



March 19, 2019

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# ENGROSSED HOUSE BILL No. 1269

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DIGEST OF HB 1269 (Updated March 14, 2019 3:52 pm - DI 119)

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Administrative boards. Establishes the governor's security council. Abolishes the counterterrorism and security council and transfers the council's duties to the governor's security council. Abolishes the emergency alert system advisory committee. Abolishes: (1) the boiler and pressure vessel rules board; and (2) the regulated amusement device safety board; and transfers the boards' duties to the fire prevention and building safety commission (commission). Abolishes the emergency medical commission's technical advisory committee. Provides that the department of homeland security (department) may grant waivers to: (1) certain rules adopted by the Indiana emergency medical services commission; and (2) rules adopted by the board of firefighting personnel standards and education. Makes the following changes to the process for obtaining a variance to fire  
(Continued next page)

**Effective:** July 1, 2019.

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**Gutwein, Karickhoff, Cherry,  
Austin**

(SENATE SPONSOR — HEAD)

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January 10, 2019, read first time and referred to Select Committee on Government Reduction.

February 7, 2019, amended, reported — Do Pass.

February 11, 2019, read second time, amended, ordered engrossed.

February 12, 2019, engrossed. Read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Commerce and Technology.

March 18, 2019, amended, reported favorably — Do Pass.

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EH 1269—LS 7133/DI 132



safety, building, and equipment rules: (1) Provides that the department and the commission may grant variances to rules adopted by the commission. (2) Provides that the department shall make each application for a variance available for review on a public portal. (3) Provides that local fire and building officials shall receive notice of variance applications filed within their respective jurisdictions. (4) Provides that a local fire official, local building official, or other interested party may submit documentation regarding a variance application to the department or the commission for review and consideration prior to an initial determination being made on the application by the department or the commission. (5) Provides that the department or commission shall wait at least five business days after a variance application is filed before making an initial determination on the application. (6) Provides that the commission may adopt emergency rules to implement the bill's changes to the variance application process. Provides that the department may engage in studies and consult with any person to implement fire safety, building, and equipment laws and rules, and that the commission may consult with industry experts or call a special meeting to discuss boiler and pressure vessels or regulated amusement devices. Requires the state building commissioner to create a data base cataloging variance rulings. (Current law allows the commissioner to create the data base.) Abolishes the Indiana dietitians certification board and transfers the board's duties to the medical licensing board of Indiana. Provides that members appointed to boards staffed by the professional licensing agency: (1) have four year term limits; (2) may serve multiple terms; (3) in certain instances, may not have more than two members from the same congressional district; (4) serve at the pleasure of the governor; and (5) must be removed under certain circumstances. Restructures the membership of the following boards: (1) Indiana board of accountancy. (2) Board of registration for architects and landscape architects. (3) Indiana athletic trainers board. (4) Indiana auctioneer commission. (5) Board of chiropractic examiners. (6) State board of funeral and cemetery service. (7) Indiana state board of health facility administrators. (8) Home inspectors licensing board. (9) State board of registration for professional surveyors. (10) State board of massage therapy. (11) Midwifery committee. (12) Behavioral health and human services licensing board. (13) Manufactured home installer licensing board. (14) Indiana optometry board. (15) Indiana plumbing commission. (16) Board of podiatric medicine. (17) Private investigator and security guard licensing board. (18) State psychology board. (19) Real estate appraiser licensure and certification board. (20) Speech-language pathology and audiology board. Amends professional experience qualifications for appointment of registered architects and registered landscape architects to the board of registration for architects and landscape architects to provide that the professional experience qualifications are preferences rather than requirements. Provides that to the extent possible, the governor shall appoint to the state board of registration for professional engineers individuals who serve or have served in diverse areas of professional practice. Makes technical changes.



March 19, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1269

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

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

- 1 SECTION 1. IC 5-14-3-4.4, AS ADDED BY P.L.248-2013,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 4.4. (a) This section applies to a request for a  
4 record that the public agency considers to be excepted from disclosure  
5 under section 4(b)(1) or 4(b)(25) of this chapter. The public agency  
6 may do either of the following:  
7 (1) Deny disclosure of the record or a part of the record. The  
8 person requesting the information may appeal the denial under  
9 section 9 of this chapter.  
10 (2) Refuse to confirm or deny the existence of the record,  
11 regardless of whether the record exists or does not exist, if the fact  
12 of the record's existence or nonexistence would reveal information  
13 that would:  
14 (A) impede or compromise an ongoing law enforcement  
15 investigation or result in danger to an individual's safety,

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- 1 including the safety of a law enforcement officer or a  
 2 confidential source; or  
 3 (B) reveal information that would have a reasonable likelihood  
 4 of threatening public safety.
- 5 (b) This subsection applies to a request for a record that the public  
 6 agency considers to be excepted from disclosure under section 4(b)(19)  
 7 of this chapter. The agency may consult with the ~~counterterrorism and~~  
 8 ~~security council established by IC 10-19-8-1~~ **governor's security**  
 9 **council established by IC 10-19-8.1-2** in formulating a response. The  
 10 public agency may do either of the following:
- 11 (1) Deny disclosure of the record or a part of the record. The  
 12 agency or the counterterrorism and security council shall provide  
 13 a general description of the record being withheld and of how  
 14 disclosure of the record would have a reasonable likelihood of  
 15 threatening public safety by exposing a vulnerability to terrorist  
 16 attack. The person requesting the information may appeal the  
 17 denial under section 9 of this chapter.
- 18 (2) Refuse to confirm or deny the existence of the record  
 19 regardless of whether the record exists or does not exist, if the fact  
 20 of the record's existence or nonexistence would reveal information  
 21 that would have a reasonable likelihood of threatening public  
 22 safety.
- 23 (c) If a public agency does not respond to a request for a record  
 24 under this section:
- 25 (1) within twenty-four (24) hours of receiving the request for a  
 26 record from a person who:
- 27 (A) is physically present in the agency office;  
 28 (B) makes the request by telephone; or  
 29 (C) requests enhanced access to a document; or
- 30 (2) within seven (7) days of receiving the request for a record  
 31 made by mail or facsimile;
- 32 the request for the record is deemed denied. The person requesting the  
 33 information may appeal the denial under section 9 of this chapter.
- 34 (d) If a public agency refuses to confirm or deny the existence of a  
 35 record under this section, the name and title or position of the person  
 36 responsible for the refusal shall be given to the person making the  
 37 records request.
- 38 (e) A person who has received a refusal from an agency to confirm  
 39 or deny the existence of a record may file an action in the circuit or  
 40 superior court of the county in which the response was received:
- 41 (1) to compel the public agency to confirm whether the record  
 42 exists or does not exist; and



- 1 (2) if the public agency confirms that the record exists, to compel  
 2 the agency to permit the person to inspect and copy the record.
- 3 (f) The court shall determine the matter de novo, with the burden of  
 4 proof on the public agency to sustain its refusal to confirm or deny the  
 5 existence of the record. The public agency meets its burden of proof by  
 6 filing a public affidavit with the court that provides with reasonable  
 7 specificity of detail, and not simply conclusory statements, the basis of  
 8 the agency's claim that it cannot be required to confirm or deny the  
 9 existence of the requested record. If the public agency meets its burden  
 10 of proof, the burden of proof shifts to the person requesting access to  
 11 the record. The person requesting access to the record meets the  
 12 person's burden of proof by proving any of the following:
- 13 (1) The agency's justifications for not confirming the existence of  
 14 the record contradict other evidence in the trial record.
- 15 (2) The agency is withholding the record in bad faith.
- 16 (3) An official with authority to speak for the agency has  
 17 acknowledged to the public in a documented disclosure that the  
 18 record exists. The person requesting the record must prove that  
 19 the information requested:
- 20 (A) is as specific as the information previously disclosed; and  
 21 (B) matches the previously disclosed information.
- 22 (g) Either party may make an interlocutory appeal of the trial court's  
 23 determination on whether the agency's refusal to confirm or deny the  
 24 existence of the record was proper.
- 25 (h) If the court, after the disposition of any interlocutory appeals,  
 26 finds that the agency's refusal to confirm or deny was improper, the  
 27 court shall order the agency to disclose whether the record exists or  
 28 does not exist. If the record exists and the agency claims that the record  
 29 is exempt from disclosure under this chapter, the court may review the  
 30 public record in camera to determine whether any part of the record  
 31 may be withheld.
- 32 (i) In an action filed under this section, the court shall award  
 33 reasonable attorney's fees, court costs, and other reasonable expenses  
 34 of litigation to the prevailing party if:
- 35 (1) the plaintiff substantially prevails; or  
 36 (2) the defendant substantially prevails and the court finds the  
 37 action was frivolous or vexatious.
- 38 A plaintiff is eligible for the awarding of attorney's fees, court costs,  
 39 and other reasonable expenses regardless of whether the plaintiff filed  
 40 the action without first seeking and receiving an informal inquiry  
 41 response or advisory opinion from the public access counselor.
- 42 (j) A court that hears an action under this section may not assess a



1 civil penalty under section 9.5 of this chapter in connection with the  
2 action.

3 SECTION 2. IC 5-22-10-4, AS AMENDED BY P.L.22-2005,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 4. (a) A purchasing agent may make a special  
6 purchase when there exists, under emergency conditions, a threat to  
7 public health, welfare, or safety.

8 (b) The ~~counterterrorism and security council established by~~  
9 ~~IC 10-19-8-1~~ **governor's security council established by**  
10 **IC 10-19-8.1-2** may make a purchase under this section to preserve  
11 security or act in an emergency as determined by the governor.

12 SECTION 3. IC 9-31-3-19, AS AMENDED BY P.L.179-2017,  
13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2019]: Sec. 19. (a) A dealer licensed by the secretary of state  
15 under IC 9-32-8-2 may, upon application to the secretary of state,  
16 obtain a dealer plate and registration card for use in the testing or  
17 demonstrating of motorboats. Two (2) dealer plates must be displayed  
18 within a motorboat that is being tested or demonstrated while the  
19 motorboat is being tested or demonstrated.

20 (b) A transfer dealer or automobile auction **company** licensed under  
21 IC 9-32 may request dealer plates under subsection (a).

22 (c) The fee to obtain a dealer plate and registration card under  
23 subsection (a) is ten dollars (\$10). The secretary of state may retain the  
24 fee.

25 SECTION 4. IC 9-32-2-4, AS AMENDED BY P.L.179-2017,  
26 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2019]: Sec. 4. "Automobile auction **company**" means a  
28 person whose primary business consists of arranging, managing,  
29 sponsoring, advertising, hosting, carrying out, or otherwise facilitating  
30 the auction of more than three (3) motor vehicles or watercraft on the  
31 basis of bids by persons acting for themselves or others, within a twelve  
32 (12) month period. The term includes a place of business or facilities  
33 provided by an auctioneer as part of the business of the auctioneer for  
34 the purchase and sale of motor vehicles or watercraft on the basis of  
35 bids by persons acting for themselves or others. The term does not  
36 include a person acting only as an auctioneer under IC 25-6.1-1.

37 SECTION 5. IC 9-32-11-1, AS AMENDED BY P.L.137-2018,  
38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2019]: Sec. 1. (a) Subject to IC 9-32-11-20, the following  
40 persons must be licensed under this article to engage in the business of  
41 buying, selling, or manufacturing motor vehicles:

42 (1) An automobile auction **company**.



- 1 (2) A converter manufacturer.  
 2 (3) A dealer.  
 3 (4) A distributor.  
 4 (5) An automotive salvage recycler.  
 5 (6) A watercraft dealer.  
 6 (7) A manufacturer.  
 7 (8) A transfer dealer.  
 8 (9) An automotive mobility dealer.  
 9 (10) A manufactured home dealer.
- 10 The persons listed in this subsection are the only persons eligible for  
 11 a license under this article.
- 12 (b) After January 1, 2018, an automotive mobility dealer must hold  
 13 an automotive mobility dealer endorsement issued under this article.
- 14 (c) After January 1, 2018, an automotive mobility dealer that fails  
 15 to be licensed and hold an automotive mobility dealer endorsement  
 16 under this article, and engages in the business of:
- 17 (1) selling;  
 18 (2) installing;  
 19 (3) servicing; or  
 20 (4) soliciting or advertising the sale, installation, or servicing of;  
 21 equipment or modifications specifically designed to facilitate use or  
 22 operation of a motor vehicle or watercraft by an individual who is  
 23 disabled or aged commits a Class A infraction.
- 24 SECTION 6. IC 10-13-7 IS REPEALED [EFFECTIVE JULY 1,  
 25 2019]. (Emergency Alert System Advisory Committee).
- 26 SECTION 7. IC 10-19-1-2, AS ADDED BY P.L.22-2005,  
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2019]: Sec. 2. "Council" refers to the ~~counterterrorism and~~  
 29 ~~security council established by IC 10-19-8-1.~~ **governor's security**  
 30 **council established by IC 10-19-8.1-2.**
- 31 SECTION 8. IC 10-19-3-7, AS AMENDED BY P.L.142-2013,  
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2019]: Sec. 7. (a) Except as provided in this section, for  
 34 purposes of IC 4-22-2, the executive director is the authority that  
 35 adopts rules for the department.
- 36 (b) The Indiana emergency medical services commission is the  
 37 authority that adopts rules under IC 16-31.
- 38 (c) ~~Except as provided in subsection (e) or (f);~~ The fire prevention  
 39 and building safety commission is the authority that adopts rules under  
 40 any of the following:
- 41 (1) IC 22-11.  
 42 (2) IC 22-12.



