e) A prospective provider of a continuing education course shall
 49 pay:

- 50 (1) a fee of forty dollars (\$40) for each course submitted for

1 approval of the commissioner under this section; or

2 (2) an annual fee of five hundred dollars (\$500) not later than
3 January 1 of a calendar year, which entitles the prospective
4 provider to submit an unlimited number of courses for approval
5 of the commissioner under this section during the calendar year.

6 The commissioner may waive all or a portion of the fee for a course
7 submitted under a reciprocity agreement with another state for the
8 approval or disapproval of continuing education courses. Fees collected
9 under this subsection shall be deposited in the department of insurance
10 fund established under IC 27-1-3-28.

11 (f) The commissioner shall adopt rules under IC 4-22-2 to establish
12 procedures for approving continuing education courses.

13 SECTION 53. IC 27-1-15.7-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) To qualify as a
15 certified prelicensing course of study for purposes of IC 27-1-15.6-6,
16 an insurance producer program of study must meet all of the following
17 criteria:

18 (1) Be conducted or developed by an:

19 (A) insurance trade association;

20 (B) accredited college or university; **or**

21 ~~(C) educational organization certified by the insurance
22 producer education and continuing education advisory council;
23 or~~

24 ~~(D)~~ (C) insurance company licensed to do business in Indiana.

25 (2) Provide for self-study or instruction provided by an approved
26 instructor in a structured setting, as follows:

27 (A) For life insurance producers, not less than twenty-four (24)
28 hours of instruction in a structured setting or comparable
29 self-study on:

30 (i) ethical practices in the marketing and selling of
31 insurance;

32 (ii) requirements of the insurance laws and administrative
33 rules of Indiana; and

34 (iii) principles of life insurance.

35 (B) For health insurance producers, not less than twenty-four
36 (24) hours of instruction in a structured setting or comparable
37 self-study on:

38 (i) ethical practices in the marketing and selling of
39 insurance;

40 (ii) requirements of the insurance laws and administrative
41 rules of Indiana; and

42 (iii) principles of health insurance.

43 (C) For life and health insurance producers, not less than forty
44 (40) hours of instruction in a structured setting or comparable
45 self-study on:

46 (i) ethical practices in the marketing and selling of
47 insurance;

48 (ii) requirements of the insurance laws and administrative
49 rules of Indiana;

50 (iii) principles of life insurance; and

- 1 (iv) principles of health insurance.
- 2 (D) For property and casualty insurance producers, not less
3 than forty (40) hours of instruction in a structured setting or
4 comparable self-study on:
- 5 (i) ethical practices in the marketing and selling of
6 insurance;
- 7 (ii) requirements of the insurance laws and administrative
8 rules of Indiana;
- 9 (iii) principles of property insurance; and
10 (iv) principles of liability insurance.
- 11 (E) For personal lines producers, a minimum of twenty-four
12 (24) hours of instruction in a structured setting or comparable
13 self-study on:
- 14 (i) ethical practices in the marketing and selling of
15 insurance;
- 16 (ii) requirements of the insurance laws and administrative
17 rules of Indiana; and
- 18 (iii) principles of property and liability insurance applicable
19 to coverages sold to individuals and families for primarily
20 noncommercial purposes.
- 21 (F) For title insurance producers, not less than ten (10) hours
22 of instruction in a structured setting or comparable self-study
23 on:
- 24 (i) ethical practices in the marketing and selling of title
25 insurance;
- 26 (ii) requirements of the insurance laws and administrative
27 rules of Indiana;
- 28 (iii) principles of title insurance, including underwriting and
29 escrow issues; and
- 30 (iv) principles of the federal Real Estate Settlement
31 Procedures Act (12 U.S.C. 2608).
- 32 (3) Instruction provided in a structured setting must be provided
33 only by individuals who meet the qualifications established by the
34 commissioner under subsection (b).
- 35 (b) The commissioner ~~after consulting with the insurance producer~~
36 ~~education and continuing education advisory council~~, shall adopt rules
37 under IC 4-22-2 prescribing the criteria that a person must meet to
38 render instruction in a certified prelicensing course of study.
- 39 (c) The commissioner shall adopt rules under IC 4-22-2 prescribing
40 the subject matter that an insurance producer program of study must
41 cover to qualify for certification as a certified prelicensing course of
42 study under this section.
- 43 (d) The commissioner may make recommendations that the
44 commissioner considers necessary for improvements in course
45 materials.
- 46 (e) The commissioner shall designate a program of study that meets
47 the requirements of this section as a certified prelicensing course of
48 study for purposes of IC 27-1-15.6-6.
- 49 (f) The commissioner may, after notice and opportunity for a
50 hearing, withdraw the certification of a course of study that does not

