



January 15, 2010

# SENATE BILL No. 1

DIGEST OF SB 1 (Updated January 13, 2010 1:43 pm - DI yl)

**Citations Affected:** IC 4-5; IC 4-15; IC 4-22; IC 4-31; IC 4-33; IC 5-2; IC 9-17; IC 9-27; IC 10-13; IC 12-7; IC 12-15; IC 14-8; IC 14-25; IC 14-26; IC 15-19; IC 16-18; IC 16-25; IC 16-28; IC 25-1; IC 27-1; IC 35-45; IC 36-8; noncode.

**Synopsis:** Boards and commissions. Moves the functions of the athletic commission to the gaming commission. Transfers the duties of the home health care services and hospice services council to the health facilities council. Makes the horse racing commission responsible for functions previously performed by the quarter horse breed development advisory committee, the standardbred advisory board, the standardbred breed development advisory committee, and the thorough breed development advisory committee. Eliminates the law enforcement training board advisory council. Transfers duties of the home health care services and hospice service council to the health facilities council. Abolishes the 1977 police officers' and firefighters' pension and disability fund (1977 fund) advisory committee (committee) and transfers the committee's duties to the public employees' retirement (Continued next page)

**Effective:** July 1, 2010.

**Dillon**

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

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fund's (PERF) board of trustees or the PERF executive director. Repeals the personnel board (IC 4-15-1, IC 5-15-2-2.2, and IC 4-15-2.5-2); the advisory commission on intergovernmental relations (IC 4-23-24-2); the quarter horse breed development advisory committee and the standardbred advisory breed development advisory committees (IC 4-31-11-1 through IC 4-31-9); the standardbred advisory board, the thoroughbred breed development advisory committee (IC 15-19-2-1, IC 15-19-2-2, IC 15-19-2-3, IC 15-19-2-4, IC 15-19-2-5, IC 15-19-2-5, and IC 15-19-2-5); the athletic commission (IC 25-9-1); the transportation corridor planning board (IC 8-4.5-1-3 and IC 8-4.5-2); the motor vehicle sales advisory board (IC 9-23-1); operation lifesaver program (IC 9-27-2-12); the Medicaid work incentive council (IC 12-15-42); bureau of water and resource regulations and bureau of lands and cultural resources (IC 14-9-6, IC 14-21-1-5); New Harmony commission (IC 14-20-4); soldiers' and sailors' children's home advisory committee (IC 16-19-6-9); home health care services and hospice services council (IC 16-27-0.5); radiation control advisory commission (IC 16-41-35-2, IC 16-41-35-16, IC 16-41-35-17, and IC 16-8-2-9); the insurance producer education and continuing education advisory council (IC 27-1-15.7); and mandated health benefits task force (IC 27-1-3-30). Makes conforming changes.

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January 15, 2010

Second Regular Session 116th General Assembly (2010)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 1

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

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

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

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

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

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

SB 1—LS 7110/DI 13+



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

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1 include:

2 (A) definition of overtime;

3 (B) determination of employees or classes eligible for

4 overtime pay;

5 (C) procedures for authorization;

6 (D) methods of computation;

7 (E) procedures for payment; and

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

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

10 the payment of overtime; and

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

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

13 authority determines that the salary reduction is warranted for

14 disciplinary reasons or other good cause.

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

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

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

18 appointment for employees of state agencies. A program established

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

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

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

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

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

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

25 is governed by the procedures of that chapter.

26 (4) A temporary appointment does not constitute creditable

27 service for purposes of the public employees' retirement program

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

29 served in an intermittent form of temporary employment after

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

31 service for the period of temporary employment.

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

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

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

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

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

37 receive the benefits of the public employees retirement program as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 classified service.

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

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

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

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

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

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

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

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

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

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

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

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1 provisions of this chapter, which pay plan shall be subject to the  
 2 approval of the budget agency and the Governor; and  
 3 (5) certify all individuals employed under the provisions of this  
 4 chapter as provided by IC 4-15-2, except that:  
 5 (A) The director shall certify five (5) qualified applicants and  
 6 indicate each applicant's political affiliation.  
 7 (B) If the director cannot certify the required number of  
 8 individuals with the political affiliation because there are not  
 9 enough individuals that qualified after testing, who are willing  
 10 to accept appointment or because there are peculiar and  
 11 exceptional qualifications of a scientific, professional or  
 12 educational character required for the position and it is evident  
 13 that the required number of individuals cannot be certified, the  
 14 director may authorize the appointing authority to fill the  
 15 vacancy with any individual who meets the qualifications for  
 16 the position, without regard to the applicant's political  
 17 affiliation.  
 18 (C) For positions involving unskilled or semi-skilled labor  
 19 when the character or place of the work makes it impracticable  
 20 to supply the needs of the service by appointments made in  
 21 accordance with the procedure prescribed by this chapter, the  
 22 director may make appointments by the procedure provided by  
 23 IC 4-15-2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39          **for the boxer.**

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

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

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

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

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

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

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

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

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

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

(e) The fund consists of:

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

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

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

Sec. 10. The commission shall ensure the:

- (1) safety of participants in;
- (2) fairness of; and
- (3) integrity of;

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

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

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

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

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

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

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

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

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

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

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

28 (1) Mixed martial arts.

29 (2) Martial arts, including the following:

30 (A) Jujutsu.

31 (B) Karate.

32 (C) Kickboxing.

33 (D) Kung fu.

34 (E) Tae kwon do.

35 (F) Judo.

36 (G) Sambo.

37 (H) Pankration.

38 (I) Shootwrestling.

39 (3) Professional wrestling.

40 (4) Boxing.

41 (5) Sparring.

42 (b) The commission may adopt emergency rules under

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**IC 4-22-2-37.1 if the commission determines that:**

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

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

**(b) The commission:**

- (1) has the sole direction, management, control, and jurisdiction over all boxing, sparring, and unarmed combat matches or exhibitions to be conducted, held, or given in Indiana; and**
- (2) may issue licenses for those matches or exhibitions.**

**(c) A boxing, sparring, or unarmed combat match or an exhibition that is:**

- (1) conducted by any school, college, or university within Indiana; or**
- (2) sanctioned by United States Amateur Boxing, Inc.;**

**is not subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.**

**(d) Except as provided under section 17 of this chapter, no boxing, sparring, or unarmed combat match or exhibition, except as provided in this chapter, may be held or conducted within Indiana except under a license and permit issued by the commission in accordance with this chapter and the rules adopted under this chapter.**

**Sec. 14. (a) The commission may:**

- (1) cause to be issued an annual license in writing for holding boxing, sparring, or unarmed combat matches or exhibitions to any person who is qualified under this chapter; and**
- (2) adopt rules to establish the qualifications of the applicants.**

**(b) In addition to a general license, a person must, before conducting any particular boxing, sparring, or unarmed combat match or exhibition where one (1) or more contests are to be held, obtain a permit from the commission.**

**(c) Annual licenses may be revoked or suspended by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.**

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

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

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

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

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

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

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

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

23 (4) the proposed admission charge;

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

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

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

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

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

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

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

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

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

39 (c) The state police department shall:

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

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

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

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

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

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

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

15 (2) The presence of an ambulance.