- 1 (3) IC 22-13.  
 2 (4) IC 22-14.  
 3 (5) IC 22-15.  
 4 (d) The board of firefighting personnel standards and education is  
 5 the authority that adopts rules under IC 22-14-2-7(c)(7) and  
 6 IC 36-8-10.5.  
 7 ~~(e) The boiler and pressure vessel rules board established by~~  
 8 ~~IC 22-12-4-1 is the authority that adopts:~~  
 9 ~~(1) emergency rules under IC 22-13-2-8(c); and~~  
 10 ~~(2) rules under IC 22-15-6.~~  
 11 (f) ~~The regulated amusement device safety board established by~~  
 12 ~~IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.~~  
 13 ~~(g)~~ (e) The executive director may adopt rules governing:  
 14 (1) emergency action plans; or  
 15 (2) emergency response plans;  
 16 for outdoor performances (as defined in IC 22-12-1-17.5) where  
 17 outdoor event equipment (as defined in IC 22-12-1-17.7) is used.  
 18 SECTION 9. IC 10-19-8 IS REPEALED [EFFECTIVE JULY 1,  
 19 2019]. (Counterterrorism and Security Council).  
 20 SECTION 10. IC 10-19-8.1 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]:  
 23 **Chapter 8.1. Governor's Security Council**  
 24 **Sec. 1. As used in this chapter, "fusion center" means the**  
 25 **Indiana intelligence fusion center established by IC 10-11-9-2.**  
 26 **Sec. 2. The governor's security council is established.**  
 27 **Sec. 3. (a) The council consists of the following members:**  
 28 **(1) The governor or the governor's designee.**  
 29 **(2) The executive director.**  
 30 **(3) The superintendent of the state police department.**  
 31 **(4) The adjutant general.**  
 32 **(5) The state health commissioner.**  
 33 **(6) The commissioner of the department of environmental**  
 34 **management.**  
 35 **(7) The chairman of the Indiana utility regulatory**  
 36 **commission.**  
 37 **(8) The director of the department of natural resources or, if**  
 38 **designated by the director, the deputy director who manages**  
 39 **the bureau of law enforcement and administration.**  
 40 **(9) The chief information officer of the office of technology.**  
 41 **(10) The speaker of the house of representatives or the**  
 42 **speaker's designee.**





- 1           (11) The president pro tempore of the senate or the president  
2           pro tempore's designee.
- 3           (12) The minority leader of the house of representatives or the  
4           minority leader's designee.
- 5           (13) The minority leader of the senate or the minority leader's  
6           designee.
- 7           (b) The members of the council described in subsection (a)(10)  
8           through (a)(13) are nonvoting members.
- 9           Sec. 4. (a) The expenses of the council shall be paid from  
10          appropriations made by the general assembly.
- 11          (b) Money received by the council as a grant or a gift is  
12          appropriated for the purposes of the grant or the gift.
- 13          Sec. 5. (a) Each member of the council who is not a state  
14          employee is not entitled to the minimum salary per diem provided  
15          by IC 4-10-11-2.1(b). The member is, however, entitled to  
16          reimbursement for travel expenses as provided in IC 4-13-1-4 and  
17          other expenses actually incurred in connection with the member's  
18          duties as provided in the state policies and procedures established  
19          by the Indiana department of administration and approved by the  
20          budget agency.
- 21          (b) Each member of the council who is a state employee but who  
22          is not a member of the general assembly is entitled to  
23          reimbursement for travel expenses as provided under IC 4-13-1-4  
24          and other expenses actually incurred in connection with the  
25          member's duties as provided in the state policies and procedures  
26          established by the Indiana department of administration and  
27          approved by the budget agency.
- 28          (c) Each member of the council who is a member of the general  
29          assembly is entitled to receive the same per diem, mileage, and  
30          travel allowances paid to legislative members of interim study  
31          committees established by the legislative council. Per diem,  
32          mileage, and travel allowances paid under this subsection shall be  
33          paid from appropriations made to the legislative council or the  
34          legislative services agency.
- 35          Sec. 6. The council may meet as often as is necessary upon the  
36          call of the chairperson, but meetings shall be held at least once per  
37          calendar year.
- 38          Sec. 7. The affirmative votes of a majority of the voting  
39          members of the council are required for the council to take action  
40          on any measure, including final reports.
- 41          Sec. 8. The governor or governor's designee shall serve as the  
42          chairperson of the council.



1           **Sec. 9. (a) The council shall do the following:**

2           (1) Meet, as often as necessary, to discuss immediate or  
3           emerging threats that could impact the safety and security of  
4           the state and its residents.

5           (2) Review the state's counterterrorism plan developed by the  
6           department and provide recommendations to enhance the  
7           state's capacity to prevent and respond to terrorism.

8           (3) Review the state's hazard mitigation plan developed by the  
9           department and provide recommendations to enhance the  
10          state's resiliency for manmade and natural disasters.

11          (b) The council may create ad hoc advisory groups, task forces,  
12          or subcommittees to assist the council with its responsibilities.  
13          Persons appointed to advisory groups, task forces, or  
14          subcommittees serve for terms as determined by the council.

15          **Sec. 10. (a) The council may receive confidential law**  
16          **enforcement information from the state police department, the**  
17          **Federal Bureau of Investigation, or other federal, state, or local**  
18          **law enforcement agencies.**

19          (b) For purposes of IC 5-14-1.5 and IC 5-14-3, information  
20          received under subsection (a) is confidential.

21          **Sec. 11. All state agencies shall cooperate to the fullest extent**  
22          **possible with the council and the executive director to implement**  
23          **this chapter.**

24          **Sec. 12. (a) On July 1, 2019, all powers, duties, agreements, and**  
25          **liabilities of the counterterrorism and security council are**  
26          **transferred to the council, as the successor agency.**

27          (b) On July 1, 2019, all records and property of the  
28          counterterrorism and security council, including appropriations  
29          and other funds under the control or supervision of the  
30          counterterrorism and security council, are transferred to the  
31          council, as the successor agency.

32          (c) After June 30, 2019, any amounts owed to the  
33          counterterrorism and security council before July 1, 2019, are  
34          considered to be owed to the council, as the successor agency.

35          (d) After June 30, 2019, a reference to the counterterrorism and  
36          security council in a statute, rule, or other document is considered  
37          a reference to the council, as the successor agency.

38          SECTION 11. IC 16-31-2-10 IS REPEALED [EFFECTIVE JULY  
39          1, 2019]. **Sec. 10: (a) In adopting rules concerning the duties of the**  
40          **commission, the commission shall appoint a technical advisory**  
41          **committee.**

42          (b) Members of the technical advisory committee shall be selected



1 by the commission subject to the approval of the governor on the basis  
 2 of technical expertise and competency in the specific area of  
 3 emergency medical service concerned.

4 (c) Each member of a technical advisory committee who is not a  
 5 state employee is entitled to the minimum salary per diem provided by  
 6 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
 7 traveling expenses as provided under IC 4-13-1-4 and other expenses  
 8 actually incurred in connection with the member's duties as provided  
 9 in the state policies and procedures established by the Indiana  
 10 department of administration and approved by the budget agency.

11 (d) Each member of a technical advisory committee who is a state  
 12 employee but who is not a member of the general assembly is entitled  
 13 to reimbursement for traveling expenses as provided under IC 4-13-1-4  
 14 and other expenses actually incurred in connection with the member's  
 15 duties as provided in the state policies and procedures established by  
 16 the Indiana department of administration and approved by the budget  
 17 agency.

18 SECTION 12. IC 16-31-3-5, AS AMENDED BY P.L.77-2012,  
 19 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2019]: Sec. 5. (a) The ~~commission~~ **department of homeland**  
 21 **security** shall waive any rule **adopted by the commission under this**  
 22 **article** for a person who provides emergency ambulance service, an  
 23 emergency medical technician, an advanced emergency medical  
 24 technician, a paramedic, or an ambulance when operating from a  
 25 location in an adjoining state by contract with an Indiana unit of  
 26 government to provide emergency ambulance or medical services to  
 27 patients who are picked up or treated in Indiana.

28 (b) The ~~commission~~ **department of homeland security** may waive  
 29 any rule, including a rule establishing a fee **adopted by the**  
 30 **commission under this article**, for a person who submits facts  
 31 demonstrating that:

32 (1) compliance with the rule will impose an undue hardship on  
 33 the person; and

34 (2) either:

35 (A) noncompliance with the rule; or

36 (B) compliance with an alternative requirement approved by  
 37 the ~~commission~~; **department of homeland security**;

38 will not jeopardize the quality of patient care. However, the  
 39 ~~commission~~ **department of homeland security** may not waive a  
 40 rule that sets forth educational requirements for a person  
 41 regulated under this article.

42 (c) A waiver granted under subsection (b)(2)(B) is conditioned upon



1 compliance with the alternative requirement approved under subsection  
2 (b).

3 (d) The ~~commission~~ **department of homeland security** shall  
4 establish an expiration date for any waiver that is granted.

5 (e) The ~~commission~~ **department of homeland security** may renew  
6 a waiver if the person makes the same demonstration required for the  
7 original waiver.

8 **(f) The commission is the ultimate authority for orders issued**  
9 **under this section.**

10 SECTION 13. IC 22-12-1-25 IS REPEALED [EFFECTIVE JULY  
11 1, 2019]. ~~Sec. 25: "Rules board" refers to the boiler and pressure vessel~~  
12 ~~rules board.~~

13 SECTION 14. IC 22-12-2-2, AS AMENDED BY P.L.22-2005,  
14 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 2. (a) The commission consists of eleven (11)  
16 members, nine (9) of whom shall be appointed by the governor.

17 (b) The term of a commission member is four (4) years.

18 (c) The state health commissioner or the commissioner's designee  
19 shall serve as a member of the commission, and the commissioner of  
20 labor or the commissioner's designee shall serve as a member of the  
21 commission.

22 (d) Each appointed member of the commission must have a  
23 recognized interest, knowledge, and experience in the field of fire  
24 prevention, fire protection, building safety, or other related matters.  
25 The governor shall consider appointing individuals to the commission  
26 with experience in the following:

27 (1) A paid fire department.

28 (2) A volunteer fire department.

29 (3) The field of fire insurance.

30 (4) The fire service industry.

31 (5) The manufactured housing industry.

32 (6) The field of fire protection engineering.

33 (7) As a professionally licensed engineer.

34 (8) Building contracting.

35 (9) The field of building one (1) and two (2) family dwellings.

36 (10) As a professionally licensed architect.

37 (11) The design or construction of heating, ventilating, air  
38 conditioning, or plumbing systems.

39 (12) The design or construction of regulated lifting devices.

40 (13) City, town, or county building inspection.

41 (14) Regulated amusement devices.

42 (15) Accessibility requirements and personal experience with a



- 1 disability.
- 2 (16) Underground and aboveground motor fuel storage tanks and
- 3 dispensing systems.
- 4 (17) The masonry trades.
- 5 (18) Energy conservation codes and standards, including the
- 6 manner in which energy conservation codes and standards apply
- 7 to:
- 8 (A) residential;
- 9 (B) single and multiple family dwelling; or
- 10 (C) commercial;
- 11 building codes.
- 12 **(19) The boiler and pressure vessel industry.**
- 13 (e) Not more than five (5) of the appointed members of the
- 14 commission may be affiliated with the same political party.
- 15 SECTION 15. IC 22-12-2-9 IS ADDED TO THE INDIANA CODE
- 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1, 2019]: **Sec. 9. (a) On July 1, 2019, all powers, duties, agreements,**
- 18 **and liabilities of the boiler and pressure vessel rules board are**
- 19 **transferred to the commission, as the successor agency.**
- 20 **(b) On July 1, 2019, all records and property of the boiler and**
- 21 **pressure vessel rules board, including appropriations and other**
- 22 **funds under the control or supervision of the boiler and pressure**
- 23 **vessel rules board, are transferred to the commission, as the**
- 24 **successor agency.**
- 25 **(c) After June 30, 2019, any amounts owed to the boiler and**
- 26 **pressure vessel rules board before July 1, 2019, are considered to**
- 27 **be owed to the commission as the successor agency.**
- 28 **(d) After June 30, 2019, a reference to the boiler and pressure**
- 29 **vessel rules board in a statute, rule, or other document is**
- 30 **considered a reference to the commission, as the successor agency.**
- 31 **(e) Proceedings pending before the boiler and pressure vessel**
- 32 **rules board on July 1, 2019, shall be transferred from the boiler**
- 33 **and pressure vessel rules board to the commission and treated as**
- 34 **if initiated by the commission.**
- 35 **(f) A license or permit issued by the boiler and pressure vessel**
- 36 **rules board before July 1, 2019, shall be treated after June 30,**
- 37 **2019, as a certification issued by the commission.**
- 38 **(g) The rules adopted by the boiler and pressure vessel rules**
- 39 **board before July 1, 2019, concerning the boiler and pressure**
- 40 **vessel industry are considered, after June 30, 2019, rules of the**
- 41 **commission.**
- 42 SECTION 16. IC 22-12-2-10 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) On July 1, 2019, all**  
 3 **powers, duties, agreements, and liabilities of the regulated**  
 4 **amusement device safety board are transferred to the commission,**  
 5 **as the successor agency.**

6 (b) On July 1, 2019, all records and property of the regulated  
 7 amusement device safety board, including appropriations and  
 8 other funds under the control or supervision of the regulated  
 9 amusement device safety board, are transferred to the commission,  
 10 as the successor agency.

11 (c) After June 30, 2019, any amounts owed to the regulated  
 12 amusement device safety board before July 1, 2019, are considered  
 13 to be owed to the commission as the successor agency.

14 (d) After June 30, 2019, a reference to the regulated amusement  
 15 device safety board in a statute, rule, or other document is  
 16 considered a reference to the commission, as the successor agency.

17 (e) Proceedings pending before the regulated amusement device  
 18 safety board on July 1, 2019, shall be transferred from the  
 19 regulated amusement device safety board to the commission and  
 20 treated as if initiated by the commission.

21 (f) The rules adopted by the regulated amusement device safety  
 22 board before July 1, 2019, concerning regulated amusement device  
 23 safety are considered, after June 30, 2019, rules of the commission.

24 SECTION 17. IC 22-12-4 IS REPEALED [EFFECTIVE JULY 1,  
 25 2019]. (Boiler and Pressure Vessel Rules Board).

26 SECTION 18. IC 22-12-4.5 IS REPEALED [EFFECTIVE JULY 1,  
 27 2019]. (Regulated Amusement Device Safety Board).

28 SECTION 19. IC 22-12-6-1, AS AMENDED BY P.L.101-2006,  
 29 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2019]: Sec. 1. (a) The fire and building services fund is  
 31 established for the purpose of defraying the personal services, other  
 32 operating expense, and capital outlay of the following:

- 33 (1) The department.
- 34 (2) The education board. ~~and the rules board.~~
- 35 (3) The commission.

36 (b) The fund shall be administered by the department. Money  
 37 collected for deposit in the fund shall be deposited at least monthly  
 38 with the treasurer of state.

39 (c) The treasurer of state shall deposit the following collected  
 40 amounts in the fund:

- 41 (1) Fire insurance policy premium taxes assessed under section 5  
 42 of this chapter.



- 1 (2) Except as provided in section 6(d) of this chapter, all fees
- 2 collected under this chapter.
- 3 (3) Any money not otherwise described in this subsection but
- 4 collected by the division of fire and building safety.
- 5 (4) Any money not otherwise described in this subsection but
- 6 collected by the department, commission, ~~or~~ education board ~~or~~
- 7 ~~rules board~~ and designated for distribution to the fund by statute
- 8 or the executive director of the department.
- 9 (5) A fee collected by the education board for the issuance of a
- 10 certification under IC 22-14-2-7.

11 (d) The treasurer of state shall invest the money in the fund not

12 currently needed to meet the obligations of the fund in the same

13 manner as other public funds may be invested.

14 (e) Money in the fund at the end of a fiscal year does not revert to

15 the state general fund.

16 SECTION 20. IC 22-12-6-15, AS AMENDED BY P.L.1-2010,

17 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

18 JULY 1, 2019]: Sec. 15. (a) As used in this section, "credit card" means

19 a bank card, debit card, charge card, prepaid card, or other similar

20 device used for payment.

21 (b) In addition to other methods of payment allowed by law, the

22 department may accept payment by credit card for certifications,

23 licenses, and fees, and other amounts payable to the following:

- 24 (1) The department.
- 25 (2) The division of preparedness and training.
- 26 (3) The fire prevention and building safety commission.
- 27 ~~(4) The regulated amusement device safety board.~~
- 28 ~~(5) The boiler and pressure vessel rules board.~~
- 29 ~~(6) (4) The Indiana homeland security foundation.~~
- 30 ~~(7) (5) The division of fire and building safety.~~

31 (c) The department may enter into appropriate agreements with

32 banks or other organizations authorized to do business in Indiana to

33 enable the department to accept payment by credit card.