1 maintain reasonable standards, as determined by the commissioner for
2 the protection of the public.

3 (g) Current course materials for a prelicensing course of study that
4 is certified under this section must be submitted to the commissioner
5 upon request, but not less frequently than once every three (3) years.

6 SECTION 54. IC 35-45-18-1, AS AMENDED BY P.L.160-2009,
7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2010]: Sec. 1. (a) As used in this chapter, "combative
9 fighting" (also known as "toughman fighting", "badman fighting", and
10 "extreme fighting") means a match, contest, or exhibition that involves
11 at least (2) contestants, with or without gloves or protective headgear,
12 in which the contestants:

13 (1) use their:

14 (A) hands;

15 (B) feet; or

16 (C) both hands and feet;

17 to strike each other; and

18 (2) compete for a financial prize or any item of pecuniary value.

19 (b) The term does not include:

20 (1) a boxing, sparring, or unarmed combat match regulated under
21 ~~IC 25-9-1-4.5; IC 4-33-22;~~

22 (2) mixed martial arts (as defined by ~~IC 25-9-1-0.3~~;
23 **IC 4-33-22-2**);

24 (3) martial arts, as regulated by the ~~state athletic gaming~~
25 ~~commission in rules adopted under IC 25-9-1-4.5; IC 4-33-22;~~

26 (4) professional wrestling, as regulated by the ~~state athletic~~
27 **gaming** commission in rules adopted under ~~IC 25-9-1-4.5;~~
28 **IC 4-33-22**; or

29 (5) a match, contest, or game in which a fight breaks out among
30 the participants as an unplanned, spontaneous event and not as an
31 intended part of the match, contest, or game.

32 SECTION 55. IC 36-8-6-1.6 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2010]: **Sec. 1.6. As used in this chapter, "PERF board" refers to**
35 **the board of trustees of the public employees' retirement fund**
36 **established by IC 5-10.3-2-1.**

37 SECTION 56. IC 36-8-6-8.1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) If a local board
39 determines that a fund member has a temporary or a permanent
40 disability, the local board shall also make a recommendation to the
41 ~~1977 fund advisory committee~~ **PERF board's director** concerning
42 whether the disability is:

43 (1) a disability in the line of duty (as described in section 8(b)(1)
44 of this chapter); or

45 (2) a disability not in the line of duty (a disability other than a
46 disability described in section 8(b)(1) of this chapter).

47 The local board shall forward its recommendation to the ~~1977 fund~~
48 ~~advisory committee~~ **PERF board's director**.

49 (b) The ~~1977 fund advisory committee~~ **PERF board's director**
50 shall review the local board's recommendation not later than forty-five

1 (45) days after receiving the recommendation and shall then issue an
 2 initial determination of whether the disability is in the line of duty or
 3 not in the line of duty. The ~~1977 fund advisory committee~~ **PERF**
 4 **board's director** shall notify the local board, the safety board, and the
 5 fund member of ~~its~~ **the director's** initial determination.