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

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

19 (A) tests for HIV;

20 (B) pregnancy tests for women participants; and

21 (C) screening tests for illegal drugs.

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

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

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

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

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

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

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

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

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

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

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

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**criminal penalty:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 condition of any contestant commits a Class B infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (A) A constable.

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

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

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

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

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

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

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

27 ~~(4)~~ (3) "Executive training program" means the police chief  
 28 executive training program developed by the board under section  
 29 9 of this chapter.

30 ~~(5)~~ (4) "Law enforcement training council" means one (1) of the  
 31 confederations of law enforcement agencies recognized by the  
 32 board and organized for the sole purpose of sharing training,  
 33 instructors, and related resources.

34 ~~(6)~~ (5) "Training regarding the lawful use of force" includes  
 35 classroom and skills training in the proper application of hand to  
 36 hand defensive tactics, use of firearms, and other methods of:

37 (A) overcoming unlawful resistance; or

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

40 ~~(7)~~ (6) "Hiring or appointing authority" means:

41 (A) the chief executive officer, board, or other entity of a  
 42 police department or agency with authority to appoint and hire

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1 law enforcement officers; or  
2 (B) the governor, mayor, board, or other entity with the  
3 authority to appoint a chief executive officer of a police  
4 department or agency.

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

- 12 (1) The superintendent of the Indiana state police department,  
13 who shall serve as chairperson of the board.
- 14 (2) The deputy director of the division of preparedness and  
15 training of the department of homeland security. The deputy  
16 director shall serve as the vice chair of the board.
- 17 (3) The chief of police of a consolidated city.
- 18 (4) One (1) county sheriff from a county with a population of at  
19 least one hundred thousand (100,000).
- 20 (5) One (1) county sheriff from a county of at least fifty thousand  
21 (50,000) but less than one hundred thousand (100,000)  
22 population.
- 23 (6) One (1) county sheriff from a county of under fifty thousand  
24 (50,000) population.
- 25 (7) One (1) chief of police from a city of at least thirty-five  
26 thousand (35,000) population, who is not the chief of police of a  
27 consolidated city.
- 28 (8) One (1) chief of police from a city of at least ten thousand  
29 (10,000) but under thirty-five thousand (35,000) population.
- 30 (9) One (1) chief of police, police officer, or town marshal from  
31 a city or town of under ten thousand (10,000) population.
- 32 (10) One (1) prosecuting attorney.
- 33 (11) One (1) judge of a circuit or superior court exercising  
34 criminal jurisdiction.
- 35 (12) One (1) member representing professional journalism.
- 36 (13) One (1) member representing the medical profession.
- 37 (14) One (1) member representing education.
- 38 (15) One (1) member representing business and industry.
- 39 (16) One (1) member representing labor.
- 40 (17) One (1) member representing Indiana elected officials of  
41 counties, cities, and towns.

42 (b) The following members constitute an advisory council to assist

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- 1 the members of the board in an advisory, nonvoting capacity:
- 2 (1) The special agent in charge of the Federal Bureau of
- 3 Investigation field office covering the state of Indiana; subject to
- 4 the agent's approval to serve in such capacity:
- 5 (2) The attorney general of Indiana:
- 6 (3) One (1) member representing forensic science; to be
- 7 appointed by the governor:
- 8 (4) One (1) member representing theology; to be appointed by the
- 9 governor:
- 10 (5) The director of the law enforcement division of the
- 11 department of natural resources:

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

40 (b) Members of the advisory council who serve by virtue of their  
 41 office or position shall serve as members of the advisory council only  
 42 during the term of their office or position as the case may be. The

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1 governor is authorized and empowered to appoint members to the  
2 advisory council in addition to those enumerated in section 3(b) of this  
3 chapter. All members appointed to the advisory council by the  
4 governor shall serve only during the pleasure of the governor. Advisory  
5 council appointments need not be made on a bipartisan basis.

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

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

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

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

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1 may be entitled to claim against the third party the damages allowed by  
 2 law.  
 3 SECTION 31. IC 9-27-2-4, AS AMENDED BY P.L.210-2005,  
 4 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2010]: Sec. 4. The office shall do the following to carry out  
 6 this chapter:  
 7 (1) Develop, plan, and conduct programs and activities designed  
 8 to prevent and reduce traffic accidents and to facilitate the control  
 9 of traffic on Indiana streets and highways.  
 10 (2) Advise, recommend, and consult with state departments,  
 11 divisions, boards, commissions, and agencies concerning traffic  
 12 safety, accident prevention, and traffic facilitation programs and  
 13 activities and coordinate these programs and activities on an  
 14 effective statewide basis.  
 15 (3) Organize and conduct, in cooperation with state departments  
 16 and agencies, programs, services, and activities designed to aid  
 17 political subdivisions in the control of traffic and prevention of  
 18 traffic accidents.  
 19 (4) Develop informational, educational, and promotional material  
 20 on traffic control and traffic accident prevention, disseminate the  
 21 material through all possible means of public information, and  
 22 serve as a clearinghouse for information and publicity on traffic  
 23 control and accident prevention programs and activities of state  
 24 departments and agencies. These activities must include materials  
 25 and information designed to make senior citizens aware of the  
 26 effect of age on driving ability.  
 27 (5) Cooperate with public and private agencies interested in  
 28 traffic control and traffic accident prevention in the development  
 29 and conduct of public informational and educational activities  
 30 designed to promote traffic safety or to support the official traffic  
 31 safety program of Indiana.  
 32 (6) Study and determine the merits of proposals affecting traffic  
 33 control, traffic safety, or traffic accident prevention activities in  
 34 Indiana and recommend to the governor and the general assembly  
 35 the measures that will serve to further control and reduce traffic  
 36 accidents.  
 37 (7) Study proposed revisions and amendments to the motor  
 38 vehicle laws and all other laws concerning traffic safety and make  
 39 recommendations relative to those laws to the governor and  
 40 general assembly.  
 41 (8) Develop and conduct a program of effective alcohol and drug  
 42 countermeasures to protect and conserve life and property on

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Indiana streets and highways.