34 (d) The department may recognize net amounts remitted by the bank

35 or other organization as payment in full of amounts due the department.

36 (e) The department may pay any applicable credit card service

37 charge or fee.

38 SECTION 21. IC 22-12-7-1 IS AMENDED TO READ AS

39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies

40 to the commission, the education board, ~~the rules board~~, and every

41 officer, employee, and agent of an office or division within the

42 department whenever the person has authority to administer or enforce



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a law.

SECTION 22. IC 22-12-7-11 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 11: (a) An order issued by the rules board may be appealed to the commission under IC 4-21.5-3-7.

(b) If an order is appealed, the commission or its designee shall conduct all administrative proceedings under IC 4-21.5. In its proceedings, the commission may modify the order or reverse the order.

SECTION 23. IC 22-13-2-8, AS AMENDED BY P.L.123-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated lifting devices.

(b) Except as provided in subsection (c), subject to the approval of the commission, the rules board **The commission** shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated boilers and pressure vessels.

(c) Subject to the approval of the commission, the rules board **The commission** may adopt emergency rules under IC 4-22-2-37.1 only to adopt by reference all or part of the following national boiler and pressure vessel codes:

- (1) The American Society of Mechanical Engineers Boiler and Pressure Vessel Code.
- (2) The National Board of Boiler and Pressure Vessel Inspectors Inspection Code.
- (3) The American Petroleum Institute 510 Pressure Vessel Inspection Code.
- (4) Any subsequent editions of the codes listed in subdivisions (1) through (3).

(d) An emergency rule adopted under subsection (c) expires on the earlier of the following dates:

- (1) Not more than two (2) years after the emergency rule is accepted for filing with the publisher of the Indiana Register.
- (2) The date a permanent rule is adopted under IC 4-22-2.

(e) Subject to the approval of the commission, the regulated amusement device safety board established under IC 22-12-4.5 **The commission** shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated amusement devices.

SECTION 24. IC 22-13-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The department or the commission the rules board, or the regulated amusement device safety board established by IC 22-12-4.5-2 may





1 grant a variance to a ~~any rule that it has~~ adopted by the commission.  
 2 **However, the commission may grant a variance under this section**  
 3 **only if the department places the application for the variance on**  
 4 **the commission's agenda.**

5 (b) To qualify for a variance, an applicant must pay the fee set under  
 6 IC 22-12-6-6 and ~~submit~~ **file an application, on a form approved by**  
 7 **the department, that contains** facts demonstrating that:

8 (1) compliance with the rule will impose an undue hardship upon  
 9 the applicant or prevent the preservation of an architecturally  
 10 significant or historically significant part of a building or other  
 11 structure; and

12 (2) either:

13 (A) noncompliance with the rule; or

14 (B) compliance with an alternative requirement approved by  
 15 the body ~~adopting the rule~~; **considering the variance**  
 16 **application;**

17 will not be adverse to the public health, safety, or welfare.

18 (c) A variance granted under this section is conditioned upon  
 19 compliance with an alternative standard approved under subsection  
 20 (b)(2)(B).

21 (d) A variance granted under this section takes precedence over  
 22 conflicting rules adopted by a state agency and conflicting ordinances  
 23 and other regulations adopted by a political subdivision.

24 (e) **Variations granted by the boiler and pressure vessel rules**  
 25 **board and the regulated amusement device safety board prior to**  
 26 **July 1, 2019, are valid and remain in full force and effect.**

27 (f) **The department shall make all variance applications**  
 28 **available for review on a public portal.**

29 (g) **Local fire and building officials shall receive notice of**  
 30 **variance applications filed under this section within their**  
 31 **respective jurisdictions.**

32 (h) **A local fire official, local building official, or other interested**  
 33 **party may submit documentation regarding a variance application**  
 34 **to the department or commission for review and consideration**  
 35 **prior to an initial determination being made on the application by**  
 36 **the department or the commission.**

37 (i) **The department or commission shall wait at least five (5)**  
 38 **business days after a variance application is filed before making an**  
 39 **initial determination on the application.**

40 (j) **The commission may adopt emergency rules under**  
 41 **IC 4-22-2-37.1 to implement this section. An emergency rule**  
 42 **adopted under this subsection expires not later than July 1, 2021.**



1 SECTION 25. IC 22-13-2-11.5, AS ADDED BY P.L.107-2014,  
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2019]: Sec. 11.5. (a) As used in this section, "NFPA 72" refers  
 4 to NFPA 72, National Fire Alarm and Signaling Code, 2010 Edition,  
 5 published by the National Fire Protection Association, 1 Batterymarch  
 6 Park, Quincy, Massachusetts 02169-7471.

7 (b) It is the intent of the general assembly that NFPA 72, as may be  
 8 amended by the commission under subsection (c), be incorporated into  
 9 the Indiana Administrative Code. Not later than July 1, 2014, the  
 10 commission shall adopt rules under IC 4-22-2 to amend 675  
 11 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative  
 12 Code, subject to subsection (c)(1) and (c)(2). The commission may  
 13 adopt emergency rules in the manner provided under IC 4-22-2-37.1 to  
 14 comply with this subsection. An emergency rule adopted by the  
 15 commission under IC 4-22-2-37.1 to comply with this subsection  
 16 expires on the date a rule that supersedes the emergency rule is adopted  
 17 by the commission under IC 4-22-2-24 through IC 4-22-2-36.

18 (c) In adopting rules to incorporate NFPA 72 into the Indiana  
 19 Administrative Code, as required by subsection (b), the commission  
 20 may amend NFPA 72 as the commission considers appropriate.  
 21 However, the rules finally adopted by the commission to comply with  
 22 this section must do the following:

23 (1) Incorporate the definition of, and associated requirements for:

24 (A) a managed facilities-based voice network (MFVN); and

25 (B) a public switched telephone network (PSTN);

26 as set forth in NFPA 72.

27 (2) Allow digital alarm communicator systems that make use of  
 28 a managed facilities-based voice network (MFVN) to transmit  
 29 signals from a fire alarm system to an offsite monitoring facility,  
 30 subject to the requirements for those systems set forth in NFPA  
 31 72.

32 (d) If the commission does not comply with subsection (b), the  
 33 following apply on July 1, 2014:

34 (1) The definition of, and associated requirements for:

35 (A) a managed facilities-based voice network (MFVN); and

36 (B) a public switched telephone network (PSTN);

37 as set forth in NFPA 72, are considered incorporated into the  
 38 Indiana Administrative Code. Any provisions of 675 IAC 28-1-28  
 39 (or any rules adopted by a state agency, or any ordinances or other  
 40 regulations adopted by a political subdivision) that conflict with  
 41 the definitions and requirements described in this subdivision are  
 42 superseded by the definitions and requirements described in this



1 subdivision. This subdivision continues to apply until the  
 2 commission adopts rules that amend 675 IAC 28-1-28 to  
 3 incorporate NFPA 72 into the Indiana Administrative Code and  
 4 that comply with subsection (c)(1) and (c)(2).

5 (2) A person that after June 30, 2014, installs or uses a digital  
 6 alarm communicator system that:

7 (A) makes use of a managed facilities-based voice network  
 8 (MFVN) to transmit signals from a fire alarm system to an  
 9 offsite monitoring facility; and

10 (B) meets the requirements for such a system set forth in  
 11 NFPA 72;

12 is not required to obtain a variance ~~from the commission~~ under  
 13 section 11 of this chapter for the installation or use.

14 SECTION 26. IC 22-13-2-14 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. The commission **or**  
 16 **department** may engage in studies and consult with any person to  
 17 implement this article, IC 22-12, IC 22-14, and IC 22-15.

18 SECTION 27. IC 22-13-2-14.1 IS ADDED TO THE INDIANA  
 19 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 20 [EFFECTIVE JULY 1, 2019]: **Sec. 14.1. The commission may**  
 21 **consult with industry experts or call a special meeting to discuss:**

22 **(1) boiler and pressure vessels; or**

23 **(2) regulated amusement devices.**

24 SECTION 28. IC 22-13-4-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The building  
 26 rules adopted by the commission to govern new construction must  
 27 promote the following:

28 (1) Safety.

29 (2) Sanitary conditions.

30 (3) Energy conservation.

31 (4) Access by a person with a physical disability to Class 1  
 32 structures.

33 (b) Rules that:

34 (1) are adopted by the commission; ~~or the rules board under this~~  
 35 ~~article;~~ and

36 (2) are not covered by subsection (a);

37 must promote safety.

38 SECTION 29. IC 22-13-5-4, AS AMENDED BY P.L.218-2014,  
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2019]: Sec. 4. (a) A written interpretation of a building law or  
 41 fire safety law binds all counties and municipalities if the state building  
 42 commissioner publishes the written interpretation of the building law



1 or fire safety law in the Indiana Register under IC 4-22-7-7(b). For  
 2 purposes of IC 4-22-7-7, a written interpretation of a building law or  
 3 fire safety law published by the state building commissioner is  
 4 considered adopted by an agency.

5 (b) A written interpretation of a building law or fire safety law  
 6 published under subsection (a) binds all counties and municipalities  
 7 until the earlier of the following:

8 (1) The general assembly enacts a statute that substantively  
 9 changes the building law or fire safety law interpreted or voids the  
 10 written interpretation.

11 (2) The commission adopts a rule under IC 4-22-2 to state a  
 12 different interpretation of the building law or fire safety law.

13 (3) The written interpretation is found to be an erroneous  
 14 interpretation of the building law or fire safety law in a judicial  
 15 proceeding.

16 (4) The state building commissioner publishes a different written  
 17 interpretation of the building law or fire safety law.

18 (c) The department or the state building commissioner ~~may~~ **shall**  
 19 create an electronic data base for the purpose of cataloging all available  
 20 variance rulings by the commission **or the department** for the purpose  
 21 of making the information available to the public on the Internet web  
 22 site of the department or the state building commissioner.

23 SECTION 30. IC 22-14-2-7, AS AMENDED BY P.L.78-2013,  
 24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2019]: Sec. 7. (a) This section does not limit the powers,  
 26 rights, duties, and other responsibilities of municipal or county  
 27 governments or impose requirements affecting pension laws or any  
 28 other laws.

29 (b) This section does not require a member of a fire department to  
 30 be certified.

31 (c) The education board may:

32 (1) certify firefighting training and education programs that meet  
 33 the standards set by the education board;

34 (2) certify fire department instructors who meet the qualifications  
 35 set by the education board;

36 (3) direct research in the field of firefighting and fire prevention  
 37 and accept gifts and grants to direct this research;

38 (4) recommend curricula for advanced training courses and  
 39 seminars in fire science or fire engineering training to public and  
 40 private postsecondary educational institutions;

41 (5) certify fire service personnel and nonfire service personnel  
 42 who meet the qualifications set by the education board;



1 (6) require fire service personnel certified at any level to fulfill  
 2 continuing education requirements in order to maintain  
 3 certification; **or**

4 (7) contract or cooperate with any person and adopt rules under  
 5 IC 4-22-2, including emergency rules in the manner provided  
 6 under IC 4-22-2-37.1 and as authorized under IC 36-8-10.5-7, to  
 7 carry out its responsibilities under this section. **or**

8 ~~(8) grant a variance to a rule the education board has adopted.~~

9 (d) The education board may impose a reasonable fee for the  
 10 issuance of a certification described in subsection (c). The board shall  
 11 deposit the fee in the fire and building services fund established by  
 12 IC 22-12-6-1.

13 SECTION 31. IC 22-14-2-7.5 IS ADDED TO THE INDIANA  
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2019]: **Sec. 7.5. (a) The department may**  
 16 **grant a variance to a rule the education board has adopted.**

17 **(b) The education board is the ultimate authority for orders**  
 18 **issued under this section.**

19 SECTION 32. IC 22-15-6-0.5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. This chapter  
 21 applies to a regulated boiler and pressure vessel as set forth in rules  
 22 adopted by the ~~rules board~~ **commission** under IC 4-22-2.

23 SECTION 33. IC 22-15-6-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Sections 2 through  
 25 3 of this chapter do not apply to any regulated boiler or pressure vessel  
 26 exempted by a rule adopted by the ~~rules board~~ **commission** under  
 27 IC 4-22-2.

28 SECTION 34. IC 22-15-6-2, AS AMENDED BY P.L.86-2015,  
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2019]: Sec. 2. (a) The division shall conduct a program of  
 31 periodic inspections of regulated boilers and pressure vessels.

32 (b) The division or a boiler and pressure vessel inspector acting  
 33 under section 4 of this chapter shall issue a regulated boiler and  
 34 pressure vessel operating permit to an applicant who qualifies under  
 35 this section.

36 (c) Except as provided in subsection (f), a permit issued under this  
 37 section expires one (1) year after it is issued. The permit terminates if  
 38 it was issued by an insurance company acting under section 4 of this  
 39 chapter and the applicant ceases to insure the boiler or pressure vessel  
 40 covered by the permit against loss by explosion with an insurance  
 41 company authorized to do business in Indiana.