6 (c) The fund member, the safety board, or the local board may
 7 object in writing to the ~~1977 fund advisory committee's~~ **PERF board's**
 8 **director's** initial determination under subsection (b) not later than
 9 fifteen (15) days after the initial determination is issued. If a written
 10 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**
 11 **board's director's** initial determination becomes **the final order of the**
 12 **PERF board**. If a timely written objection is filed, the ~~1977 fund~~
 13 ~~advisory committee~~ **PERF board** shall issue a final determination after
 14 a hearing. The final determination must be issued not later than one
 15 hundred eighty (180) days after the date of receipt of the local board's
 16 recommendation.

17 SECTION 57. IC 36-8-7-2.6 IS ADDED TO THE INDIANA CODE
 18 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 19 1, 2010]: **Sec. 2.6. As used in this chapter, "PERF board" refers to**
 20 **the board of trustees of the public employees' retirement fund**
 21 **established by IC 5-10.3-2-1.**

22 SECTION 58. IC 36-8-7-11, AS AMENDED BY P.L.99-2007,
 23 SECTION 216, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) Benefits paid under this
 25 section are subject to section 2.5 of this chapter.

26 (b) If a member of the fire department becomes seventy (70) years
 27 of age or is found upon examination by a medical officer to have a
 28 physical or mental disability and to be unable to perform the essential
 29 functions of the job, considering reasonable accommodation to the
 30 extent required by the Americans with Disabilities Act, so as to make
 31 necessary the person's retirement from all service with the department,
 32 the local board shall retire the person.

33 (c) The local board may retire a person for disability only after a
 34 hearing conducted under IC 36-8-8-12.7.

35 (d) If after the hearing the local board determines that a person who
 36 became disabled before July 1, 2000, is disabled and unable to perform
 37 the essential functions of the job, considering reasonable
 38 accommodation to the extent required by the Americans with
 39 Disabilities Act, the local board shall then authorize the monthly
 40 payment to the person from the 1937 fund of an amount equal to
 41 fifty-five percent (55%) of the salary of a fully paid first class
 42 firefighter in the unit at the time of the payment of the pension. All
 43 physical and mental examinations of members of the fire department
 44 shall be made on order of the local board by a medical officer
 45 designated by the local board.

46 (e) If after the hearing under this section and a recommendation
 47 under section 12.5 of this chapter, the ~~1977 fund advisory committee~~
 48 **PERF board** determines that a person who becomes disabled after
 49 June 30, 2000:

50 (1) has a disability that is:

- 1 (A) the direct result of:
- 2 (i) a personal injury that occurs while the fund member is on
- 3 duty;
- 4 (ii) a personal injury that occurs while the fund member is
- 5 responding to an emergency or reported emergency for
- 6 which the fund member is trained; or
- 7 (iii) an occupational disease (as defined in IC 22-3-7-10),
- 8 including a duty related disease that is also included within
- 9 clause (B);
- 10 (B) a duty related disease (for purposes of this section, a "duty
- 11 related disease" means a disease arising out of the fund
- 12 member's employment. A disease is considered to arise out of
- 13 the fund member's employment if it is apparent to the rational
- 14 mind, upon consideration of all of the circumstances, that:
- 15 (i) there is a connection between the conditions under which
- 16 the fund member's duties are performed and the disease;
- 17 (ii) the disease can be seen to have followed as a natural
- 18 incident of the fund member's duties as a result of the
- 19 exposure occasioned by the nature of the fund member's
- 20 duties; and
- 21 (iii) the disease can be traced to the fund member's
- 22 employment as the proximate cause); or
- 23 (C) a disability presumed incurred in the line of duty under
- 24 IC 5-10-13 or IC 5-10-15; and
- 25 (2) is unable to perform the essential functions of the job,
- 26 considering reasonable accommodation to the extent required by
- 27 the Americans with Disabilities Act;
- 28 the local board shall then authorize the monthly payment to the person
- 29 from the 1937 fund of an amount equal to fifty-five percent (55%) of
- 30 the salary of a fully paid first class firefighter in the unit at the time of
- 31 the payment of the pension. All physical and mental examinations of
- 32 members of the fire department shall be made on order of the local
- 33 board by a medical officer designated by the local board.
- 34 (f) If after the hearing under this section and a recommendation
- 35 under section 12.5 of this chapter, the ~~1977 fund advisory committee~~
- 36 **PERF board** determines that a person who becomes disabled after
- 37 June 30, 2000:
- 38 (1) has a disability that is not a disability described in subsection
- 39 (e)(1); and
- 40 (2) is unable to perform the essential functions of the job,
- 41 considering reasonable accommodation to the extent required by
- 42 the Americans with Disabilities Act;
- 43 the local board shall then authorize the monthly payment to the person
- 44 from the 1937 fund of an amount equal to fifty-five percent (55%) of
- 45 the salary of a fully paid first class firefighter in the unit at the time of
- 46 the payment of the pension. All physical and mental examinations of
- 47 members of the fire department shall be made on order of the local
- 48 board by a medical officer designated by the local board.
- 49 SECTION 59. IC 36-8-7-12.5 IS AMENDED TO READ AS
- 50 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.5. (a) If a local