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

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

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

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

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

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

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

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

(F) at a juvenile detention facility;

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

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

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

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

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

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

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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:

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- 1 (1) All resources disregarded by the office under this article for
- 2 the purpose of determining eligibility for Medicaid.
- 3 (2) Any resource eligible for exclusion under 42 U.S.C.
- 4 1396a(r)(2), including a retirement account established under 26
- 5 U.S.C. 220 and held by either the applicant or recipient or the
- 6 applicant's or recipient's spouse.
- 7 (3) Subject to approval by the office, not more than twenty
- 8 thousand dollars (\$20,000) in independence and self-sufficiency
- 9 accounts held by the applicant or recipient for the sole purpose of
- 10 purchasing goods or services, including assistive technology and
- 11 personal assistance, that:
- 12 (A) will increase the employability or independence of the
- 13 applicant or recipient; and
- 14 (B) are not services to which the recipient is entitled under
- 15 Medicaid or any other publicly funded program.
- 16 ~~In determining the types of accounts to be approved under this~~
- 17 ~~subdivision, the office shall consider any recommendations made~~
- 18 ~~by the Medicaid work incentives council established by~~
- 19 ~~IC 12-15-42-1.~~
- 20 SECTION 35. IC 12-15-41-13 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) The office shall
- 22 establish criteria to determine the effectiveness of:
- 23 (1) the buy-in program; and
- 24 (2) continued Medicaid coverage through Section 1619 of the
- 25 federal Social Security Act (42 U.S.C. 1382h).
- 26 (b) The criteria required under subsection (a) must include the
- 27 following:
- 28 (1) The number of individuals with disabilities who are:
- 29 (A) enrolled in the buy-in program; or
- 30 (B) receiving Medicaid through Section 1619 of the federal
- 31 Social Security Act (42 U.S.C. 1382h).
- 32 (2) State revenues resulting from premiums paid by participants
- 33 in the buy-in program.
- 34 (3) State costs incurred as a result of implementing the buy-in
- 35 program, including administrative costs and costs of providing
- 36 services.
- 37 (c) In addition to the criteria required under subsection (b), the
- 38 office may establish criteria to determine the following:
- 39 (1) Comparative costs of Medicaid funded services for
- 40 participants in the buy-in program and work incentives created
- 41 through Section 1619 of the federal Social Security Act (42
- 42 U.S.C. 1382h) before and after employment.

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1 (2) The number of Supplemental Security Income and Social  
 2 Security Disability Insurance recipients in Indiana who are no  
 3 longer dependent on, or who have reduced dependence on, public  
 4 assistance or health care entitlement services, other than Medicaid  
 5 or the children's health insurance program, due to participation in  
 6 the buy-in program or work incentives created through Section  
 7 1619 of the federal Social Security Act (42 U.S.C. 1382h).  
 8 (3) The number of individuals with severe disabilities who are no  
 9 longer dependent on, or who have reduced dependence on, public  
 10 benefits or services, other than Medicaid or the children's health  
 11 insurance program, due to income or support services received  
 12 through participation in the buy-in program or work incentives  
 13 created through Section 1619 of the federal Social Security Act  
 14 (42 U.S.C. 1382h).  
 15 (4) The change in the number of buy-in program participants or  
 16 participants in work incentives created through Section 1619 of  
 17 the federal Social Security Act (42 U.S.C. 1382h) who have  
 18 health care needs and related services covered through employer  
 19 based benefit programs.  
 20 (d) In evaluating the effectiveness of the state's work incentive  
 21 initiatives for individuals with disabilities, the office:  
 22 (1) shall collaborate with other state agencies on data collection;  
 23 and  
 24 (2) may consult with an independent contractor to collect data on  
 25 the criteria listed under subsection (b).  
 26 ~~(e) The office shall provide an annual report of its evaluation under~~  
 27 ~~this section to the council not later than October 1 each year, beginning~~  
 28 ~~in 2003.~~  
 29 SECTION 36. IC 12-15-41-15 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) The office shall  
 31 adopt rules under IC 4-22-2 to implement this chapter.  
 32 (b) The office may adopt emergency rules under IC 4-22-2-37.1 to  
 33 implement this chapter on an emergency basis.  
 34 ~~(c) In adopting rules under this section, the office shall:~~  
 35 ~~(1) submit proposed rules to the council; and~~  
 36 ~~(2) consider any recommendations of the council before adopting~~  
 37 ~~final rules.~~  
 38 SECTION 37. IC 14-8-2-48, AS AMENDED BY P.L.85-2008,  
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2010]: Sec. 48. (a) "Commission", except as provided in  
 41 subsections (b) through ~~(r)~~, **(q)**, refers to the natural resources  
 42 commission.

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- 1 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
- 2 forth in IC 14-13-1-1.
- 3 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
- 4 forth in IC 14-13-2-2.
- 5 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
- 6 forth in IC 14-13-3-1.
- 7 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
- 8 forth in IC 14-13-4-1.
- 9 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
- 10 forth in IC 14-13-5-1.
- 11 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
- 12 forth in IC 14-13-6-2.
- 13 (h) "Commission", for purposes of IC 14-14-1, has the meaning set
- 14 forth in IC 14-14-1-3.
- 15 ~~(i) "Commission", for purposes of IC 14-20-4, has the meaning set~~
- 16 ~~forth in IC 14-20-4-1.~~
- 17 ~~(j)~~ **(i)** "Commission", for purposes of IC 14-20-11, has the meaning
- 18 set forth in IC 14-20-11-1.
- 19 ~~(k)~~ **(j)** "Commission", for purposes of IC 14-21-4, has the meaning
- 20 set forth in IC 14-21-4-1.
- 21 ~~(l)~~ **(k)** "Commission", for purposes of IC 14-25-11, has the meaning
- 22 set forth in IC 14-25-11-1.
- 23 ~~(m)~~ **(l)** "Commission", for purposes of IC 14-28-4, has the meaning
- 24 set forth in IC 14-28-4-1.
- 25 ~~(n)~~ **(m)** "Commission", for purposes of IC 14-30-1, has the meaning
- 26 set forth in IC 14-30-1-2.
- 27 ~~(o)~~ **(n)** "Commission", for purposes of IC 14-30-2, has the meaning
- 28 set forth in IC 14-30-2-2.
- 29 ~~(p)~~ **(o)** "Commission", for purposes of IC 14-30-3, has the meaning
- 30 set forth in IC 14-30-3-2.
- 31 ~~(q)~~ **(p)** "Commission", for purposes of IC 14-30-4, has the meaning
- 32 set forth in IC 14-30-4-2.
- 33 ~~(r)~~ **(q)** "Commission", for purposes of IC 14-33-20, has the meaning
- 34 set forth in IC 14-33-20-2.
- 35 SECTION 38. IC 14-8-2-61 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 61. "Council" has the
- 37 following meaning:
- 38 (1) For purposes of IC 14-13-1-22, the meaning set forth in
- 39 IC 14-13-1-22.
- 40 (2) For purposes of IC 14-13-1-23, the meaning set forth in
- 41 IC 14-13-1-23.
- 42 (3) For purposes of IC 14-13-1-24, the meaning set forth in

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1 IC 14-13-1-24.  
 2 (4) For purposes of IC 14-13-1-25, the meaning set forth in  
 3 IC 14-13-1-25.  
 4 ~~(5) For purposes of IC 14-21-1, the meaning set forth in~~  
 5 ~~IC 14-21-1-5.~~

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

- 11 (1) The commissioner of the Indiana department of transportation
- 12 or the commissioner's designee.
- 13 (2) The commissioner of the department of environmental
- 14 management or the commissioner's designated deputy.
- 15 (3) The director of the office of tourism development or the
- 16 director's designee.
- 17 (4) The director of the department.
- 18 ~~(5) The chairperson of the advisory council established by~~  
 19 ~~IC 14-9-6-1.~~
- 20 ~~(6)~~ **(5)** The president of the Indiana academy of science or the
- 21 president's designee.
- 22 ~~(7)~~ **(6)** Six (6) citizen members appointed by the governor, at least
- 23 two (2) of whom must have knowledge, experience, or education
- 24 in the environment or in natural resource conservation. Not more
- 25 than three (3) citizen members may be of the same political party.