42 (d) To qualify for a permit or to renew a permit under this section,



- 1 an applicant must do the following:
- 2 (1) Demonstrate through an inspection that the regulated boiler or  
3 pressure vessel covered by the application complies with the rules  
4 adopted by the ~~rules board~~ **commission**.
- 5 (2) Pay the fee set under IC 22-12-6-6(a)(8).
- 6 (e) An inspection under subsection ~~(d)(2)~~ **(d)(1)** shall be conducted  
7 as follows:
- 8 (1) An inspection for an initial permit shall be conducted by:  
9 (A) the division; or  
10 (B) an owner or user inspection agency.
- 11 (2) An inspection for a renewal permit shall be conducted by one  
12 (1) of the following:
- 13 (A) An insurance company inspection agency, if the vessel is  
14 insured under a boiler and pressure vessel insurance policy  
15 and the renewal inspection is not conducted by an owner or  
16 user inspection agency.
- 17 (B) An owner or user inspection agency.
- 18 (C) The division, if:  
19 (i) the owner or user of a vessel is not licensed as an owner  
20 or user inspection agency and the vessel is not insured under  
21 a boiler and pressure vessel insurance policy; or  
22 (ii) the regulated boiler or pressure vessel operating permit  
23 has lapsed.
- 24 (f) The ~~rules board~~ **commission** may, by rule adopted under  
25 IC 4-22-2, specify a period between inspections of more than one (1)  
26 year. However, the ~~rules board~~ **commission** may not set an inspection  
27 period of greater than five (5) years for regulated pressure vessels or  
28 steam generating equipment that is an integral part of a continuous  
29 processing unit.
- 30 (g) For any inspection conducted by the division under this section,  
31 the division may designate:
- 32 (1) a third party inspector that satisfies the requirements of  
33 section 5 of this chapter; or  
34 (2) an inspection agency that satisfies the requirements of section  
35 6 of this chapter;
- 36 to act as the division's agent for purposes of the inspection.
- 37 SECTION 35. IC 22-15-6-4, AS AMENDED BY P.L.218-2014,  
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2019]: Sec. 4. (a) As used in this chapter, "inspection agency"  
40 means:  
41 (1) an insurance company inspection agency; or  
42 (2) an owner or user inspection agency licensed under section 6



- 1 of this chapter.
- 2 (b) A boiler and pressure vessel inspector licensed under section 5  
3 of this chapter and employed by an inspection agency may perform any  
4 of the following:
- 5 (1) An inspection required by section 2 of this chapter.  
6 (2) The issuance of a permit under section 2 of this chapter.  
7 (3) The issuance of an appropriate order under IC 22-12-7 when  
8 an equipment law has been violated.
- 9 (c) The authority of an inspector acting under this chapter is limited  
10 to enforcement related to regulated boilers or pressure vessels insured,  
11 owned, or operated by the inspection agency employing the inspector.
- 12 (d) Unless an annual report is substituted under subsection (e), an  
13 inspection agency shall, within thirty (30) days after the completion of  
14 an inspection, submit to the office the report required by the ~~rules~~  
15 ~~board; commission.~~ In addition to any other information required by  
16 the ~~rules board; commission~~, the inspector conducting the inspection  
17 shall cite on the report any violation of the equipment law applicable  
18 to the regulated boiler or pressure vessel.
- 19 (e) In the case of boilers or pressure vessels inspected by an owner  
20 or user inspection agency, an annual report filed on or before the  
21 annual date as the ~~rules board~~ **commission** may prescribe for each  
22 report may be substituted. An annual report of an owner or user  
23 inspection agency must list, by number and abbreviated description  
24 necessary for identification, each boiler and pressure vessel inspected  
25 during the covered period, the date of the last inspection of each unit,  
26 and for each pressure vessel the approximate date for its next  
27 inspection under the rules of the ~~rules board; commission~~. Each annual  
28 report of an owner or user inspection must also contain the certificate  
29 of a professional engineer registered under IC 25-31 and having  
30 supervision over the inspections reported, swearing or affirming under  
31 penalty of perjury that each inspection was conducted in conformity  
32 with the equipment laws.
- 33 (f) An owner or user inspection agency shall pay the fee set under  
34 IC 22-12-6 with a report under subsection (e).
- 35 (g) In addition to the reports required by subsections (d) and (e), an  
36 owner, a user, or an inspection agency shall immediately notify the  
37 division when an incident occurs to render a boiler or pressure vessel  
38 inoperative.
- 39 (h) An inspection agency, an owner, or a user that violates this  
40 section is subject to a disciplinary action under IC 22-12-7.
- 41 SECTION 36. IC 22-15-6-5, AS AMENDED BY P.L.1-2006,  
42 SECTION 399, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall issue a  
 2 boiler and pressure vessel inspector license to an applicant who  
 3 qualifies under this section.

4 (b) To qualify for a license under this section an applicant must:

5 (1) meet the qualifications set by the ~~rules board~~ **commission** in  
 6 its rules;

7 (2) pass an examination approved by the ~~rules board~~ **commission**  
 8 and conducted, supervised, and graded as prescribed by the ~~rules~~  
 9 ~~board;~~ **commission;** and

10 (3) pay the fee set under IC 22-12-6-6(a)(9).

11 (c) The ~~rules board~~ **commission** may exempt an applicant from any  
 12 part of the examination required by subsection (b) if the applicant has:

13 (1) a boiler and pressure vessel inspector's license issued by  
 14 another state with qualifications substantially equal to the  
 15 qualifications for a license under this section; or

16 (2) a commission as a boiler and pressure vessel inspector issued  
 17 by the National Board of Boiler and Pressure Vessel Inspectors.

18 SECTION 37. IC 22-15-6-6, AS AMENDED BY P.L.1-2006,  
 19 SECTION 400, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The division shall issue a  
 21 license to act as an owner or user boiler and pressure vessel inspection  
 22 agency to an applicant who qualifies under this section.

23 (b) A license issued under this section expires if the bond required  
 24 by subsection (c)(3) becomes invalid.

25 (c) To qualify for a license under this section an applicant must:

26 (1) submit the name and address of the applicant;

27 (2) submit proof that inspections will be supervised by one (1) or  
 28 more professional engineers licensed under IC 25-31 and  
 29 regularly employed by the applicant;

30 (3) provide a surety bond issued by a surety qualified to do  
 31 business in Indiana for one hundred thousand dollars (\$100,000),  
 32 made payable to the division and conditioned upon compliance  
 33 with the equipment laws applicable to inspections and the true  
 34 accounting for all funds due to the division; and

35 (4) pay the fee set under IC 22-12-6-6(a)(9).

36 (d) An owner or user boiler and pressure vessel inspection agency  
 37 licensee under this section shall maintain with the division the most  
 38 current name and address of the licensee and the name of the  
 39 professional engineer supervising the licensee's inspections and notify  
 40 the division of any changes within thirty (30) days after the change  
 41 occurs. An inspection agency that violates this subsection is subject to  
 42 a disciplinary action under IC 22-12-7.





1 (e) The ~~rules board commission~~ may establish standards for the  
2 operation of inspection agencies.

3 (f) An inspection agency that violates this section is subject to a  
4 disciplinary action under IC 22-12-7.

5 SECTION 38. IC 25-0.5-3-36 IS REPEALED [EFFECTIVE JULY  
6 1, 2019]. ~~Sec. 36: IC 25-1-2-6(b) applies to the Indiana dietitians  
7 certification board:~~

8 SECTION 39. IC 25-0.5-4-9 IS REPEALED [EFFECTIVE JULY  
9 1, 2019]. ~~Sec. 9: The Indiana dietitians certification board  
10 (IC 25-14.5-2-1) is a board under IC 25-1-4:~~

11 SECTION 40. IC 25-0.5-5-20 IS REPEALED [EFFECTIVE JULY  
12 1, 2019]. ~~Sec. 20: The Indiana professional licensing agency shall  
13 perform administrative functions, duties, and responsibilities for the  
14 Indiana dietitians certification board (IC 25-14.5-2-1) under  
15 IC 25-1-5-3(a):~~

16 SECTION 41. IC 25-0.5-6-19 IS REPEALED [EFFECTIVE JULY  
17 1, 2019]. ~~Sec. 19: An individual licensed, certified, registered, or  
18 permitted by the Indiana dietitians certification board (IC 25-14.5-2-1)  
19 is a provider under IC 25-1-5-10:~~

20 SECTION 42. IC 25-0.5-8-30 IS REPEALED [EFFECTIVE JULY  
21 1, 2019]. ~~Sec. 30: An occupation for which a person is licensed,  
22 certified, or registered by the Indiana dietitians certification board  
23 (IC 25-14.5-2-1) is a regulated occupation under IC 25-1-7:~~

24 SECTION 43. IC 25-0.5-9-32 IS REPEALED [EFFECTIVE JULY  
25 1, 2019]. ~~Sec. 32: The Indiana dietitians certification board  
26 (IC 25-14.5-2-1) is a board under IC 25-1-8:~~

27 SECTION 44. IC 25-0.5-10-9 IS REPEALED [EFFECTIVE JULY  
28 1, 2019]. ~~Sec. 9: The Indiana dietitians certification board  
29 (IC 25-14.5-2-1) is a board under IC 25-1-8-6:~~

30 SECTION 45. IC 25-0.5-11-19 IS REPEALED [EFFECTIVE JULY  
31 1, 2019]. ~~Sec. 19: The Indiana dietitians certification board  
32 (IC 25-14.5-2-1) is a board under IC 25-1-9:~~

33 SECTION 46. IC 25-1-6.5 IS ADDED TO THE INDIANA CODE  
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2019]:

36 **Chapter 6.5. Board Administration**

37 **Sec. 1.** As used in this chapter, "board" refers to any of the  
38 entities described in IC 25-0.5-5 or IC 25-0.5-7 and the board of  
39 licensure for professional geologists established by IC 25-17.6-2-1.

40 **Sec. 2. (a)** A member who was appointed to serve on a board  
41 under this title before July 1, 2019, shall serve the remainder of the  
42 appointed member's unexpired term and continue until:



- 1 (1) the member is removed under section 4 of this chapter; or  
 2 (2) a successor is appointed and qualified.
- 3 (b) Notwithstanding any other law, a member appointed to a  
 4 board under this chapter after June 30, 2019, serves a term of four  
 5 (4) years, beginning on the date of appointment and continuing  
 6 until:
- 7 (1) the member is removed under section 4 of this chapter; or  
 8 (2) a successor is appointed and qualified.
- 9 (c) Notwithstanding any other law, a member appointed to a  
 10 board under this chapter may serve multiple terms.
- 11 Sec. 3. Except as provided in IC 25-14-1-2 and IC 25-34.1-2-1  
 12 and notwithstanding any other law, not more than two (2) board  
 13 members may be appointed from the same congressional district.
- 14 Sec. 4. (a) Notwithstanding any other law, a member who is  
 15 appointed to a board under this chapter serves at the will and  
 16 pleasure of the governor.
- 17 (b) Notwithstanding any other law, a member who is appointed  
 18 to a board under this chapter may be removed by the governor  
 19 without cause.
- 20 (c) Notwithstanding any other law, a member who is appointed  
 21 to a board under this chapter must be removed if:
- 22 (1) the member's license is suspended or revoked under this  
 23 title;
- 24 (2) the member has violated a rule or law under  
 25 IC 4-2-6-4(a)(2) as determined by the state ethics commission  
 26 created by IC 4-2-6-2; or
- 27 (3) the member has been convicted of a crime (as defined  
 28 under IC 33-23-1-4).
- 29 (d) Notwithstanding any other law, a vacancy in the  
 30 membership of a board under this chapter shall be filled by the  
 31 governor for the unexpired term in the same manner as the  
 32 original appointment.
- 33 SECTION 47. IC 25-2.1-2-3, AS AMENDED BY P.L.105-2008,  
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2019]: Sec. 3. (a) The board consists of six ~~(6)~~ five (5)  
 36 members appointed by the governor.
- 37 (b) Five ~~(5)~~ Subject to IC 25-1-6.5-3, four (4) members must meet  
 38 the following conditions:
- 39 (1) Be a resident of Indiana.
- 40 (2) Be a certified public accountant under IC 25-2.1-3 or  
 41 IC 25-2.1-4.
- 42 (c) Subject to IC 25-1-6.5-3, one (1) member must meet the



1 following conditions:

2 (1) Be a resident of Indiana.

3 (2) Be a consumer who is not certified under this article but has  
4 professional or practical experience in the use of accounting  
5 services and financial statements that qualify the individual to  
6 make judgments about the qualifications and conduct of  
7 individuals and firms under this article.

8 SECTION 48. IC 25-2.1-2-4, AS AMENDED BY P.L.112-2014,  
9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]: Sec. 4. (a) A member of the board **appointed before**  
11 **July 1, 2019**, serves a term of three (3) years and until the member's  
12 successor is appointed and qualified.

13 (b) ~~An individual may not serve more than three (3) complete terms.~~  
14 ~~An appointment to fill an unexpired term is not a complete term.~~ **A**  
15 **member of the board appointed after June 30, 2019, serves a term**  
16 **under IC 25-1-6.5.**

17 (c) ~~All terms expire on June 30.~~

18 SECTION 49. IC 25-2.1-2-5 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A member of the  
20 board is automatically removed from the board if the member's  
21 certificate is suspended or revoked under this article: **may be removed**  
22 **under IC 25-1-6.5-4.**

23 (b) ~~The governor may remove a member for neglect of duty;~~  
24 ~~incompetency; or unprofessional conduct.~~

25 (c) ~~A vacancy in the membership of the board shall be filled by~~  
26 ~~appointment by the governor for the unexpired term.~~

27 SECTION 50. IC 25-4-1-2 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is hereby  
29 created and established a board of registration for architects and  
30 landscape architects, which shall consist of ~~eight (8)~~ **five (5)** members,  
31 who shall be appointed by the governor. ~~and who shall serve at the will~~  
32 ~~and pleasure of the governor.~~

33 (b) All appointments:

34 **(1) before July 1, 2019**, shall be made for terms of three (3)  
35 years, ending on December 31, ~~In any case, each member shall~~  
36 ~~serve for~~ **serv**ing the term for which the member shall have been  
37 appointed and until the member's successor shall have been  
38 appointed and shall have qualified; **and**

39 **(2) after June 30, 2019, shall be made according to**  
40 **IC 25-1-6.5.**

41 ~~Any vacancy which may occur in membership of the board for any~~  
42 ~~cause shall be filled by appointment by the governor for the unexpired~~



- 1 term.
- 2 (c) A member of the board may be removed under
- 3 IC 25-1-6.5-4.
- 4 (d) Each member of the board shall be entitled to receive as
- 5 compensation for the member's services a salary per diem for each and
- 6 every day the member may be engaged in attending the meetings or
- 7 transacting the business of the board; in addition thereto each member
- 8 shall be entitled to receive as reimbursement all traveling and other
- 9 necessary expenses incurred in the performance of the member's duties
- 10 as a member of the board in accordance with travel policies and
- 11 procedures established by the department of administration and the
- 12 state budget agency.
- 13 (b) (e) Subject to 25-1-6.5-3, each member of the board shall be a
- 14 citizen of the United States of America and a resident of the state of
- 15 Indiana.
- 16 (f) Five (5) Three (3) of the members must be registered architects
- 17 under this chapter. and shall Preferably these members would have
- 18 had at least ten (10) years of active architectural practice preceding the
- 19 member's appointment.
- 20 (c) (g) Two (2) members One (1) member of the board must be
- 21 registered as a landscape architects architect under this chapter. and
- 22 must Preferably this member would have at least ten (10) years of
- 23 active landscape architectural practice preceding the member's
- 24 appointment.
- 25 (d) (h) One (1) member of the board, to represent the general public,
- 26 shall be a resident of this state who has never been associated with the
- 27 architecture or landscape architecture profession in any way other than
- 28 as a consumer.
- 29 SECTION 51. IC 25-4-1-3, AS AMENDED BY P.L.194-2005,
- 30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2019]: Sec. 3. The board shall organize by the election of a
- 32 chairman and vice chairman, each of whom shall serve for a term of
- 33 one (1) year. The first meeting of the board shall be held within thirty
- 34 (30) days after the members thereof shall have been appointed, on call
- 35 of the chairman of the board. Thereafter, the board shall hold at least
- 36 two (2) regular meetings each year and may hold such special
- 37 meetings, as the board in its discretion considers necessary or
- 38 advisable. The time for holding the regular meetings, the method of
- 39 calling special meetings and the manner of giving notice of all
- 40 meetings shall be prescribed in the bylaws of the board. Five (5)
- 41 members of the board shall constitute a quorum for the transaction of
- 42 any and all business which may come before the board. A quorum of



1 **the board consists of a majority of the appointed members.**  
 2 Approval by a majority of all members of the board shall be required  
 3 for action to be taken. The board shall adopt official seals representing  
 4 the different professions that shall be affixed to all certificates of  
 5 registration granted and issued as provided in this chapter. Subject to  
 6 the approval of the governor, the board is hereby authorized to make  
 7 bylaws and prescribe and promulgate rules as considered necessary in  
 8 the performance of its duty. The board shall adopt rules establishing  
 9 standards for the competent practice of architecture and landscape  
 10 architecture, and for the administration of the registered architects and  
 11 registered landscape architects investigative fund established by  
 12 section 32 of this chapter. Suitable office quarters shall be provided for  
 13 the use of the board in the city of Indianapolis.