1 board determines that a fund member has a temporary or a permanent
 2 disability, the local board shall also make a recommendation to the
 3 ~~1977 fund advisory committee~~ **PERF board's director** concerning
 4 whether the disability is:

- 5 (1) a disability in the line of duty (as described in section 11(e)(1)
 6 of this chapter); or
- 7 (2) a disability not in the line of duty (a disability other than a
 8 disability described in section 11(e)(1) of this chapter).

9 The local board shall forward its recommendation to the ~~1977 fund~~
 10 ~~advisory committee~~. **PERF board's director**.

11 (b) The ~~1977 fund advisory committee~~ **PERF board's director**
 12 shall review the local board's recommendation not later than forty-five
 13 (45) days after receiving the recommendation and shall then issue an
 14 initial determination of whether the disability is in the line of duty or
 15 not in the line of duty. The ~~1977 fund advisory committee~~ **PERF**
 16 **board's director** shall notify the local board, the safety board, and the
 17 fund member of ~~its~~ **the director's** initial determination.

18 (c) The fund member, the safety board, or the local board may
 19 object in writing to the ~~1977 fund advisory committee's~~ **PERF board's**
 20 **director's** initial determination under subsection (b) not later than
 21 fifteen (15) days after the initial determination is issued. If a written
 22 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**
 23 **board's director's** initial determination becomes **the final order of the**
 24 **PERF board**. If a timely written objection is filed, the ~~1977 fund~~
 25 ~~advisory committee~~ **PERF board** shall issue a final determination after
 26 a hearing. The final determination must be issued not later than one
 27 hundred eighty (180) days after the date of receipt of the local board's
 28 recommendation.

29 SECTION 60. IC 36-8-7.5-1.6 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2010]: **Sec. 1.6. As used in this chapter,**
 32 **"PERF board" refers to the board of trustees of the public**
 33 **employees' retirement fund established by IC 5-10.3-2-1.**

34 SECTION 61. IC 36-8-7.5-13.2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 13.2. (a)** If a local
 36 board determines that a fund member has a temporary or a permanent
 37 disability, the local board shall also make a recommendation to the
 38 ~~1977 fund advisory committee~~ **PERF board's director** concerning
 39 whether the disability is:

- 40 (1) a disability in the line of duty (as described in section 13(b)(1)
 41 of this chapter); or
- 42 (2) a disability not in the line of duty (a disability other than a
 43 disability described in section 13(b)(1) of this chapter).

44 The local board shall forward its recommendation to the ~~1977 fund~~
 45 ~~advisory committee~~. **PERF board's director**.