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

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

36 that provides water service to the public.  
 37 (b) A person that seeks to contract with the commission for the  
 38 provision of certain minimum quantities of stream flow or the sale of  
 39 water on a unit pricing basis under section 2 of this chapter must  
 40 submit a request to the commission and the department. The  
 41 commission shall not make a determination as to whether to enter into  
 42 a contract with the person making the request until

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1           ~~(1)~~ the procedures set forth in this section have been followed.  
2           ~~and~~  
3           ~~(2) the commission has reviewed and considered each report~~  
4           ~~submitted to the commission under subsection (i):~~  
5           (c) Not later than thirty (30) days after receiving a request under  
6           subsection (b), the department shall provide, by certified mail, written  
7           notice of the request to the following:  
8           (1) Each person with whom the commission holds a contract for:  
9                (A) the provision of certain minimum quantities of stream  
10              flow; or  
11              (B) the sale of water on a unit pricing basis;  
12              as of the date of the request.  
13           (2) The executive and legislative body of each:  
14                (A) county;  
15                (B) municipality, if any; and  
16                (C) conservancy district established under IC 14-33, if any;  
17              in which the water sought in the request would be used.  
18           (3) The executive and legislative body of each:  
19                (A) county;  
20                (B) municipality, if any; and  
21                (C) conservancy district established under IC 14-33, if any;  
22              in which the affected reservoir is located.  
23           (d) Not later than seven (7) days after receiving a notice from the  
24           department under subsection (c), each person described in subsection  
25           (c)(1) shall, by certified mail, provide written notice of the request to  
26           each:  
27                (1) water utility; or  
28                (2) other person;  
29           that contracts with the person described in subsection (c)(1) for the  
30           purchase of water for resale. Each person to whom notice is mailed  
31           under this subsection is in turn responsible for providing written notice  
32           by certified mail to each water utility or other person that purchases  
33           water from that person for resale. A water utility or another person  
34           required to provide notice under this subsection shall mail the required  
35           notice not later than seven (7) days after it receives notice of the  
36           request from the water utility or other person from whom it purchases  
37           water for resale.  
38           (e) At the same time that:  
39                (1) a person described in subsection (c)(1); or  
40                (2) a water utility or another person described in subsection (d);  
41           mails any notice required under subsection (d), it shall also mail to the  
42           department, by certified mail, a list of the names and addresses of each

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1 water utility or other person to whom it has mailed the notice under  
2 subsection (d).

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

- 6 (1) in which a person described in section (c)(1) is located;
- 7 (2) in which the affected reservoir is located;
- 8 (3) in which the water sought in the request would be used; and
- 9 (4) in which a water utility or other person included in a list  
10 received by the department under subsection (e) is located.

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

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

- 20 (1) identify the person making the request;
- 21 (2) include a brief description of:
  - 22 (A) the nature of the pending request; and
  - 23 (B) the process by which the commission will determine  
24 whether to enter into a contract with the person making the  
25 request; **and**
  - 26 ~~(3) set forth the date, time, and location of the public meeting~~  
27 ~~required under subsection (h); and~~
  - 28 ~~(4) (3) in the case of a notice that is required to be mailed under~~  
29 ~~subsection (c)(1) or (d), a statement of the recipient's duty to in~~  
30 ~~turn provide notice to any:~~
    - 31 (A) water utility; or
    - 32 (B) other person;
  - 33 that purchases water for resale from the recipient, in accordance  
34 with subsection (d).

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

- 39 ~~(1) A presentation by the department describing:~~
  - 40 ~~(A) the nature of the pending request; and~~
  - 41 ~~(B) the process by which the commission will determine~~  
42 ~~whether to enter into a contract with the person making the~~

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request.

(2) An opportunity for public comment on the pending request. The advisory council may appoint a hearing officer to assist with a public meeting held under this subsection:

(i) Not later than thirty (30) days after a public meeting is held under subsection (h); the advisory council shall submit to the commission a report summarizing the public meeting:

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

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

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

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

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

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

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

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

SECTION 42. IC 14-26-2-24, AS ADDED BY P.L.6-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 24. (a) Relying on recommendations of the department, and the advisory council established by IC 14-9-6-1, the

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1 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a  
 2 nonrule policy statement that lists the public freshwater lakes in  
 3 Indiana. For each public freshwater lake the statement must include the  
 4 following information:

5 (1) The name of the lake.

6 (2) The county and specific location within the county where the  
 7 lake is located.

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

12 SECTION 43. IC 15-19-2-8, AS ADDED BY P.L.2-2008,  
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2010]: Sec. 8. (a) ~~After considering the recommendations of~~  
 15 ~~the board~~; The Indiana horse racing commission may:

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

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

21 (3) prescribe standards for race programs and conditions of races,  
 22 which may include types of races, length of races, positioning of  
 23 entries, or gait;

24 (4) disburse available money to supplement purses for any  
 25 individual race with a cooperating fair or standardbred race  
 26 meeting;

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

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

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

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

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

41 (c) The Indiana horse racing commission shall establish a  
 42 standardbred registry.

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1           (d) ~~After considering the recommendations of the board,~~ The  
2 Indiana horse racing commission shall collect fees for the registration  
3 of standardbred stallions in an amount established by the commission.  
4 However, amounts collected may not exceed five hundred dollars  
5 (\$500) per stallion.

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

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

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

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

22           (d) The Indiana horse racing commission shall pay any expense  
23 incurred in administering this chapter from the standardbred horse  
24 fund.

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

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

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

31           ~~(3)~~ **(2)** For purposes of **IC 16-27**, IC 16-28 and IC 16-29, the  
32 Indiana health facilities council.

33           ~~(4)~~ **(3)** For purposes of IC 16-46-6, the interagency state council  
34 on black and minority health.