14 SECTION 52. IC 25-5.1-2-2 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board  
 16 consists of ~~seven (7)~~ **five (5)** members appointed by the governor as  
 17 follows:

18 (1) ~~Two (2) members~~ **One (1) member** who ~~are~~ **is** a medical  
 19 ~~doctors; osteopaths; podiatrists; or chiropractors; at least one (1)~~  
 20 ~~of whom is doctor, osteopath, podiatrist, or chiropractor,~~  
 21 involved in the practice of sports medicine.

22 (2) ~~Four (4)~~ **Three (3)** members who are athletic trainers engaged  
 23 in the practice of athletic training in Indiana for at least two (2)  
 24 years immediately preceding their appointment. ~~and consisting of~~  
 25 ~~the following:~~

26 (A) ~~One (1) member who is at the time of appointment an~~  
 27 ~~athletic trainer employed by a college or a university in~~  
 28 ~~Indiana.~~

29 (B) ~~One (1) member who is at the time of appointment an~~  
 30 ~~athletic trainer employed by a secondary school in Indiana.~~

31 (C) ~~One (1) member who is at the time of appointment an~~  
 32 ~~athletic trainer employed by a professional athletic team or by~~  
 33 ~~a health care or an athletic facility in Indiana.~~

34 (D) ~~One (1) member who is an athletic trainer at large.~~

35 (3) One (1) member representing the public who is a resident of  
 36 Indiana and who is not associated with athletic training.

37 (b) In making the appointments described in subsection (a), the  
 38 governor shall ~~consider achieving equal geographic representation of~~  
 39 ~~the appointees.~~ **make appointments according to IC 25-1-6.5-3.**

40 SECTION 53. IC 25-5.1-2-4 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The term of  
 42 office for each member of the board is ~~four (4) years.~~ ~~However, a~~



1 member of the board may be removed by the governor without cause:  
2 **made under IC 25-1-6.5.**

3 (b) A member may not be appointed to the board for more than two  
4 ~~(2) consecutive terms.~~ **A member of the board may be removed**  
5 **under IC 25-1-6.5-4.**

6 SECTION 54. IC 25-5.1-2-5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. A vacancy on the  
8 board shall be filled for the ~~unexpired term in the same manner as the~~  
9 ~~original appointment.~~ **under IC 25-1-6.5.**

10 SECTION 55. IC 25-6.1-1-1 IS REPEALED [EFFECTIVE JULY  
11 1, 2019]. ~~Sec. 1. Short Title: This article shall be known and may be~~  
12 ~~cited as the "Auctioneer and Auction Licensing Act."~~

13 SECTION 56. IC 25-6.1-2-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. ~~Creation and~~  
15 ~~Membership:~~ (a) The Indiana auctioneer commission is created  
16 consisting of ~~six (6)~~ **five (5)** members, not more than ~~four (4)~~ **three (3)**  
17 of whom may be members of the same political party.

18 (b) ~~A member of the Subject to IC 25-1-6.5-3, the governor shall~~  
19 ~~appoint each~~ commission is appointed by the governor ~~member~~ to  
20 serve for a term of ~~three (3)~~ years and until his successor is appointed  
21 and qualified. **under IC 25-1-6.5.** A vacancy arising on the  
22 commission shall be filled by the governor, and the individual  
23 appointed to fill such vacancy shall serve for the unexpired term of the  
24 individual whose vacancy is being filled. **under IC 25-1-6.5.**

25 (c) ~~Five (5)~~ **Four (4)** individuals appointed to membership on the  
26 commission must be citizens of Indiana and engaged as auctioneers for  
27 a period of not less than five (5) years immediately preceding their  
28 appointment. One (1) individual appointed to membership on the  
29 commission must be a citizen of Indiana who has not been associated  
30 with auctioneering in any way other than as a consumer.

31 (d) An individual may not act as a member of the commission while  
32 holding another elected or appointed office in either the state or federal  
33 government.

34 **(e) A board member may be removed under IC 25-1-6.5-4.**

35 SECTION 57. IC 25-8-3-5, AS AMENDED BY P.L.158-2016,  
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2019]: Sec. 5. (a) Each of the members of the board must  
38 reside in Indiana.

39 (b) **Subject to IC 25-1-6.5-3,** the members of the board must meet  
40 the following qualifications:

41 (1) Two (2) of the members must:

42 (A) possess a current cosmetologist license; and



- 1 (B) have practiced cosmetology in Indiana continuously for at  
 2 least five (5) years immediately before appointment.
- 3 (2) Two (2) of the members of the board must:
- 4 (A) possess a current barber license; and  
 5 (B) have practiced barbering in Indiana continuously for at  
 6 least five (5) years immediately before appointment.
- 7 (3) One (1) of the members must be an owner or operator of a  
 8 beauty culture school. However, the member may not be a  
 9 licensed barber or cosmetologist.
- 10 (4) One (1) of the members must be licensed as an electrologist,  
 11 an esthetician, or a manicurist.
- 12 (5) One (1) of the members must not have any association with  
 13 the practice of beauty culture, except as a consumer.
- 14 SECTION 58. IC 25-8-3-7 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Each board  
 16 member **appointed before July 1, 2019**, serves a term of three (3)  
 17 years, beginning on the date of appointment and continuing until:
- 18 (1) the member is removed under section 8 of this chapter; or  
 19 (2) a successor is appointed.
- 20 (b) **Each board member appointed after June 30, 2019, serves**  
 21 **a term under IC 25-1-6.5.**
- 22 SECTION 59. IC 25-8-3-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The governor may  
 24 remove a board member ~~for incompetency or failure to perform the~~  
 25 ~~member's duties under this chapter.~~ **under IC 25-1-6.5-4.**
- 26 SECTION 60. IC 25-8-3-9 IS REPEALED [EFFECTIVE JULY 1,  
 27 2019]. ~~Sec. 9: If a member of the board is removed under section 8 of~~  
 28 ~~this chapter, the governor shall appoint a successor to serve for the~~  
 29 ~~remainder of the unexpired term.~~
- 30 SECTION 61. IC 25-10-1-1.5, AS AMENDED BY P.L.85-2018,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2019]: Sec. 1.5. (a) There is created a board of chiropractic  
 33 examiners. The board shall consist of ~~seven (7)~~ **five (5)** members  
 34 appointed by the governor, not more than ~~four (4)~~ **three (3)** of whom  
 35 may be affiliated with the same political party. ~~Six (6)~~ **Subject to**  
 36 **IC 25-1-6.5-3, four (4)** of the board members must be licensed under  
 37 this chapter and must have had at least five (5) years of experience as  
 38 a chiropractor prior to their appointment. **Subject to IC 25-1-6.5-3,**  
 39 one (1) member is to represent the general public and must be:
- 40 (1) a resident of this state; and  
 41 (2) in no way associated with the profession of chiropractic other  
 42 than as a consumer.



1 (b) All members **appointed before July 1, 2019**, shall be appointed  
 2 for a term of three (3) years and serve until their successors are  
 3 appointed and qualified. ~~A vacancy occurring on the board shall be~~  
 4 ~~filled by the governor by appointment.~~ Each appointed member shall  
 5 serve for the unexpired term of the vacating member.

6 (c) **Members appointed after June 30, 2019, are appointed under**  
 7 **IC 25-1-6.5.**

8 (d) **A member of the board may be removed under**  
 9 **IC 25-1-6.5-4.**

10 ~~(e)~~ (e) The members of the board are entitled to the minimum salary  
 11 per diem provided by IC 4-10-11-2.1(b). Members are also entitled to  
 12 reimbursement for traveling expenses as provided under IC 4-13-1-4  
 13 and other expenses actually incurred in connection with the member's  
 14 duties as provided in the state policies and procedures established by  
 15 the Indiana department of administration and approved by the budget  
 16 agency.

17 ~~(f)~~ (f) The members of the board shall organize by the election of  
 18 a chairman and a vice chairman from among its membership. The  
 19 officers serve for a term of one (1) year. The board shall meet at least  
 20 once each year and on other occasions as it considers necessary and  
 21 advisable. A meeting of the board may be called by its chairman or by  
 22 a majority of the members on the board. ~~Four (4)~~ **Three (3)** members  
 23 of the board constitute a quorum for the transaction of business. All  
 24 decisions are required to be made by a majority vote of the quorum.

25 ~~(e)~~ (g) The agency shall provide a secretary of the board and other  
 26 personnel necessary for the proper performance of the board's duties  
 27 and responsibilities under this chapter. The board, through the agency,  
 28 shall receive and account for all money collected under this chapter and  
 29 pay the money to the treasurer of state to be deposited by the treasurer  
 30 in the general fund of the state.

31 ~~(f)~~ (h) The board may do the following:

- 32 (1) Establish reasonable application, examination, and renewal  
 33 procedures for certification under this chapter.
- 34 (2) Use an examination under this chapter that is designed by the  
 35 board, designed by another person, or designed in part by the  
 36 board and in part by another person.
- 37 (3) Conduct in the manner prescribed by the board examinations  
 38 of applicants for certification under this chapter. The board may  
 39 conduct any part of the examinations through a person other than  
 40 the agency who is approved by the board. The agency may  
 41 conduct any part of the examinations under IC 25-1-5-4.
- 42 (4) Issue, deny, suspend, revoke, and renew certificates.





- 1 (5) Subject to IC 25-1-7, investigate and conduct hearings, upon  
 2 complaint against individuals certified or not certified under this  
 3 chapter, concerning alleged violation of this chapter with hearings  
 4 to be conducted in accordance with IC 4-21.5.
- 5 (6) Initiate the prosecution and enjoinder of a person violating this  
 6 chapter.
- 7 (7) Adopt rules necessary for the proper performance of the  
 8 board's duties, in accordance with IC 4-22-2.
- 9 (8) Maintain a current list of individuals certified under this  
 10 chapter.
- 11 (9) Establish a code of professional conduct.
- 12 (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed  
 13 under this chapter to delegate the manual manipulation, manual  
 14 adjustment, or manual mobilization of the spinal column or the  
 15 vertebral column under section 14(c)(4) of this chapter.
- 16 (11) Adopt rules under IC 4-22-2 establishing standards for the  
 17 registration and regulation of chiropractic management  
 18 consultants (as defined by the board under IC 25-10-2).
- 19 (12) Set fees for the annual registration of a chiropractic  
 20 management consultant under IC 25-10-2.
- 21 (13) Adopt rules under IC 4-22-2 establishing health and  
 22 sanitation standards that conform to public health standards for  
 23 dry needling.
- 24 ~~(g)~~ (i) The board shall adopt rules establishing standards for the  
 25 competent practice of the science of the chiropractic in accordance  
 26 with IC 4-22-2.
- 27 ~~(h)~~ (j) All expenses incurred in the administration of this chapter  
 28 shall be paid from the state general fund upon appropriation being  
 29 made in the manner provided by law for the making of appropriations.
- 30 SECTION 62. IC 25-14-1-2, AS AMENDED BY P.L.103-2011,  
 31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2019]: Sec. 2. (a) The state board of dentistry is established  
 33 and consists of:
- 34 (1) nine (9) practicing dentists licensed under IC 25-14 who must  
 35 have been in practice in Indiana for not less than the five (5)  
 36 years;
- 37 (2) one (1) practicing dental hygienist who:
- 38 (A) has been practicing in Indiana as a dental hygienist:
- 39 (i) in 2011 and 2012, for at least three (3) years; and  
 40 (ii) after 2012, for at least five (5) years; and
- 41 (B) is licensed under IC 25-13-1; and
- 42 (3) one (1) member to represent the general public who must be



- 1 a resident to this state and in no way associated with the  
 2 profession of dentistry other than as a consumer.
- 3 **(b) All eleven (11) members of the board appointed before July 1,**  
 4 **2019, shall be appointed by the governor for a term of three (3) years**  
 5 **each. Any member of the board may serve until the member's successor**  
 6 **is appointed and qualified under this chapter. A member may serve**  
 7 **consecutive terms, but no member may serve more than three (3) terms**  
 8 **or a total of nine (9) years.**
- 9 **(c) All eleven (11) members of the board appointed after June**  
 10 **30, 2019, shall be appointed under IC 25-1-6.5.**
- 11 **(d) A member of the board may be removed under**  
 12 **IC 25-1-6.5-4.**
- 13 ~~(b)~~ **(e)** The appointment of the dentist members shall be made in a  
 14 manner that, at all times, each dentist member on the board represents  
 15 and is a resident of one (1) of nine (9) examiner districts set forth in  
 16 this subsection. Each dentist member shall be chiefly responsible in the  
 17 performance of his or her duties with regard to the district from which  
 18 he or she is appointed. The nine (9) dentist members' districts consist  
 19 of the following counties:
- 20 (1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock,  
 21 Morgan, Johnson, and Shelby.
- 22 (2) District 2. Lake, Porter, LaPorte, and Jasper.
- 23 (3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko,  
 24 and Fulton.
- 25 (4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen,  
 26 Huntington, Wells, DeKalb, and Adams.
- 27 (5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey,  
 28 Vanderburgh, Warrick, Spencer, and Perry.
- 29 (6) District 6. Newton, Benton, White, Pulaski, Cass, Miami,  
 30 Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and  
 31 Clinton.
- 32 (7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone,  
 33 Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.
- 34 (8) District 8. Madison, Delaware, Blackford, Randolph, Rush,  
 35 Fayette, Union, Henry, and Wayne.
- 36 (9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin,  
 37 Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange,  
 38 Washington, Scott, Jefferson, Switzerland, Ohio, Crawford,  
 39 Harrison, Floyd, and Clark.
- 40 ~~(e)~~ **(f)** The board may issue licenses to applicants who pass an  
 41 examination administered by an entity that has been approved by the  
 42 board.



1 SECTION 63. IC 25-14-1-11 IS REPEALED [EFFECTIVE JULY  
2 1, 2019]. Sec. ~~11~~. The governor shall have the power to remove any  
3 member of the board for incompetency, gross immorality, for any abuse  
4 of his official power or for any other good cause and may fill any  
5 vacancy occasioned by removal, death, resignation or otherwise, by  
6 appointment. Any person appointed to fill any vacancy of such board,  
7 whether caused by death, resignation, removal or otherwise, shall hold  
8 for the unexpired term of the member whose place he is appointed to  
9 fill and all vacancies shall be filled in the manner prescribed for the  
10 regular appointments to said board.

11 SECTION 64. IC 25-14.5-1-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Board" refers to the  
13 Indiana dietitians certification board established by IC 25-14.5-2-1.  
14 **medical licensing board of Indiana created by IC 25-22.5-2-1.**

15 SECTION 65. IC 25-14.5-2-1 IS REPEALED [EFFECTIVE JULY  
16 1, 2019]. Sec. ~~1~~. The Indiana dietitians certification board is  
17 established.