46 (b) The ~~1977 fund advisory committee~~ **PERF board's director**
 47 shall review the local board's recommendation not later than forty-five
 48 (45) days after receiving the recommendation and shall then issue an
 49 initial determination of whether the disability is in the line of duty or
 50 not in the line of duty. The ~~1977 fund advisory committee~~ **PERF**

1 **board's director** shall notify the local board, the safety board, and the
2 fund member of ~~its~~ **the director's** initial determination.

3 (c) The fund member, the safety board, or the local board may
4 object in writing to the ~~1977 fund advisory committee's~~ **PERF board's**
5 **director's** initial determination under subsection (b) not later than
6 fifteen (15) days after the initial determination is issued. If a written
7 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**
8 **board's director's** initial determination becomes **the final order of the**
9 **PERF board**. If a timely written objection is filed, the ~~1977 fund~~
10 ~~advisory committee~~ **PERF board** shall issue a final determination after
11 a hearing. The final determination must be issued not later than one
12 hundred eighty (180) days after the date of receipt of the local board's
13 recommendation.

14 SECTION 62. IC 36-8-8-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) There is
16 established a police officers' and firefighters' pension and disability
17 fund to be known as the 1977 fund. The 1977 fund consists of fund
18 member and employer contributions, plus the earnings on them, to be
19 used to make benefit payments to fund members and their survivors in
20 the amounts and under the conditions specified in this chapter.

21 (b) The board of trustees of the public employees' retirement fund
22 (referred to in this chapter as the "PERF board") shall administer the
23 1977 fund, which may be commingled with the public employees'
24 retirement fund for investment purposes. All actuarial data shall be
25 computed on the total membership of the fund, and the cost of
26 participation is the same for all employers in the fund. The fund
27 member and employer contributions shall be recorded separately for
28 each employer.

29 ~~(c) The 1977 fund advisory committee, referred to as the committee,~~
30 ~~is established. The PERF board shall consult with the committee on~~
31 ~~matters pertaining to the administration of this chapter and~~
32 ~~IC 5-10.3-11. The committee shall consist of the following members~~
33 ~~appointed by the governor every two (2) years for a term of two (2)~~
34 ~~years:~~

35 (1) ~~Two (2) firefighters:~~

36 (A) ~~each of whom must be an active or retired member of the~~
37 ~~1937 fund or the 1977 fund; and~~

38 (B) ~~neither of whom may be in an upper level policymaking~~
39 ~~position.~~

40 (2) ~~Two (2) police officers:~~

41 (A) ~~each of whom must be an active or retired member of the~~
42 ~~1925 fund; the 1953 fund; or the 1977 fund; and~~

43 (B) ~~neither of whom may be in an upper level policymaking~~
44 ~~position.~~

45 (3) ~~Two (2) members, each of whom must be an executive of an~~
46 ~~employer.~~

47 (4) ~~Two (2) members, each of whom must be a member of the~~
48 ~~legislative body of an employer.~~

49 ~~The term of each member begins on July 1 following appointment and~~
50 ~~continues until his successor is qualified. A member of the committee~~

1 who no longer holds the position that qualified him for appointment
 2 under subdivision (1); (2); (3); or (4) forfeits his membership on the
 3 committee. The governor shall appoint a person to fill a vacancy on the
 4 committee for the remainder of the unexpired term.

5 (d) Each member of the committee who is not a state employee is
 6 entitled to reimbursement for expenses actually incurred in connection
 7 with the member's duties. Such a member is also entitled to
 8 reimbursement for traveling expenses and other expenses actually
 9 incurred in connection with the member's duties, as approved by the
 10 PERF board.

11 SECTION 63. IC 36-8-8-12.7, AS AMENDED BY P.L.29-2006,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2010]: Sec. 12.7. (a) This section applies to hearings
 14 conducted by local boards concerning determinations of impairment
 15 under this chapter or of disability under IC 36-8-5-2(g), IC 36-8-6,
 16 IC 36-8-7, and IC 36-8-7.5.