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

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

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

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

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

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

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

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

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

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

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

26 (c) **The state department may request the council to propose a**  
27 **new rule or an amendment to a rule necessary to protect the**  
28 **health, safety, rights, and welfare of the home health care patients**  
29 **and hospice patients. If the council does not propose a rule within**  
30 **ninety (90) days after the state department's request, the state**  
31 **department may propose the rule. The executive board shall**  
32 **consider rules proposed by the council under this section. The**  
33 **executive board may adopt, modify, remand, or reject specific**  
34 **rules or parts of rules proposed by the council. To become**  
35 **effective, all rules proposed by the council under this chapter must**  
36 **be adopted by the executive board in accordance with IC 4-22-2.**

37 SECTION 49. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,  
38 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND  
39 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED  
40 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
41 2010]: Sec. 1. As used in this chapter:

42 "Board" means the appropriate agency listed in the definition of

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- 1 regulated occupation in this section.
- 2 "Director" refers to the director of the division of consumer  
3 protection.
- 4 "Division" refers to the division of consumer protection, office of  
5 the attorney general.
- 6 "Licensee" means a person who is:
- 7 (1) licensed, certified, or registered by a board listed in this  
8 section; and
- 9 (2) the subject of a complaint filed with the division.
- 10 "Person" means an individual, a partnership, a limited liability  
11 company, or a corporation.
- 12 "Regulated occupation" means an occupation in which a person is  
13 licensed, certified, or registered by one (1) of the following:
- 14 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 15 (2) Board of registration for architects and landscape architects  
16 (IC 25-4-1-2).
- 17 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 18 (4) State board of barber examiners (IC 25-7-5-1).
- 19 ~~(5) State boxing athletic commission (IC 25-9-1).~~
- 20 ~~(6)~~ (5) Board of chiropractic examiners (IC 25-10-1).
- 21 ~~(7)~~ (6) State board of cosmetology examiners (IC 25-8-3-1).
- 22 ~~(8)~~ (7) State board of dentistry (IC 25-14-1).
- 23 ~~(9)~~ (8) State board of funeral and cemetery service (IC 25-15-9).
- 24 ~~(10)~~ (9) State board of registration for professional engineers  
25 (IC 25-31-1-3).
- 26 ~~(11)~~ (10) Indiana state board of health facility administrators  
27 (IC 25-19-1).
- 28 ~~(12)~~ (11) Medical licensing board of Indiana (IC 25-22.5-2).
- 29 ~~(13)~~ (12) Indiana state board of nursing (IC 25-23-1).
- 30 ~~(14)~~ (13) Indiana optometry board (IC 25-24).
- 31 ~~(15)~~ (14) Indiana board of pharmacy (IC 25-26).
- 32 ~~(16)~~ (15) Indiana plumbing commission (IC 25-28.5-1-3).
- 33 ~~(17)~~ (16) Board of podiatric medicine (IC 25-29-2-1).
- 34 ~~(18)~~ (17) Board of environmental health specialists (IC 25-32-1).
- 35 ~~(19)~~ (18) State psychology board (IC 25-33).
- 36 ~~(20)~~ (19) Speech-language pathology and audiology board  
37 (IC 25-35.6-2).
- 38 ~~(21)~~ (20) Indiana real estate commission (IC 25-34.1-2).
- 39 ~~(22)~~ (21) Indiana board of veterinary medical examiners  
40 (IC 25-38.1).
- 41 ~~(23)~~ (22) Department of natural resources for purposes of  
42 licensing water well drillers under IC 25-39-3.

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

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- 1 (IC 25-19-1).  
 2 ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).  
 3 ~~(13)~~ **(12)** Mining board (IC 22-10-1.5-2).  
 4 ~~(14)~~ **(13)** Indiana state board of nursing (IC 25-23-1).  
 5 ~~(15)~~ **(14)** Indiana optometry board (IC 25-24).  
 6 ~~(16)~~ **(15)** Indiana board of pharmacy (IC 25-26).  
 7 ~~(17)~~ **(16)** Indiana plumbing commission (IC 25-28.5-1-3).  
 8 ~~(18)~~ **(17)** Board of environmental health specialists (IC 25-32-1).  
 9 ~~(19)~~ **(18)** State psychology board (IC 25-33).  
 10 ~~(20)~~ **(19)** Speech-language pathology and audiology board  
 11 (IC 25-35.6-2).  
 12 ~~(21)~~ **(20)** Indiana real estate commission (IC 25-34.1-2-1).  
 13 ~~(22)~~ **(21)** Indiana board of veterinary medical examiners  
 14 (IC 25-38.1-2-1).  
 15 ~~(23)~~ **(22)** Department of insurance (IC 27-1).  
 16 ~~(24)~~ **(23)** State police department (IC 10-11-2-4), for purposes of  
 17 certifying polygraph examiners under IC 25-30-2.  
 18 ~~(25)~~ **(24)** Department of natural resources for purposes of  
 19 licensing water well drillers under IC 25-39-3.  
 20 ~~(26)~~ **(25)** Private investigator and security guard licensing board  
 21 (IC 25-30-1-5.2).  
 22 ~~(27)~~ **(26)** Occupational therapy committee (IC 25-23.5-2-1).  
 23 ~~(28)~~ **(27)** *Social worker, marriage and family therapist, and*  
 24 *mental health counselor Behavioral health and human services*  
 25 *licensing board (IC 25-23.6-2-1).*  
 26 ~~(29)~~ **(28)** Real estate appraiser licensure and certification board  
 27 (IC 25-34.1-8).  
 28 ~~(30)~~ **(29)** State board of registration for land surveyors  
 29 (IC 25-21.5-2-1).  
 30 ~~(31)~~ **(30)** Physician assistant committee (IC 25-27.5).  
 31 ~~(32)~~ **(31)** Indiana athletic trainers board (IC 25-5.1-2-1).  
 32 ~~(33)~~ **(32)** Board of podiatric medicine (IC 25-29-2-1).  
 33 ~~(34)~~ **(33)** Indiana dietitians certification board (IC 25-14.5-2-1).  
 34 ~~(35)~~ **(34)** Indiana physical therapy committee (IC 25-27).  
 35 ~~(36)~~ **(35)** Manufactured home installer licensing board  
 36 (IC 25-23.7).  
 37 ~~(37)~~ **(36)** Home inspectors licensing board (IC 25-20.2-3-1).  
 38 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).  
 39 ~~(39)~~ **(38)** Any other occupational or professional agency created  
 40 after June 30, 1981.