18 SECTION 66. IC 25-14.5-2-2 IS REPEALED [EFFECTIVE JULY  
19 1, 2019]. Sec. 2. The board consists of seven (7) members appointed by  
20 the governor as follows:

21 (1) Four (4) members who are certified under this article and  
22 currently provide and have provided services in the practice of  
23 dietetics in Indiana for a minimum of three (3) years.

24 (2) One (1) member who is a physician licensed under IC 25-22.5.

25 (3) One (1) member who is a registered nurse licensed under  
26 IC 25-23.

27 (4) One (1) member representing the public who is a resident of  
28 Indiana and has never been associated with dietetics in any way  
29 other than as a consumer.

30 SECTION 67. IC 25-14.5-2-3 IS REPEALED [EFFECTIVE JULY  
31 1, 2019]. Sec. 3. (a) Except as provided in subsection (b), the term of  
32 office for each member of the board is three (3) years.

33 (b) A member shall hold office until a successor has been appointed.

34 SECTION 68. IC 25-14.5-2-4 IS REPEALED [EFFECTIVE JULY  
35 1, 2019]. Sec. 4. A vacancy on the board shall be filled for the  
36 unexpired term in the same manner as the original appointment.

37 SECTION 69. IC 25-14.5-2-4.5 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2019]: Sec. 4.5. (a) On July 1, 2019, all  
40 powers, duties, agreements, and liabilities of the Indiana dietitians  
41 certification board are transferred to the board, as the successor  
42 agency.



1 (b) On July 1, 2019, all records and property of the Indiana  
 2 dietitians certification board, including appropriations and other  
 3 funds under the control or supervision of the Indiana dietitians  
 4 certification board, are transferred to the board, as the successor  
 5 agency.

6 (c) After June 30, 2019, any amounts owed to the Indiana  
 7 dietitians certification board before July 1, 2019, are considered to  
 8 be owed to the board as the successor agency.

9 (d) After June 30, 2019, a reference to the Indiana dietitians  
 10 certification board in a statute, rule, or other document is  
 11 considered a reference to the board, as the successor agency.

12 (e) Proceedings pending before the Indiana dietitians  
 13 certification board on July 1, 2019, shall be transferred from the  
 14 Indiana dietitians certification board to the board and treated as  
 15 if initiated by the board.

16 (f) A certificate issued by the Indiana dietitians certification  
 17 board before July 1, 2019, shall be treated after June 30, 2019, as  
 18 a certification issued by the board.

19 (g) The rules adopted by the Indiana dietitians certification  
 20 board before July 1, 2019, concerning standards and certification  
 21 for dietitians are considered, after June 30, 2019, rules of the  
 22 board.

23 SECTION 70. IC 25-14.5-2-6 IS REPEALED [EFFECTIVE JULY  
 24 1, 2019]. Sec. 6: (a) The board shall hold meetings as follows:

25 (1) A meeting for the purpose of organization must be held not  
 26 more than thirty (30) days after the board members are appointed:

27 (2) The board shall hold at least one (1) regular meeting each  
 28 calendar year. At the first regular meeting each year, the board  
 29 shall elect a chairperson and vice chairperson.

30 (3) Special meetings may be held at the discretion of the  
 31 chairperson.

32 (4) Meetings may be held at such time as the board or chairperson  
 33 shall determine.

34 (b) A quorum of the board consists of four (4) members.

35 (c) A secretary of the board shall be elected by the board and shall  
 36 hold office at the pleasure of the board.

37 SECTION 71. IC 25-14.5-2-7 IS REPEALED [EFFECTIVE JULY  
 38 1, 2019]. Sec. 7: (a) Each member of the board who is not a state  
 39 employee is entitled to the minimum salary per diem provided by  
 40 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
 41 traveling expenses as provided under IC 4-13-1-4 and other expenses  
 42 actually incurred in connection with the member's duties as provided



1 in the state policies and procedures established by the Indiana  
2 department of administration and approved by the budget agency.

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

9 SECTION 72. IC 25-15-9-2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board  
11 consists of ~~eleven (11)~~ **five (5)** members as follows:

12 (1) ~~Ten (10)~~ **Four (4)** members appointed by the governor. for  
13 terms of ~~four (4)~~ years.

14 (2) The commissioner of the state department of health or the  
15 commissioner's designee. **Subject to IC 25-1-6.5-3, one (1)**  
16 **member who must:**

17 **(A) be a resident of Indiana; and**

18 **(B) not be associated with the practice of funeral service or**  
19 **cemetery operation other than as a consumer.**

20 **(b) Members are appointed under IC 25-1-6.5.**

21 **(c) A member of the board may be removed under**  
22 **IC 25-1-6.5-4.**

23 ~~(b)~~ **(d)** The board shall elect a chairman from the board's own  
24 membership every two (2) years to serve a term of two (2) years. The  
25 chairman shall be elected alternately from those board members  
26 appointed under sections 3 and 4 of this chapter.

27 SECTION 73. IC 25-15-9-3 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Four (4)~~ **Subject to**  
29 **IC 25-1-6.5-3, two (2)** of the board's appointed members must be  
30 licensed funeral directors, in good standing, without any association  
31 with a school of mortuary science other than as a preceptor or  
32 supervisor of a funeral service intern.

33 SECTION 74. IC 25-15-9-4 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~Four (4)~~ **Subject to**  
35 **IC 25-1-6.5-3, two (2)** of the board's appointed members must be  
36 active in the cemetery industry in Indiana, either as an owner or a  
37 manager of an operating cemetery property.

38 SECTION 75. IC 25-15-9-5 IS REPEALED [EFFECTIVE JULY 1,  
39 2019]. Sec. 5. ~~Two (2) of the board's appointed members must be~~  
40 ~~residents of Indiana who are not associated with the practice of funeral~~  
41 ~~service or a cemetery operation other than as consumers.~~

42 SECTION 76. IC 25-15-9-6 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Not more than five  
 2 ~~(5) three (3)~~ of the board's appointed members may be affiliated with  
 3 the same political party.

4 SECTION 77. IC 25-15-9-7 IS REPEALED [EFFECTIVE JULY 1,  
 5 2019]. ~~Sec. 7: The board's appointed members may serve not more than~~  
 6 ~~two (2) consecutive terms on the board as a member of the state board~~  
 7 ~~of funeral and cemetery service. A member of the board may serve~~  
 8 ~~until the member's successor is appointed and qualified under this~~  
 9 ~~chapter.~~

10 SECTION 78. IC 25-15-9-9 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. ~~The funeral director;~~  
 12 ~~consumer; and the state department of health members of the board~~  
 13 shall do the following:

14 (1) Adopt rules under IC 4-22-2 to do the following:

15 (A) Establish standards for the competent practice of funeral  
 16 service.

17 (B) Establish sanitation standards for the construction and  
 18 equipping of funeral homes.

19 (C) Establish standards for the operation of funeral homes.

20 (D) Set fees under IC 25-1-8.

21 (E) Carry out this article.

22 (2) Establish a program of inspection to administer this article.

23 (3) Pass upon the qualifications of each applicant for a license  
 24 under this article.

25 (4) Provide all examinations under this article.

26 (5) License all applicants who meet the requirements of  
 27 IC 25-15-4.

28 (6) Investigate a complaint alleging a violation of this article.

29 (7) For a violation of this article by a person who is licensed  
 30 under this article, if necessary, take any combination of the  
 31 following actions:

32 (A) Issue an appropriate order to correct the violation.

33 (B) Suspend the seller's certificate of authority issued under  
 34 IC 30-2-13.

35 (C) Permanently revoke the licensee's license.

36 (D) Censure the licensee.

37 (E) Issue a letter of reprimand.

38 (F) Place the licensee on probation.

39 (G) Assess a civil penalty against the licensee in an amount  
 40 not to exceed one thousand dollars (\$1,000) for each violation,  
 41 except for a finding of incompetency due to a physical or  
 42 mental disability. When imposing a civil penalty, the board



1 shall consider a licensee's ability to pay the amount assessed.  
 2 If the licensee fails to pay the civil penalty within the time  
 3 specified by the board, the board may suspend the licensee's  
 4 license without additional proceedings. However, a suspension  
 5 may not be imposed if the sole basis for the suspension is the  
 6 licensee's inability to pay a civil penalty.

7 (H) Refer the matter to the attorney general or the prosecuting  
 8 attorney for enforcement.

9 (8) The board shall suspend the license of a funeral home licensee  
 10 who employs a person who:

11 (A) holds an inactive funeral director license (as described in  
 12 IC 25-15-4-6); and

13 (B) engages in the practice of funeral services or provides  
 14 funeral services to the public (as described in IC 25-15-2-17  
 15 or IC 25-15-2-22).

16 SECTION 79. IC 25-15-9-10 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. The ~~cemetery,~~  
 18 ~~consumer, and the state department of health members of the board~~  
 19 shall do the following:

20 (1) Determine compliance with IC 23-14 by cemetery owners.

21 (2) Investigate a complaint alleging a violation of IC 23-14.

22 (3) For a violation of IC 23-14 by a cemetery owner, if necessary,  
 23 take any combination of the following actions:

24 (A) Issue an appropriate order to correct the violation.

25 (B) Suspend the seller's certificate of authority issued under  
 26 IC 30-2-13.

27 (C) Censure the cemetery owner.

28 (D) Issue a letter of reprimand.

29 (E) Assess a civil penalty against the cemetery owner in an  
 30 amount not to exceed one thousand dollars (\$1,000) for each  
 31 violation, except for a finding of incompetency due to a  
 32 physical or mental disability. When imposing a civil penalty,  
 33 the board shall consider a cemetery owner's ability to pay the  
 34 amount assessed.

35 (F) Refer the matter to the attorney general or prosecuting  
 36 attorney for enforcement.

37 SECTION 80. IC 25-15-9-11 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. An official action  
 39 of the board is valid only if the action is adopted by ~~at least six (6) of~~  
 40 ~~the board's members. a majority of the appointed members.~~  
 41 ~~However, cemetery members may not vote on any matter involving~~  
 42 ~~section 9 of this chapter, and funeral director members may not vote on~~



1 any matter involving section 10 of this chapter. When either cemetery  
 2 or funeral director members are ineligible to vote, an official action of  
 3 the board is valid if the action is adopted by at least four (4) of the  
 4 board's members.

5 SECTION 81. IC 25-17.6-2-2 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **Subject to**  
 7 **IC 25-1-6.5**, each member of the board shall be:

- 8 (1) a resident of Indiana; and
- 9 (2) appointed by the governor;

10 with the exception of the state geologist.

11 SECTION 82. IC 25-17.6-2-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ Each board  
 13 member shall serve a term of ~~four (4) years~~. **under IC 25-1-6.5.**

14 ~~(b) A board member may serve until the member's successor is~~  
 15 ~~appointed and qualified under this chapter.~~

16 ~~(c) A board member may not serve more than two (2) consecutive~~  
 17 ~~terms.~~

18 SECTION 83. IC 25-17.6-2-5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~(a)~~ The governor  
 20 may remove a board member ~~for cause~~. **under IC 25-1-6.5-4.**

21 ~~(b) A vacancy in the membership of the board shall be filled for the~~  
 22 ~~unexpired term by the governor.~~

23 SECTION 84. IC 25-17.6-2-9 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) At least thirty  
 25 (30) days before ~~making the annual an~~ appointment to the board, the  
 26 governor shall receive a list of not more than three (3) nominations for  
 27 the appointment from a joint committee of the survey and  
 28 representatives of professional organizations representing professional  
 29 geologists in Indiana.

30 (b) Members appointed to the board shall be selected from the list  
 31 submitted to the governor by the joint committee under subsection (a).

32 SECTION 85. IC 25-19-1-2, AS AMENDED BY P.L.105-2008,  
 33 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, there is created  
 35 the Indiana state board of health facility administrators composed of  
 36 ~~thirteen (13)~~ **five (5)** members as follows:

- 37 (1) ~~The state health commissioner or the commissioner's~~  
 38 ~~designee.~~
- 39 (2) ~~The director of the division of family resources or the~~  
 40 ~~director's designee.~~
- 41 (3) ~~The state long term care ombudsman or the state long term~~  
 42 ~~care ombudsman's designee.~~





- 1           (4) The chief administrative officer of the Indiana University  
2           medical center at Indianapolis or the chief administrative officer's  
3           designee.
- 4           (5) ~~One (1)~~ member of the medical profession holding an  
5           unlimited license to practice medicine in Indiana.
- 6           (6) ~~(1) Four (4)~~ **Two (2)** administrators of licensed proprietary  
7           health facilities.
- 8           (7) ~~(2)~~ **Two (2)** administrators of licensed nonproprietary health  
9           facilities.
- 10          (8) ~~(3) Two (2)~~ **members One (1) member** representing the  
11          public at large, who:
- 12                (A) ~~are residents is a resident~~ of Indiana; and
- 13                (B) ~~have has~~ never been associated with health facility  
14                services or administration in any way other than as a resident  
15                or a family member of a resident of a health facility.
- 16          (b) ~~Those members of the board other than the representatives of~~  
17          state agencies and institutions shall be appointed by the governor after  
18          consultation with the associations and societies appropriate to the  
19          disciplines and professions representative of the position to be filled:  
20          The original and all subsequent physician and hospital administrator  
21          appointments shall be for terms of four ~~(4)~~ years. All appointments  
22          shall be for four ~~(4)~~ year terms, except that in case of a vacancy prior  
23          to term completion, the appointment shall be for the remainder of the  
24          unexpired term. Any vacancy, either prior to or at term completion,  
25          shall be filled by the governor after consultation with the associations  
26          and societies appropriate to the discipline or professions representative  
27          of the vacancy. In all cases, the appointees shall serve until their  
28          successors are appointed and qualified. **Members are appointed**  
29          **under IC 25-1-6.5.**
- 30          (c) The governor may remove any member of the board other than  
31          the representative of a state agency or institution for misconduct,  
32          incapacity, incompetence, or neglect of duty after the member has been  
33          served with a written statement of charges and has been given an  
34          opportunity to be heard. Designated representatives of the state  
35          agencies or institutions may be removed by the original appointing  
36          authority for any of those causes. **A member of the board may be**  
37          **removed under IC 25-1-6.5-4.**
- 38          SECTION 86. IC 25-19-1-6, AS AMENDED BY P.L.105-2008,  
39          SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40          JULY 1, 2019]: Sec. 6. (a) The board shall elect from its membership  
41          annually a chairperson and vice chairperson and shall adopt rules to  
42          govern its proceedings.



1 (b) Each member of the board who is not a state employee is entitled  
 2 to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such  
 3 a member is also entitled to reimbursement for traveling expenses and  
 4 other expenses actually incurred in connection with the member's  
 5 duties, as provided in the state travel policies and procedures  
 6 established by the department of administration and approved by the  
 7 state budget agency.

8 (c) The Indiana professional licensing agency shall supply necessary  
 9 personnel to assist the board in the performance of its duties.

10 (d) ~~Seven (7) members of the board constitute a quorum for~~  
 11 ~~consideration of all matters before the board. A quorum of the board~~  
 12 **consists of a majority of the appointed members.** A majority vote of  
 13 the quorum is required for action of the board.