17 (b) At least five (5) days before the hearing, the local board shall
 18 give notice to the fund member and the safety board of the time, date,
 19 and place of the hearing.

20 (c) The local board must hold a hearing not more than ninety (90)
 21 days after the fund member requests the hearing.

22 (d) At the hearing, the local board shall permit the fund member and
 23 the safety board to:

- 24 (1) be represented by any individual;
- 25 (2) through witnesses and documents, present evidence;
- 26 (3) conduct cross-examination; and
- 27 (4) present arguments.

28 (e) At the hearing, the local board shall require all witnesses to be
 29 examined under oath, which may be administered by a member of the
 30 local board.

31 (f) The local board shall, at the request of the fund member or the
 32 safety board, issue:

- 33 (1) subpoenas;
- 34 (2) discovery orders; and
- 35 (3) protective orders;

36 in accordance with the Indiana Rules of Trial Procedure that govern
 37 discovery, depositions, and subpoenas in civil actions.

38 (g) The local board shall have the hearing recorded so that a
 39 transcript may be made of the proceedings.

40 (h) After the hearing, the local board shall make its determinations,
 41 including findings of fact, in writing and shall provide copies of its
 42 determinations to the fund member and the safety board not more than
 43 thirty (30) days after the hearing.

44 (i) If the local board:

- 45 (1) does not hold a hearing within the time required under
 46 subsection (c); or
- 47 (2) does not issue its determination within the time required under
 48 subsection (h);

49 the fund member shall be considered to be totally impaired for
 50 purposes of section 13.5 of this chapter and, if the issue before the local

1 board concerns the class of the member's impairment, the member shall
 2 be considered to have a Class 1 impairment. The PERF board shall
 3 review an impairment determined under this subsection as provided in
 4 section 13.1 of this chapter.

5 (j) The local board may on its own motion issue:

- 6 (1) subpoenas;
- 7 (2) discovery orders; and
- 8 (3) protective orders;

9 in accordance with the Indiana Rules of Trial Procedure that govern
 10 discovery, depositions, and subpoenas in civil actions.

11 (k) At the hearing, the local board may exclude evidence that is
 12 irrelevant, immaterial, unduly repetitious, or excludable on the basis of
 13 evidentiary privilege recognized by the courts.

14 (l) At the hearing, the local board may request the testimony of
 15 witnesses and the production of documents.

16 (m) If a subpoena or order is issued under this section, the party
 17 seeking the subpoena or order shall serve it in accordance with the
 18 Indiana Rules of Trial Procedure. However, if the subpoena or order is
 19 on the local board's own motion, the sheriff of the county in which the
 20 subpoena or order is to be served shall serve it. A subpoena or order
 21 under this section may be enforced in the circuit or superior court of
 22 the county in which the subpoena or order is served.

23 (n) With respect to a hearing conducted for purposes of determining
 24 disability under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5, the determination
 25 of the local board after a hearing is final and may be appealed to the
 26 court.

27 (o) With respect to a hearing conducted for purposes of determining
 28 impairment or class of impairment under this chapter, the fund member
 29 may appeal the local board's determinations. An appeal under this
 30 subsection:

- 31 (1) must be made in writing;
- 32 (2) must state the class of impairment and the degree of
- 33 impairment that is claimed by the fund member;
- 34 (3) must include a written determination by the chief of the police
- 35 or fire department stating that there is no suitable and available
- 36 work; and
- 37 (4) must be filed with the local board and the PERF board's
- 38 director no later than thirty (30) days after the date on which the
- 39 fund member received a copy of the local board's determinations.

40 (p) To the extent required by the Americans with Disabilities Act,
 41 the transcripts, records, reports, and other materials generated as a
 42 result of a hearing, review, or appeal conducted to determine an
 43 impairment under this chapter or a disability under IC 36-8-6,
 44 IC 36-8-7, or IC 36-8-7.5 must be:

- 45 (1) retained in the separate medical file created for the member;
- 46 and
- 47 (2) treated as a confidential medical record.