41 SECTION 51. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of  
2 the following:

- 3 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 4 (2) Board of registration for architects and landscape architects  
5 (IC 25-4-1-2).
- 6 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 7 (4) State board of barber examiners (IC 25-7-5-1).
- 8 ~~(5) State athletic commission (IC 25-9-1).~~
- 9 ~~(6) (5) State board of cosmetology examiners (IC 25-8-3-1).~~
- 10 ~~(7) (6) State board of registration of land surveyors~~  
11 ~~(IC 25-21.5-2-1).~~
- 12 ~~(8) (7) State board of funeral and cemetery service (IC 25-15-9).~~
- 13 ~~(9) (8) State board of registration for professional engineers~~  
14 ~~(IC 25-31-1-3).~~
- 15 ~~(10) (9) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 16 ~~(11) (10) Indiana real estate commission (IC 25-34.1-2-1).~~
- 17 ~~(12) (11) Real estate appraiser licensure and certification board~~  
18 ~~(IC 25-34.1-8).~~
- 19 ~~(13) (12) Private investigator and security guard licensing board~~  
20 ~~(IC 25-30-1-5.2).~~
- 21 ~~(14) (13) Manufactured home installer licensing board~~  
22 ~~(IC 25-23.7).~~
- 23 ~~(15) (14) Home inspectors licensing board (IC 25-20.2-3-1).~~
- 24 ~~(16) (15) State board of massage therapy (IC 25-21.8-2-1).~~

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

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

- 34 (1) is designed to prepare an individual to receive an initial  
35 license under this chapter;
- 36 (2) concerns only routine, basic office skills, including filing,  
37 keyboarding, and basic computer skills;
- 38 (3) concerns sales promotion and sales techniques;
- 39 (4) concerns motivation, psychology, or time management; or
- 40 (5) may be completed by a licensee without supervision by an  
41 instructor, unless the course involves an examination process that  
42 is:

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1 (A) completed and passed by the licensee as determined by the  
 2 provider of the course; and  
 3 (B) approved by the commissioner.  
 4 (c) The commissioner shall approve a course under this section that  
 5 is submitted for approval by an insurance trade association or  
 6 professional insurance association if:  
 7 (1) the objective of the course is to educate a manager or an  
 8 owner of a business entity that is required to obtain an insurance  
 9 producer license under IC 27-1-15.6-6(d);  
 10 (2) the course teaches insurance producer management and is  
 11 designed to result in improved efficiency in insurance producer  
 12 operations, systems use, or key functions;  
 13 (3) the course is designed to benefit consumers; and  
 14 (4) the course is not described in subsection (b).  
 15 (d) Approval of a continuing education course under this section  
 16 shall be for a period of not more than two (2) years.  
 17 (e) A prospective provider of a continuing education course shall  
 18 pay:  
 19 (1) a fee of forty dollars (\$40) for each course submitted for  
 20 approval of the commissioner under this section; or  
 21 (2) an annual fee of five hundred dollars (\$500) not later than  
 22 January 1 of a calendar year, which entitles the prospective  
 23 provider to submit an unlimited number of courses for approval  
 24 of the commissioner under this section during the calendar year.  
 25 The commissioner may waive all or a portion of the fee for a course  
 26 submitted under a reciprocity agreement with another state for the  
 27 approval or disapproval of continuing education courses. Fees collected  
 28 under this subsection shall be deposited in the department of insurance  
 29 fund established under IC 27-1-3-28.  
 30 (f) The commissioner shall adopt rules under IC 4-22-2 to establish  
 31 procedures for approving continuing education courses.  
 32 SECTION 53. IC 27-1-15.7-5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) To qualify as a  
 34 certified prelicensing course of study for purposes of IC 27-1-15.6-6,  
 35 an insurance producer program of study must meet all of the following  
 36 criteria:  
 37 (1) Be conducted or developed by an:  
 38 (A) insurance trade association;  
 39 (B) accredited college or university; **or**  
 40 ~~(C) educational organization certified by the insurance~~  
 41 ~~producer education and continuing education advisory council;~~  
 42 ~~or~~

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- 1                   ~~(D)~~ (C) insurance company licensed to do business in Indiana.  
 2 (2) Provide for self-study or instruction provided by an approved  
 3 instructor in a structured setting, as follows:  
 4           (A) For life insurance producers, not less than twenty-four (24)  
 5 hours of instruction in a structured setting or comparable  
 6 self-study on:  
 7           (i) ethical practices in the marketing and selling of  
 8 insurance;  
 9           (ii) requirements of the insurance laws and administrative  
 10 rules of Indiana; and  
 11           (iii) principles of life insurance.  
 12           (B) For health insurance producers, not less than twenty-four  
 13 (24) hours of instruction in a structured setting or comparable  
 14 self-study on:  
 15           (i) ethical practices in the marketing and selling of  
 16 insurance;  
 17           (ii) requirements of the insurance laws and administrative  
 18 rules of Indiana; and  
 19           (iii) principles of health insurance.  
 20           (C) For life and health insurance producers, not less than forty  
 21 (40) hours of instruction in a structured setting or comparable  
 22 self-study on:  
 23           (i) ethical practices in the marketing and selling of  
 24 insurance;  
 25           (ii) requirements of the insurance laws and administrative  
 26 rules of Indiana;  
 27           (iii) principles of life insurance; and  
 28           (iv) principles of health insurance.  
 29           (D) For property and casualty insurance producers, not less  
 30 than forty (40) hours of instruction in a structured setting or  
 31 comparable self-study on:  
 32           (i) ethical practices in the marketing and selling of  
 33 insurance;  
 34           (ii) requirements of the insurance laws and administrative  
 35 rules of Indiana;  
 36           (iii) principles of property insurance; and  
 37           (iv) principles of liability insurance.  
 38           (E) For personal lines producers, a minimum of twenty-four  
 39 (24) hours of instruction in a structured setting or comparable  
 40 self-study on:  
 41           (i) ethical practices in the marketing and selling of  
 42 insurance;

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1 (ii) requirements of the insurance laws and administrative  
 2 rules of Indiana; and  
 3 (iii) principles of property and liability insurance applicable  
 4 to coverages sold to individuals and families for primarily  
 5 noncommercial purposes.  
 6 (F) For title insurance producers, not less than ten (10) hours  
 7 of instruction in a structured setting or comparable self-study  
 8 on:  
 9 (i) ethical practices in the marketing and selling of title  
 10 insurance;  
 11 (ii) requirements of the insurance laws and administrative  
 12 rules of Indiana;  
 13 (iii) principles of title insurance, including underwriting and  
 14 escrow issues; and  
 15 (iv) principles of the federal Real Estate Settlement  
 16 Procedures Act (12 U.S.C. 2608).  
 17 (3) Instruction provided in a structured setting must be provided  
 18 only by individuals who meet the qualifications established by the  
 19 commissioner under subsection (b).  
 20 (b) The commissioner ~~after consulting with the insurance producer~~  
 21 ~~education and continuing education advisory council~~; shall adopt rules  
 22 under IC 4-22-2 prescribing the criteria that a person must meet to  
 23 render instruction in a certified prelicensing course of study.  
 24 (c) The commissioner shall adopt rules under IC 4-22-2 prescribing  
 25 the subject matter that an insurance producer program of study must  
 26 cover to qualify for certification as a certified prelicensing course of  
 27 study under this section.  
 28 (d) The commissioner may make recommendations that the  
 29 commissioner considers necessary for improvements in course  
 30 materials.  
 31 (e) The commissioner shall designate a program of study that meets  
 32 the requirements of this section as a certified prelicensing course of  
 33 study for purposes of IC 27-1-15.6-6.  
 34 (f) The commissioner may, after notice and opportunity for a  
 35 hearing, withdraw the certification of a course of study that does not  
 36 maintain reasonable standards, as determined by the commissioner for  
 37 the protection of the public.  
 38 (g) Current course materials for a prelicensing course of study that  
 39 is certified under this section must be submitted to the commissioner  
 40 upon request, but not less frequently than once every three (3) years.  
 41 SECTION 54. IC 35-45-18-1, AS AMENDED BY P.L.160-2009,  
 42 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

