Reprinted
February 19, 2013

SENATE BILL No. 520

DIGEST OF SB 520 (Updated February 18, 2013 2:56 pm - DI 14)

Citations Affected: IC 4-23; IC 25-1; noncode.

Synopsis: ERASER committee. Creates the eliminate, reduce, and streamline employee regulation (ERASER) committee to study professional licensing in Indiana. Provides that the office of management and budget staffs the committee. Repeals the regulated occupations evaluation committee. Creates a five year cycle for sunsetting certain professional licenses, registrations, and certifications.

Effective: July 1, 2013.

Head, Mrvan

January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.
February 12, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, amended, ordered engrossed.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 520

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 4-23-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 22.5. Eliminate, Reduce, and Streamline Employee Regulation Committee

Sec. 1. As used in this chapter, "agency" refers to the office of management and budget.

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

Sec. 3. As used in this chapter, "committee" means the eliminate, reduce, and streamline employee regulation (ERASER) committee established by section 6 of this chapter.

Sec. 4. As used in this chapter, "license" means:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by a board. "Licensed" has a corresponding meaning.

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

Sec. 6. The eliminate, reduce, and streamline employee regulation committee is established.

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.

(2) The director of the professional licensing agency or the director's designee, as a nonvoting member.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) The director of the agency or the director's designee, as a nonvoting member.

(5) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(6) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(5) or (a)(6) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the occupation's board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the

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regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether the regulation of a regulated occupation should be modified, whether the board should be combined with another board, or whether the board or the regulation of the regulated occupation should be terminated.

(6) Any recommendations for administrative changes regarding the regulation of the regulated occupation.

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

Sec. 10. (a) The following licenses shall be evaluated beginning July 1, 2013, with a report issued on November 1, 2013, and each five (5) years thereafter:

(1) Athlete agents (IC 25-5.2).

(b) The licenses listed in this section are terminated July 1, 2014, unless the general assembly takes action in the 2014 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses terminated in this section revert to the state general fund.

Sec. 11. (a) The following licenses shall be evaluated with a report issued on July 1, 2014, and each five (5) years thereafter:

(1) Dietitians (IC 25-14.5).

(2) Professional geologists (IC 25-17.6).

(3) Home inspectors (IC 25-20.2).

(4) Interior designers (IC 25-20.7).

(5) Land surveyors (IC 25-21.5).

(b) The licenses listed in this section are terminated July 1, 2015, unless the general assembly takes action in the 2015 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses terminated in this section revert to the state general fund.

Sec. 12. (a) The following licenses shall be evaluated with a report issued on July 1, 2015, and each five (5) years thereafter:

(1) Massage therapists (IC 25-21.8).

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(b) The licenses listed in this section are terminated July 1, 2016, unless the general assembly takes action in the 2016 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses, registrations, or certifications terminated in this section revert to the state general fund.

Sec. 13. (a) The following licenses shall be evaluated with a report issued on July 1, 2016, and each five (5) years thereafter:

(1) Professional soil scientists (IC 25-31.5).

(2) Beauty culture (IC 25-8).

(3) Auctioneers and auctions (IC 25-6.1).

(b) The licenses listed in this section are terminated July 1, 2017, unless the general assembly takes action in the 2017 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses, registrations, or certifications terminated in this section revert to the state general fund.

Sec. 14. (a) The following licenses shall be evaluated with a report issued on July 1, 2017, and each five (5) years thereafter:

(1) Real estate brokers and salespersons (IC 25-34.1).

(2) Certified surgical technologists (IC 25-36.1).

(3) Behavior analysts (IC 25-41).

(b) The licenses listed in this section are terminated July 1, 2018, unless the general assembly takes action in the 2018 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses, registrations, or certifications terminated in this section revert to the state general fund.

Sec. 15. Any licenses enacted during the 2013 session of the general assembly or thereafter shall be evaluated five (5) years after the creation of the license and each five (5) years thereafter under the same conditions as other licenses being evaluated that year.

Sec. 16. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

Sec. 17. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred

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in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 18. (a) The general assembly may obtain support from the committee regarding a proposal to license new occupations upon a request of a:

(1) member of the general assembly;

(2) staff member of the house of representatives or the senate made on behalf of a member of the general assembly; or

(3) staff member of the legislative services agency made on behalf of a member of the general assembly.

(b) The committee must provide support to the general assembly upon a request made under subsection (a).

Sec. 19. The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.

Sec. 20. The committee shall submit a report to the:

(1) governor;

(2) health finance commission; and

(3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 2. IC 25-1-16 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Evaluation of Regulated Occupations).

SECTION 3. [EFFECTIVE JULY 1, 2013] **(a) For purposes of this SECTION, "committee" means the eliminate, reduce, and streamline employee regulation committee established by IC 4-23-22.5.**

(b) Appointed members of the regulated occupations evaluation committee established by IC 25-1-16-6 before its repeal by this act on July 1, 2013, shall be replaced or reappointed by the governor as members of the committee for the term beginning July 1, 2013.

(c) This SECTION expires December 31, 2014.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 520, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 22 through 24.
Page 3, line 25, delete "(4)" and insert "**(1)**".
Page 3, line 26, delete "(5)" and insert "**(2)**".
Page 3, delete lines 27 through 28.
Page 3, delete lines 36 through 37.
Page 3, line 38, delete "(3)" and insert "**(1)**".
Page 3, delete lines 39 through 40.
Page 3, line 41, delete "(6)" and insert "**(2)**".
Page 3, delete line 42.
Page 4, line 1, delete "(8)" and insert "**(3)**".
Page 4, line 2, delete "(9)" and insert "**(4)**".
Page 4, line 3, delete "(10)" and insert "**(5)**".
Page 4, delete lines 12 through 17.
Page 4, delete lines 26 through 29.
Page 4, line 30, delete "(5)" and insert "**(1)**".
Page 4, delete line 31.
Page 4, line 32, delete "(7)" and insert "**(2)**".
Page 4, delete line 33, begin a new line block indented and insert:
"**(3) Beauty culture (IC 25-8).**
(4) Auctioneers and auctions (IC 25-6.1).".
Page 5, delete lines 1 through 2.
Page 5, line 3, delete "(4)" and insert "**(2)**".
Page 5, delete line 4.
Page 5, line 5, delete "(6)" and insert "**(3)**".

and when so amended that said bill do pass.

(Reference is to SB 520 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 520 be amended to read as follows:

Page 3, delete line 22.

Page 3, line 23, delete "(2)" and insert "**(1)**".

(Reference is to SB 520 as printed February 13, 2013.)

HEAD

SENATE MOTION

Madam President: I move that Senate Bill 520 be amended to read as follows:

Page 4, delete line 10.

Page 4, line 11, delete "(2)" and insert "**(1)**".

Page 4, line 12, delete "(3)" and insert "**(2)**".

Page 4, line 13, delete "(4)" and insert "**(3)**".

(Reference is to SB 520 as printed February 13, 2013.)

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