48 (q) If a local board determines that a fund member described in
 49 section 13.3(a) of this chapter has a covered impairment, the local
 50 board shall also make a recommendation to the ~~1977~~ fund advisory

1 ~~committee~~ **PERF board's director** concerning whether the covered
 2 impairment is an impairment described in section 13.3(c) of this
 3 chapter or whether it is an impairment described in section 13.3(d) of
 4 this chapter. The local board shall forward its recommendation to the
 5 ~~1977 fund advisory committee.~~ **PERF board's director.**

6 (r) The ~~1977 fund advisory committee~~ **PERF board's director** shall
 7 review the local board's recommendation not later than forty-five (45)
 8 days after receiving the recommendation and shall then issue an initial
 9 determination of whether the disability is in the line of duty or not in
 10 the line of duty. The ~~1977 fund advisory committee~~ **PERF board's**
 11 **director** shall notify the local board, the safety board, and the fund
 12 member of ~~its~~ **the director's** initial determination.

13 (s) The fund member, the safety board, or the local board may object
 14 in writing to the ~~1977 fund advisory committee's~~ **PERF board's**
 15 **director's** initial determination under subsection (r) not later than
 16 fifteen (15) days after the initial determination is issued. If a written
 17 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**
 18 **board's director's** initial determination becomes **the final order of the**
 19 **PERF board.** If a timely written objection is filed, the ~~1977 fund~~
 20 ~~advisory committee~~ **PERF board** shall issue a final determination after
 21 a hearing. The final determination must be issued not later than one
 22 hundred eighty (180) days after the date of receipt of the local board's
 23 recommendation.

24 SECTION 64. THE FOLLOWING ARE REPEALED [EFFECTIVE
 25 JULY 1, 2010]: IC 4-15-1-1; IC 4-15-2-2.2; IC 4-15-2.5-2;
 26 IC 4-23-24.2; IC 4-31-11-1; IC 4-31-11-2; IC 4-31-11-3; IC 4-31-11-4;
 27 IC 4-31-11-5; IC 4-31-11-6; IC 4-31-11-7; IC 4-31-11-8; IC 4-31-11-9;
 28 IC 8-4.5-1-3; IC 8-4.5-2; IC 9-23-1; IC 9-27-2-12; IC 12-15-42;
 29 IC 14-9-6; IC 14-20-4; IC 14-21-1-5; IC 15-19-2-1; IC 15-19-2-2;
 30 IC 15-19-2-3; IC 15-19-2-4; IC 15-19-2-5; IC 15-19-2-6; IC 15-19-2-7;
 31 IC 16-18-2-9; IC 16-19-6-9; IC 16-27-0.5; IC 16-41-35-2;
 32 IC 16-41-35-16; IC 16-41-35-17; IC 25-9-1; IC 27-1-3-30;
 33 IC 27-1-15.7-6.

34 SECTION 65. [EFFECTIVE JULY 1, 2010] (a) **After June 30,**
 35 **2010, a reference in any law, rule, contract, or other document or**
 36 **record to the state athletic commission shall be treated as a**
 37 **reference to the gaming commission created by IC 4-33-3-1.**

38 (b) **After June 30, 2010, any balance in the athletic commission**
 39 **fund created by IC 25-9-1-1.5 before its repeal by this act is**
 40 **transferred to the athletic fund created by IC 4-33-22-9.**

1 SECTION 66. [EFFECTIVE JULY 1, 2010] **On July 1, 2010, the**
2 **board of trustees of the public employees' retirement fund**
3 **established by IC 5-10.3-2-1 shall assume responsibility for all**
4 **matters before the 1977 fund advisory committee abolished by this**
5 **act.**

(Reference is to SB 1 as introduced.)

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

LONG, Chairperson