COPY



1 JULY 1, 2010]: Sec. 1. (a) As used in this chapter, "combative  
2 fighting" (also known as "toughman fighting", "badman fighting", and  
3 "extreme fighting") means a match, contest, or exhibition that involves  
4 at least (2) contestants, with or without gloves or protective headgear,  
5 in which the contestants:

- 6 (1) use their:  
7 (A) hands;  
8 (B) feet; or  
9 (C) both hands and feet;  
10 to strike each other; and

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

12 (b) The term does not include:

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

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

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

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

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

25 SECTION 55. IC 36-8-6-1.6 IS ADDED TO THE INDIANA CODE  
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
27 1, 2010]: **Sec. 1.6. As used in this chapter, "PERF board" refers to**  
28 **the board of trustees of the public employees' retirement fund**  
29 **established by IC 5-10.3-2-1.**

30 SECTION 56. IC 36-8-6-8.1 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) If a local board  
32 determines that a fund member has a temporary or a permanent  
33 disability, the local board shall also make a recommendation to the  
34 ~~1977 fund advisory committee~~ **PERF board's director** concerning  
35 whether the disability is:

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

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

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

42 (b) The ~~1977 fund advisory committee~~ **PERF board's director**

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

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

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

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

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

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

36 (d) If after the hearing the local board determines that a person who  
 37 became disabled before July 1, 2000, is disabled and unable to perform  
 38 the essential functions of the job, considering reasonable  
 39 accommodation to the extent required by the Americans with  
 40 Disabilities Act, the local board shall then authorize the monthly  
 41 payment to the person from the 1937 fund of an amount equal to  
 42 fifty-five percent (55%) of the salary of a fully paid first class

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1 firefighter in the unit at the time of the payment of the pension. All  
2 physical and mental examinations of members of the fire department  
3 shall be made on order of the local board by a medical officer  
4 designated by the local board.

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

9 (1) has a disability that is:

10 (A) the direct result of:

11 (i) a personal injury that occurs while the fund member is on  
12 duty;

13 (ii) a personal injury that occurs while the fund member is  
14 responding to an emergency or reported emergency for  
15 which the fund member is trained; or

16 (iii) an occupational disease (as defined in IC 22-3-7-10),  
17 including a duty related disease that is also included within  
18 clause (B);

19 (B) a duty related disease (for purposes of this section, a "duty  
20 related disease" means a disease arising out of the fund  
21 member's employment. A disease is considered to arise out of  
22 the fund member's employment if it is apparent to the rational  
23 mind, upon consideration of all of the circumstances, that:

24 (i) there is a connection between the conditions under which  
25 the fund member's duties are performed and the disease;

26 (ii) the disease can be seen to have followed as a natural  
27 incident of the fund member's duties as a result of the  
28 exposure occasioned by the nature of the fund member's  
29 duties; and

30 (iii) the disease can be traced to the fund member's  
31 employment as the proximate cause); or

32 (C) a disability presumed incurred in the line of duty under  
33 IC 5-10-13 or IC 5-10-15; and

34 (2) is unable to perform the essential functions of the job,  
35 considering reasonable accommodation to the extent required by  
36 the Americans with Disabilities Act;

37 the local board shall then authorize the monthly payment to the person  
38 from the 1937 fund of an amount equal to fifty-five percent (55%) of  
39 the salary of a fully paid first class firefighter in the unit at the time of  
40 the payment of the pension. All physical and mental examinations of  
41 members of the fire department shall be made on order of the local  
42 board by a medical officer designated by the local board.

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1 (f) If after the hearing under this section and a recommendation  
2 under section 12.5 of this chapter, the ~~1977 fund advisory committee~~  
3 **PERF board** determines that a person who becomes disabled after  
4 June 30, 2000:

- 5 (1) has a disability that is not a disability described in subsection
- 6 (e)(1); and
- 7 (2) is unable to perform the essential functions of the job,
- 8 considering reasonable accommodation to the extent required by
- 9 the Americans with Disabilities Act;

10 the local board shall then authorize the monthly payment to the person  
11 from the 1937 fund of an amount equal to fifty-five percent (55%) of  
12 the salary of a fully paid first class firefighter in the unit at the time of  
13 the payment of the pension. All physical and mental examinations of  
14 members of the fire department shall be made on order of the local  
15 board by a medical officer designated by the local board.

16 SECTION 59. IC 36-8-7-12.5 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.5. (a) If a local  
18 board determines that a fund member has a temporary or a permanent  
19 disability, the local board shall also make a recommendation to the  
20 ~~1977 fund advisory committee~~ **PERF board's director** concerning  
21 whether the disability is:

- 22 (1) a disability in the line of duty (as described in section 11(e)(1)
- 23 of this chapter); or
- 24 (2) a disability not in the line of duty (a disability other than a
- 25 disability described in section 11(e)(1) of this chapter).

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

28 (b) The ~~1977 fund advisory committee~~ **PERF board's director**  
29 shall review the local board's recommendation not later than forty-five  
30 (45) days after receiving the recommendation and shall then issue an  
31 initial determination of whether the disability is in the line of duty or  
32 not in the line of duty. The ~~1977 fund advisory committee~~ **PERF**  
33 **board's director** shall notify the local board, the safety board, and the  
34 fund member of ~~its~~ **the director's** initial determination.

35 (c) The fund member, the safety board, or the local board may  
36 object in writing to the ~~1977 fund advisory committee's~~ **PERF board's**  
37 **director's** initial determination under subsection (b) not later than  
38 fifteen (15) days after the initial determination is issued. If a written  
39 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**  
40 **board's director's** initial determination becomes **the final order of the**  
41 **PERF board.** If a timely written objection is filed, the ~~1977 fund~~  
42 ~~advisory committee~~ **PERF board** shall issue a final determination after

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1 a hearing. The final determination must be issued not later than one  
2 hundred eighty (180) days after the date of receipt of the local board's  
3 recommendation.

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

9 SECTION 61. IC 36-8-7.5-13.2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13.2. (a) If a local  
11 board determines that a fund member has a temporary or a permanent  
12 disability, the local board shall also make a recommendation to the  
13 ~~1977 fund advisory committee~~ **PERF board's director** concerning  
14 whether the disability is:

- 15 (1) a disability in the line of duty (as described in section 13(b)(1)
- 16 of this chapter); or
- 17 (2) a disability not in the line of duty (a disability other than a
- 18 disability described in section 13(b)(1) of this chapter).