14 SECTION 87. IC 25-20-1-1.5 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) **Subject to**  
 16 **IC 25-1-6.5-3**, there is established the committee of hearing aid dealer  
 17 examiners which consists of five (5) members all appointed by the  
 18 governor to a term of ~~three (3) years. under IC 25-1-6.5.~~ Three (3)  
 19 members must be hearing aid dealers licensed under this chapter, who  
 20 are residents of this state and who have been practicing as hearing aid  
 21 dealers for at least one (1) year prior to their appointment. One (1)  
 22 member must be an otolaryngologist in this state, who is a resident of  
 23 this state and who has been engaged in the practice of otolaryngology  
 24 for at least one (1) year prior to appointment to the committee. One (1)  
 25 member must be a resident of this state who is in no way associated  
 26 with the business of hearing aid dealers, audiology, or speech-language  
 27 pathology other than as a consumer. Whenever a vacancy occurs on the  
 28 committee, the governor shall appoint a successor ~~to serve the~~  
 29 ~~remainder of the term of the vacated member. under IC 25-1-6.5.~~

30 (b) Three (3) members present constitute a quorum.

31 (c) The members serve without compensation, except that each  
 32 member is entitled to the salary per diem as provided by IC 4-10-11-2.1  
 33 and to reimbursement for travel, lodging, meals, and other expenses as  
 34 provided in the state travel policies and procedures established by the  
 35 department of administration and approved by the state budget agency.

36 **(d) A member may be removed under IC 25-1-6.5-4.**

37 SECTION 88. IC 25-20.2-3-2, AS AMENDED BY P.L.177-2015,  
 38 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2019]: Sec. 2. (a) The board is composed of ~~seven (7) five (5)~~  
 40 members appointed by the governor as follows:

41 (1) ~~Four (4) Subject to IC 25-1-6.5-3, three (3) members, each~~  
 42 of whom:



- 1 (A) is licensed in Indiana as a home inspector; and  
 2 (B) has been actively engaged in performing home inspections  
 3 in Indiana for at least five (5) years immediately before the  
 4 member's appointment to the board.
- 5 (2) **Subject to IC 25-1-6.5-3**, one (1) member who **satisfies**  
 6 **either of the following:**
- 7 **(A) The member:**
- 8 ~~(A)~~ (i) is a home builder; and  
 9 ~~(B)~~ (ii) has been actively engaged in home building in  
 10 Indiana for at least five (5) years immediately before the  
 11 member's appointment to the board.
- 12 **(B) The member:**
- 13 **(i) is a real estate broker licensed under IC 25-34.1; and**  
 14 **(ii) has been actively licensed in Indiana under**  
 15 **IC 25-34.1 as a real estate broker for at least five (5)**  
 16 **years immediately before the member's appointment to**  
 17 **the board.**
- 18 ~~(3)~~ ~~One~~ ~~(1)~~ member who:
- 19 ~~(A)~~ is a licensed real estate broker under IC 25-34.1-3-4.1; and  
 20 ~~(B)~~ has been actively engaged in selling, trading, exchanging,  
 21 optioning, leasing, renting, managing, listing, or appraising  
 22 residential real estate in Indiana for at least five (5) years  
 23 immediately before the member's appointment to the board.
- 24 ~~(4)~~ **(3) Subject to IC 25-1-6.5-3**, one (1) member who represents  
 25 the public at large and is not associated with the home inspection,  
 26 home building, or real estate business other than as a consumer.
- 27 (b) The members of the board must be residents of Indiana.
- 28 ~~(c)~~ All members of the board serve at the will and pleasure of the  
 29 governor.
- 30 SECTION 89. IC 25-20.2-3-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Each member of  
 32 the board **appointed before July 1, 2019**, serves a term of three (3)  
 33 years and until a successor is appointed and qualified.
- 34 **(b) Each member of the board appointed after June 30, 2019,**  
 35 **serves under IC 25-1-6.5.**
- 36 ~~(b)~~ ~~(c)~~ The governor may remove a board member at any time for  
 37 incompetency, neglect of duty, or unprofessional conduct. **under**  
 38 **IC 25-1-6.5-4.**
- 39 ~~(c)~~ If a vacancy occurs in the membership of the board, the governor  
 40 shall appoint an individual to serve for the remainder of the unexpired  
 41 term.
- 42 ~~(d)~~ A member may not serve on the board for more than six (6)



1 consecutive years:

2 SECTION 90. IC 25-21.5-2-2, AS AMENDED BY P.L.57-2013,  
3 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2019]: Sec. 2. (a) The board consists of ~~seven (7)~~ **five (5)**  
5 members appointed by the governor.

6 (b) **Subject to IC 25-1-6.5-3**, one (1) member must be appointed to  
7 represent the general public who is:

- 8 (1) a resident of Indiana; and  
9 (2) not associated with surveying other than as a consumer.

10 (c) **Six (6) Subject to IC 25-1-6.5-3, four (4)** members must be  
11 registered professional surveyors who engage in the practice of  
12 surveying and who each meet the following conditions:

- 13 (1) Is a citizen of the United States.  
14 (2) Has been a resident of Indiana for at least five (5) years  
15 immediately before the member's appointment.  
16 (3) Is registered in Indiana as a professional surveyor.  
17 (4) Has been engaged in the lawful practice of surveying for at  
18 least eight (8) years.  
19 (5) Has been in charge of surveying work or surveying teaching  
20 for at least five (5) years.

21 ~~(d) Of the registered professional surveyors appointed under~~  
22 ~~subsection (c), three (3) must be engaged in the practice of surveying~~  
23 ~~on a full-time basis; and at least two (2) must be engaged in the~~  
24 ~~practice of surveying on a part-time basis:~~

25 SECTION 91. IC 25-21.5-2-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A member of the  
27 board serves a term of ~~four (4) years and until the member's successor~~  
28 ~~is appointed and qualified: under IC 25-1-6.5.~~

29 SECTION 92. IC 25-21.5-2-6 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. ~~(a) The governor~~  
31 ~~may remove a member of the board at any time for incompetency,~~  
32 ~~neglect of duty; or for unprofessional conduct: under IC 25-1-6.5-4.~~

33 ~~(b) A vacancy in the membership of the board shall be filled by~~  
34 ~~appointment by the governor for the unexpired term:~~

35 SECTION 93. IC 25-21.5-2-12 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. A quorum of the  
37 board consists of ~~four (4) members. a majority of the appointed~~  
38 ~~members. Except as provided in this article, at least four (4) votes are~~  
39 ~~necessary for the board to take official action:~~

40 SECTION 94. IC 25-21.8-2-2, AS AMENDED BY P.L.267-2017,  
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2019]: Sec. 2. The board consists of five (5) members



1 appointed by the governor as follows:

2 (1) ~~Three (3)~~ **Subject to IC 25-1-6.5-3, four (4)** massage  
3 therapists, each of whom:

4 (A) is licensed under this article;

5 (B) has been actively practicing massage therapy for at least  
6 three (3) of the five (5) years immediately preceding the  
7 individual's appointment; and

8 (C) does not have a pending disciplinary or suspension  
9 proceeding against the individual.

10 (2) ~~Two (2)~~ **members Subject to IC 25-1-6.5-3, one (1) member**  
11 of the general public. A board member appointed under this  
12 subdivision must not:

13 (A) be licensed under this article;

14 (B) be the spouse of an individual who is licensed or intends  
15 to be licensed under this article; or

16 (C) have a direct or an indirect financial interest in the  
17 profession regulated under this article.

18 SECTION 95. IC 25-21.8-2-3, AS ADDED BY P.L.200-2007,  
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2019]: Sec. 3. **(a)** Each member of the board **appointed**  
21 **before July 1, 2019**, shall serve a term of three (3) years and until the  
22 member's successor is appointed and qualified.

23 **(b) Each member of the board appointed after June 30, 2019,**  
24 **shall be appointed under IC 25-1-6.5.**

25 SECTION 96. IC 25-21.8-2-4, AS AMENDED BY P.L.267-2017,  
26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2019]: Sec. 4. ~~(a) A vacancy in the membership of the board~~  
28 ~~shall be filled by an individual appointed by the governor for the~~  
29 ~~unexpired term in the same manner as the original appointment was~~  
30 ~~made.~~

31 ~~(b) A member may not serve more than two (2) consecutive terms~~  
32 ~~in addition to any unexpired term to which the individual was~~  
33 ~~appointed. A member may serve until a successor has been appointed~~  
34 ~~and qualified under this chapter.~~

35 ~~(c) A member of the board may be removed for cause by the~~  
36 ~~governor. under IC 25-1-6.5.~~

37 SECTION 97. IC 25-22.5-2-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a)** The medical  
39 licensing board of Indiana is created. It shall consist of seven (7)  
40 members, not more than four (4) of whom shall be members of the  
41 same political party. The members shall be appointed by the governor,  
42 and all vacancies occurring on the board shall be filled by the governor.



1 **Subject to IC 25-1-6.5-3**, the membership of the board shall consist of  
 2 the following:

3 (1) Five (5) reputable physicians who:

4 (A) are graduates of a medical school;

5 (B) hold the degree of doctor of medicine or its equivalent;  
 6 and

7 (C) hold valid unlimited licenses to practice medicine in  
 8 Indiana.

9 ~~shall serve for terms of four (4) years each.~~

10 (2) One (1) reputable osteopathic physician who:

11 (A) is a graduate of an accredited osteopathic medical school;

12 (B) holds the degree of doctor of osteopathy or its equivalent;  
 13 and

14 (C) holds a valid unlimited license to practice osteopathic  
 15 medicine in Indiana.

16 ~~shall serve for a term of four (4) years.~~

17 (3) One (1) member to ~~serve a term of four (4) years~~ who:

18 (A) will represent the general public;

19 (B) is a resident of this state; and

20 (C) is in no way associated with the medical profession other  
 21 than as a consumer.

22 **(b) Members are appointed under IC 25-1-6.5.**

23 **(c) A member of the board may be removed under**  
 24 **IC 25-1-6.5-4.**

25 SECTION 98. IC 25-22.5-2-7, AS AMENDED BY P.L.78-2016,  
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2019]: Sec. 7. (a) The board shall do the following:

28 (1) Adopt rules and forms necessary to implement this article that  
 29 concern, but are not limited to, the following areas:

30 (A) Qualification by education, residence, citizenship,  
 31 training, and character for admission to an examination for  
 32 licensure or by endorsement for licensure.

33 (B) The examination for licensure.

34 (C) The license or permit.

35 (D) Fees for examination, permit, licensure, and registration.

36 (E) Reinstatement of licenses and permits.

37 (F) Payment of costs in disciplinary proceedings conducted by  
 38 the board.

39 (2) Administer oaths in matters relating to the discharge of the  
 40 board's official duties.

41 (3) Enforce this article and assign to the personnel of the agency  
 42 duties as may be necessary in the discharge of the board's duty.



- 1 (4) Maintain, through the agency, full and complete records of all  
 2 applicants for licensure or permit and of all licenses and permits  
 3 issued.  
 4 (5) Make available, upon request, the complete schedule of  
 5 minimum requirements for licensure or permit.  
 6 (6) Issue, at the board's discretion, a temporary permit to an  
 7 applicant for the interim from the date of application until the  
 8 next regular meeting of the board.  
 9 (7) Issue an unlimited license, a limited license, or a temporary  
 10 medical permit, depending upon the qualifications of the  
 11 applicant, to any applicant who successfully fulfills all of the  
 12 requirements of this article.  
 13 (8) Adopt rules establishing standards for the competent practice  
 14 of medicine, osteopathic medicine, or any other form of practice  
 15 regulated by a limited license or permit issued under this article.  
 16 (9) Adopt rules regarding the appropriate prescribing of Schedule  
 17 III or Schedule IV controlled substances for the purpose of weight  
 18 reduction or to control obesity.  
 19 (10) Adopt rules establishing standards for office based  
 20 procedures that require moderate sedation, deep sedation, or  
 21 general anesthesia.  
 22 (11) Adopt rules or protocol establishing the following:  
 23 (A) An education program to be used to educate women with  
 24 high breast density.  
 25 (B) Standards for providing an annual screening or diagnostic  
 26 test for a woman who is at least forty (40) years of age and  
 27 who has been determined to have high breast density.  
 28 As used in this subdivision, "high breast density" means a  
 29 condition in which there is a greater amount of breast and  
 30 connective tissue in comparison to fat in the breast.  
 31 (12) Adopt rules establishing standards and protocols for the  
 32 prescribing of controlled substances.  
 33 (13) Adopt rules as set forth in IC 25-23.4 concerning the  
 34 certification of certified direct entry midwives.  
 35 **(14) Adopt rules as set forth in IC 25-14.5 concerning the**  
 36 **certification of certified dietitians.**  
 37 (b) The board may adopt rules that establish:  
 38 (1) certification requirements for child death pathologists;  
 39 (2) an annual training program for child death pathologists under  
 40 IC 16-35-7-3(b)(2); and  
 41 (3) a process to certify a qualified child death pathologist.  
 42 (c) The board may adopt rules under IC 4-22-2 establishing



1 guidelines for the practice of telemedicine in Indiana. Adoption of rules  
 2 under this subsection may not delay the implementation and provision  
 3 of telemedicine services by a provider under IC 25-1-9.5.

4 SECTION 99. IC 25-23-1-2 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is  
 6 established the Indiana state board of nursing consisting of nine (9)  
 7 members appointed by the governor, each to serve a term of ~~four (4)~~  
 8 ~~years subject to death, resignation, or removal by the governor.~~ **under**  
 9 **IC 25-1-6.5.**

10 (b) **Subject to IC 25-1-6.5-3**, six (6) of the board members must be  
 11 registered nurses who are committed to advancing and safeguarding the  
 12 nursing profession as a whole. Two (2) of the board's members must be  
 13 licensed practical nurses. One (1) member of the board, to represent the  
 14 general public, must be a resident of this state and not be associated  
 15 with nursing in any way other than as a consumer.

16 (c) ~~Each appointed board member may serve until the member's~~  
 17 ~~successor has been appointed and qualified. Any vacancy occurring in~~  
 18 ~~the membership of the board for any cause shall be filled by~~  
 19 ~~appointment by the governor for the unexpired term. Members of the~~  
 20 ~~board may be appointed for more than one (1) term. However, no~~  
 21 ~~person who has served as a member of the board for more than six (6)~~  
 22 ~~consecutive years may be reappointed. Reappointments of persons who~~  
 23 ~~have served six (6) consecutive years as a member of the board may be~~  
 24 ~~made after three (3) years have elapsed. A member of the board may~~  
 25 **be removed under IC 25-1-6.5-4.**

26 SECTION 100. IC 25-23-1-3 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) ~~On or before~~  
 28 ~~December 1 of each year and~~ At any time there is a vacancy, the  
 29 Indiana State Nurses' Association shall recommend to the governor a  
 30 list of qualified registered nurses for appointment to the board in the  
 31 number of not less than twice the number of registered nurse vacancies  
 32 to be filled.