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

21 (b) The ~~1977 fund advisory committee~~ **PERF board's director**  
22 shall review the local board's recommendation not later than forty-five  
23 (45) days after receiving the recommendation and shall then issue an  
24 initial determination of whether the disability is in the line of duty or  
25 not in the line of duty. The ~~1977 fund advisory committee~~ **PERF**  
26 **board's director** shall notify the local board, the safety board, and the  
27 fund member of ~~its~~ **the director's** initial determination.

28 (c) The fund member, the safety board, or the local board may  
29 object in writing to the ~~1977 fund advisory committee's~~ **PERF board's**  
30 **director's** initial determination under subsection (b) not later than  
31 fifteen (15) days after the initial determination is issued. If a written  
32 objection is not filed, the ~~1977 fund advisory committee's~~ **PERF**  
33 **board's director's** initial determination becomes **the final order of the**  
34 **PERF board**. If a timely written objection is filed, the ~~1977 fund~~  
35 ~~advisory committee~~ **PERF board** shall issue a final determination after  
36 a hearing. The final determination must be issued not later than one  
37 hundred eighty (180) days after the date of receipt of the local board's  
38 recommendation.

39 SECTION 62. IC 36-8-8-4 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) There is  
41 established a police officers' and firefighters' pension and disability  
42 fund to be known as the 1977 fund. The 1977 fund consists of fund

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1 member and employer contributions, plus the earnings on them, to be  
2 used to make benefit payments to fund members and their survivors in  
3 the amounts and under the conditions specified in this chapter.

4 (b) The board of trustees of the public employees' retirement fund  
5 (referred to in this chapter as the "PERF board") shall administer the  
6 1977 fund, which may be commingled with the public employees'  
7 retirement fund for investment purposes. All actuarial data shall be  
8 computed on the total membership of the fund, and the cost of  
9 participation is the same for all employers in the fund. The fund  
10 member and employer contributions shall be recorded separately for  
11 each employer.

12 (c) The 1977 fund advisory committee, referred to as the committee,  
13 is established. The PERF board shall consult with the committee on  
14 matters pertaining to the administration of this chapter and  
15 IC 5-10.3-11. The committee shall consist of the following members  
16 appointed by the governor every two (2) years for a term of two (2)  
17 years:

18 (1) Two (2) firefighters:

19 (A) each of whom must be an active or retired member of the  
20 1937 fund or the 1977 fund; and

21 (B) neither of whom may be in an upper level policymaking  
22 position.

23 (2) Two (2) police officers:

24 (A) each of whom must be an active or retired member of the  
25 1925 fund; the 1953 fund; or the 1977 fund; and

26 (B) neither of whom may be in an upper level policymaking  
27 position.

28 (3) Two (2) members, each of whom must be an executive of an  
29 employer.

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

32 The term of each member begins on July 1 following appointment and  
33 continues until his successor is qualified. A member of the committee  
34 who no longer holds the position that qualified him for appointment  
35 under subdivision (1), (2), (3), or (4) forfeits his membership on the  
36 committee. The governor shall appoint a person to fill a vacancy on the  
37 committee for the remainder of the unexpired term.

38 (d) Each member of the committee who is not a state employee is  
39 entitled to reimbursement for expenses actually incurred in connection  
40 with the member's duties. Such a member is also entitled to  
41 reimbursement for traveling expenses and other expenses actually  
42 incurred in connection with the member's duties, as approved by the

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1 ~~PERF board.~~

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

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

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

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

- 15 (1) be represented by any individual;
- 16 (2) through witnesses and documents, present evidence;
- 17 (3) conduct cross-examination; and
- 18 (4) present arguments.

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

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

- 24 (1) subpoenas;
- 25 (2) discovery orders; and
- 26 (3) protective orders;

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

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

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

35 (i) If the local board:

- 36 (1) does not hold a hearing within the time required under  
37 subsection (c); or
- 38 (2) does not issue its determination within the time required under  
39 subsection (h);

40 the fund member shall be considered to be totally impaired for  
41 purposes of section 13.5 of this chapter and, if the issue before the local  
42 board concerns the class of the member's impairment, the member shall

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1 be considered to have a Class 1 impairment. The PERF board shall  
 2 review an impairment determined under this subsection as provided in  
 3 section 13.1 of this chapter.

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

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

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

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

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

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

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

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

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

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

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1 IC 36-8-7, or IC 36-8-7.5 must be:  
 2 (1) retained in the separate medical file created for the member;  
 3 and  
 4 (2) treated as a confidential medical record.

5 (q) If a local board determines that a fund member described in  
 6 section 13.3(a) of this chapter has a covered impairment, the local  
 7 board shall also make a recommendation to the ~~1977 fund advisory~~  
 8 ~~committee~~ **PERF board's director** concerning whether the covered  
 9 impairment is an impairment described in section 13.3(c) of this  
 10 chapter or whether it is an impairment described in section 13.3(d) of  
 11 this chapter. The local board shall forward its recommendation to the  
 12 ~~1977 fund advisory committee.~~ **PERF board's director.**

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

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

31 SECTION 64. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 32 JULY 1, 2010]: IC 4-15-1-1; IC 4-15-2-2.2; IC 4-15-2.5-2;  
 33 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;  
 34 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;  
 35 IC 8-4.5-1-3; IC 8-4.5-2; IC 9-23-1; IC 9-27-2-12; IC 12-15-42;  
 36 IC 14-9-6; IC 14-20-4; IC 14-21-1-5; IC 15-19-2-1; IC 15-19-2-2;  
 37 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;  
 38 IC 16-18-2-9; IC 16-19-6-9; IC 16-27-0.5; IC 16-41-35-2;  
 39 IC 16-41-35-16; IC 16-41-35-17; IC 25-9-1; IC 27-1-3-30;  
 40 IC 27-1-15.7-6.

41 SECTION 65. [EFFECTIVE JULY 1, 2010] **(a) After June 30,**  
 42 **2010, a reference in any law, rule, contract, or other document or**

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1 record to the state athletic commission shall be treated as a  
2 reference to the gaming commission created by IC 4-33-3-1.  
3 (b) After June 30, 2010, any balance in the athletic commission  
4 fund created by IC 25-9-1-1.5 before its repeal by this act is  
5 transferred to the athletic fund created by IC 4-33-22-9.  
6 SECTION 66. [EFFECTIVE JULY 1, 2010] On July 1, 2010, the  
7 board of trustees of the public employees' retirement fund  
8 established by IC 5-10.3-2-1 shall assume responsibility for all  
9 matters before the 1977 fund advisory committee abolished by this  
10 act.

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COMMITTEE REPORT

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

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

(Reference is to SB 1 as introduced.)

LONG, Chairperson

**C**  
**O**  
**P**  
**Y**