33 (b) ~~On or before December 1 of each year and~~ At any time there is  
 34 a vacancy, the Indiana Federation of Licensed Practical Nurses' shall  
 35 recommend to the governor a list of qualified licensed practical nurses  
 36 and nurse educators of Practical Nurse Programs for appointment to the  
 37 board in the number of not less than twice the number of vacancies to  
 38 be filled. ~~The Governor may remove any member from the Board for~~  
 39 ~~neglect of any duty required by law or for incompetency or~~  
 40 ~~unprofessional or dishonorable conduct.~~

41 SECTION 101. IC 25-23.4-2-2, AS ADDED BY P.L.232-2013,  
 42 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





1 JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the committee  
 2 consists of ~~nine (9)~~ **three (3)** members appointed by the governor as  
 3 follows:

- 4 (1) ~~Three (3)~~ **members** who are certified direct entry midwives.  
 5 (2) ~~Two (2)~~ **members** who are licensed under IC 25-22.5 and who  
 6 practice in the area of obstetrics; one (1) of whom has experience  
 7 acting as a collaborative home birth physician with a midwife.  
 8 (3) ~~One (1)~~ **certified nurse midwife** with experience in the  
 9 practice of home births.  
 10 (4) ~~One (1)~~ **member** who is licensed under IC 25-22.5 and  
 11 practices in the area of family practice.  
 12 (5) ~~One (1)~~ **member** who is licensed under IC 25-22.5; who  
 13 practices in the area of pediatrics; and who has experience acting  
 14 as a collaborative home birth physician with a midwife.  
 15 (6) ~~One (1)~~ **member** representing the public who is not associated  
 16 with the profession of midwifery or obstetrics other than as a  
 17 consumer.

18 (b) Notwithstanding subsection (a)(1), a certified direct entry  
 19 midwife appointed to the committee under subsection (a)(1) after June  
 20 30, 2013; and before September 2, 2014; is not required to be certified  
 21 under this article. However, a certified direct entry midwife appointed  
 22 to the committee after June 30, 2013; and before September 2, 2014;  
 23 under subsection (a) must be designated as a Certified Professional  
 24 Midwife (CPM) by the North American Registry of Midwives.

25 SECTION 102. IC 25-23.4-2-3, AS ADDED BY P.L.232-2013,  
 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2019]: Sec. 3. (a) ~~The term of Each committee member is four~~  
 28 **(4) years: serves a term under IC 25-1-6.5.**

29 (b) ~~A committee member may be reappointed for not more than~~  
 30 **three (3) consecutive terms:**

31 (c) ~~(b)~~ **A committee member serves until the committee member's**  
 32 **successor is appointed. A vacancy occurring in the membership of the**  
 33 **committee for any cause shall be filled by appointment by the governor**  
 34 **for the unexpired term: under IC 25-1-6.5.**

35 **(c) A committee member may be removed under IC 25-1-6.5-4.**

36 (d) Committee members annually shall select a chairperson and a  
 37 vice chairperson from among the committee's members.

38 SECTION 103. IC 25-23.4-2-4, AS ADDED BY P.L.232-2013,  
 39 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2019]: Sec. 4. (a) The committee shall meet at least one (1)  
 41 time each year at the call of the chairperson. ~~However, the first meeting~~  
 42 ~~of the committee shall be called by the licensing agency:~~



1 (b) With the approval of the executive director of the licensing  
2 agency, the committee may meet upon:

- 3 (1) the call of the chairperson; or  
4 (2) the request of a majority of the members of the committee.

5 (c) ~~Five (5)~~ **Two (2)** members of the committee constitute a quorum.

6 (d) The affirmative vote of ~~five (5)~~ **two (2)** members of the  
7 committee is required for the committee to take action.

8 SECTION 104. IC 25-23.5-2-2, AS AMENDED BY P.L.197-2007,  
9 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]: Sec. 2. The committee consists of five (5) members  
11 appointed by the governor for ~~terms of three (3) years: a term under~~  
12 **IC 25-1-6.5. Subject to IC 25-1-6.5**, the committee must include the  
13 following:

- 14 (1) At least two (2) occupational therapists who:  
15 (A) are residents of Indiana;  
16 (B) have at least three (3) years experience as occupational  
17 therapists; and  
18 (C) are licensed under this article.  
19 (2) At least one (1) physician licensed under IC 25-22.5 who is  
20 familiar with the practice of occupational therapy.  
21 (3) At least one (1) person who:  
22 (A) is a resident of Indiana; and  
23 (B) is not associated with occupational therapy in any way  
24 other than as a consumer.

25 SECTION 105. IC 25-23.5-2-4 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the  
27 committee may be removed by the board ~~without cause: under~~  
28 **IC 25-1-6.5-4.**

29 SECTION 106. IC 25-23.6-2-2, AS AMENDED BY P.L.122-2009,  
30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2019]: Sec. 2. (a) The board consists of ~~eleven (11)~~ **ten (10)**  
32 members appointed by the governor. ~~for terms of three (3) years:~~  
33 **Subject to IC 25-1-6.5-3**, the board must include the following:

- 34 (1) Two (2) marriage and family therapists who:  
35 (A) have at least a master's degree in marriage and family  
36 therapy or a related field from an eligible postsecondary  
37 educational institution;  
38 (B) are licensed under this chapter; and  
39 (C) have five (5) years of experience in marriage and family  
40 therapy.  
41 (2) One (1) social worker who:  
42 (A) has at least a master's degree in social work from an



- 1 eligible postsecondary educational institution accredited by the  
 2 Council on Social Work Education;  
 3 (B) is licensed under this article; and  
 4 (C) has at least five (5) years of experience as a social worker.  
 5 (3) One (1) social services director of a hospital with a social  
 6 work degree who has at least three (3) years of experience in a  
 7 hospital setting.  
 8 (4) Two (2) mental health counselors who:  
 9 (A) have at least a master's degree in mental health counseling;  
 10 (B) are licensed under this article; and  
 11 (C) have at least five (5) years experience as a mental health  
 12 counselor.  
 13 (5) ~~Two (2) consumers~~ **One (1) consumer** who ~~have has~~ never  
 14 been credentialed under this article.  
 15 (6) One (1) physician licensed under IC 25-22.5 who has training  
 16 in psychiatric medicine.  
 17 (7) Two (2) licensed clinical addiction counselors who:  
 18 (A) are licensed under IC 25-23.6-10.5; and  
 19 (B) have at least five (5) years experience in clinical addiction  
 20 counseling.  
 21 (b) Not more than six (6) members of the board may be from the  
 22 same political party.  
 23 **(c) A member appointed:**  
 24 **(1) before July 1, 2019, serves a three (3) year term; and**  
 25 **(2) after June 30, 2019, serves a term under IC 25-1-6.5.**  
 26 SECTION 107. IC 25-23.6-2-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the  
 28 board who is appointed by the governor may ~~not be removed from the~~  
 29 ~~board except by action of the governor.~~ **be removed under**  
 30 **IC 25-1-6.5-4.**  
 31 SECTION 108. IC 25-23.7-3-2, AS AMENDED BY P.L.177-2015,  
 32 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the board consists  
 34 of ~~nine (9)~~ **five (5)** members appointed by the governor as follows:  
 35 (1) ~~Four (4)~~ **Two (2)** members who are installers, each of whom:  
 36 (A) is licensed in Indiana as an installer; and  
 37 (B) has been actively engaged in the installation of  
 38 manufactured homes for at least five (5) years immediately  
 39 before the member's appointment to the board.  
 40 (2) ~~One (1) member who represents manufactured home~~  
 41 ~~manufacturers with production facilities in Indiana.~~  
 42 (3) **(2)** One (1) member who represents manufactured home



- 1 dealers.
- 2 ~~(4) One (1) member who is an operator or who is employed by an~~  
 3 ~~operator of a mobile home community licensed under~~  
 4 ~~IC 16-41-27.~~
- 5 ~~(5) (3) One (1) member who is an owner of or who is employed~~  
 6 ~~by a primary inspection agency, a designation issued under 24~~  
 7 ~~CFR 3282 by the United States Department of Housing and Urban~~  
 8 ~~Development.~~
- 9 ~~(6) (4) One (1) member who represents the general public and~~  
 10 ~~who is not associated with the manufactured home industry other~~  
 11 ~~than as a consumer.~~
- 12 (b) The members of the board must be residents of Indiana.
- 13 (c) All members of the board serve at the will and pleasure of the  
 14 governor.
- 15 SECTION 109. IC 25-23.7-3-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~(a) Each member of~~  
 17 ~~the board shall serve a term of four (4) years and until the member's~~  
 18 ~~successor is appointed and qualified: under IC 25-1-6.5.~~
- 19 ~~(b) A board member may not serve more than two (2) consecutive~~  
 20 ~~terms.~~
- 21 SECTION 110. IC 25-23.7-3-4 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a) The governor~~  
 23 ~~may remove a board member at any time for incompetency, neglect of~~  
 24 ~~duty, or unprofessional conduct: under IC 25-1-6.5-4.~~
- 25 ~~(b) A vacancy in the membership of the board shall be filled by~~  
 26 ~~appointment by the governor for the unexpired term.~~
- 27 SECTION 111. IC 25-23.7-3-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The board shall  
 29 meet at least two (2) times each calendar year upon the call of the  
 30 chairperson or the written request of a majority of the members of the  
 31 board.
- 32 (b) The chairperson shall establish the time and place for each  
 33 meeting.
- 34 (c) ~~Five (5) members of the board constitute a quorum: A quorum~~  
 35 ~~of the board consists of a majority of the appointed members.~~
- 36 (d) Except as otherwise provided in this article, at least ~~five (5)~~  
 37 ~~three (3) votes are necessary for the board to take official action.~~
- 38 SECTION 112. IC 25-24-1-1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) There is created  
 40 the Indiana optometry board (referred to in this chapter as the board),  
 41 whose duty it shall be to carry out this chapter. The board shall consist  
 42 of ~~six (6) five (5) members appointed by the governor. Five (5) Subject~~



1 **to IC 25-1-6.5-3, four (4)** of these members must have been resident  
 2 optometrists, licensed under this chapter, engaged in the actual practice  
 3 of optometry in Indiana for a period of five (5) years prior to their  
 4 appointment, and not more than three (3) of the optometrist members  
 5 may belong to the same political party. **Subject to IC 25-1-6.5-3, the**  
 6 ~~sixth~~ **fifth** member of the board, to represent the general public, shall  
 7 be a resident of this state who has never been associated with  
 8 optometry in any way other than as a consumer. The appointed  
 9 members **appointed before July 1, 2019**, shall serve for a term of  
 10 three (3) years each, and each shall hold ~~his~~ office until ~~his~~ a successor  
 11 is appointed. ~~Appointment to fill vacancies from any cause shall be~~  
 12 ~~made by the governor for the residue of the term. The appointed~~  
 13 ~~members appointed after June 30, 2019, shall serve a term under~~  
 14 **IC 25-1-6.5. A member may be removed under IC 25-1-6.5-4.** The  
 15 members of the board, before entering on their duties, shall each take  
 16 and subscribe to the oath required to be taken by other state officers,  
 17 which shall be administered by the secretary of state and filed in ~~his~~ **the**  
 18 **office of the secretary of state**, and the board shall have a common  
 19 seal. The board:

20 (1) shall administer oaths and take affidavits as required by this  
 21 chapter, certified under the hand and the seal of the board;

22 (2) shall require the attendance of witnesses and the production  
 23 of books, records, and papers pertinent to any matters coming  
 24 before the board; and

25 (3) for that purpose may issue a subpoena for any witness or a  
 26 subpoena duces tecum to compel the production of any books,  
 27 records, papers, or documents, directed to the sheriff of the county  
 28 where the witness resides or is to be found, which shall be served  
 29 and returned in the same manner as subpoenas in civil actions in  
 30 the circuit court are served and returned.

31 (b) The board shall adopt rules, and do any and all things not  
 32 inconsistent with this chapter which may be necessary or expedient for  
 33 the effective enforcement of this chapter, for the full and efficient  
 34 performance of its duties under this chapter, and for the reasonable  
 35 regulation of the profession and practice thereof by persons licensed  
 36 under this chapter.

37 (c) The board shall adopt rules, not inconsistent with this chapter,  
 38 governing applicants and applications for license under this chapter  
 39 and governing the examination of applicants before beginning the  
 40 practice of optometry in this state, and shall establish a schedule of  
 41 qualifications of applicants, and a schedule of the minimum  
 42 requirements with which applicants for examination must comply



1 before they can be examined or receive a license, which schedules of  
 2 qualifications of applicants and of minimum requirements shall be kept  
 3 in a record for that purpose by the board.

4 (d) The board shall establish and record, in a record kept for that  
 5 purpose, a schedule of the minimum requirements and rules for the  
 6 recognition of schools of optometry, so as to keep the requirements of  
 7 proficiency up to the average standard of other states.

8 (e) The board shall adopt rules establishing standards for the  
 9 competent practice of optometry.

10 (f) The board shall assist in the prosecution of any violation of this  
 11 chapter and assist in the enforcement of this chapter.

12 (g) The board shall utilize, when expedient, an agent whose title  
 13 shall be inspector of the board, who shall hold office during the  
 14 pleasure of the board and who shall, while in office, serve and execute  
 15 any process or order issued by the board under this chapter. Such  
 16 agents may enter any optometrist's establishment or any place where  
 17 the optometrist is located for the purpose of practicing the optometry  
 18 profession to inspect the premises and the licenses of all optometrists  
 19 operating therein, and the inspector may inspect all instruments and  
 20 patient records used in the conduct of the profession and all ophthalmic  
 21 materials which are to be delivered to the public.

22 (h) The board shall utilize the services of attorneys and other  
 23 necessary assistants in carrying out this chapter.

24 (i) The board may:

- 25 (1) grant or refuse to grant licenses as provided in this chapter;
- 26 (2) place any licensee on probation; and
- 27 (3) revoke or suspend the license, as provided in this chapter, of  
 28 any optometrist for any violation of this chapter or for a violation  
 29 of any rule of the board.

30 (j) The board has such other powers and duties as may be provided  
 31 in this chapter.

32 SECTION 113. IC 25-26-13-3, AS AMENDED BY P.L.202-2017,  
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 3. (a) The Indiana board of pharmacy is created.  
 35 The board consists of seven (7) members appointed by the governor for  
 36 terms of four (4) years. **under IC 25-1-6.5.**

37 **(b) Subject to IC 25-1-6.5-3, the board consists of the following:**

- 38 (1) One (1) member of the board, to represent the general public,  
 39 **must be a who is a** resident of this state who has never been  
 40 associated with pharmacy in any way other than as a consumer.
- 41 (2) ~~Except for the member representing the general public, the~~  
 42 **members must be Six (6) members who are** pharmacists in good



1 standing of recognized experience and ability from varied practice  
 2 settings who hold a current license to practice pharmacy in  
 3 Indiana, **including** one (1) member of the board **who** must be a  
 4 practicing hospital pharmacist. ~~If a member leaves the board for~~  
 5 ~~any reason before the end of the member's term, the member's~~  
 6 ~~successor shall serve for the unexpired portion of the term.~~

7 **(c) A member may be removed under IC 25-1-6.5-4.**

8 ~~(b)~~ **(d)** Not later than ten (10) days after a member's appointment,  
 9 the member must subscribe by oath or affirmation to faithfully uphold  
 10 the duties of the member's office. If a member fails to qualify as  
 11 provided, a new member shall be appointed in the member's place.

12 ~~(e)~~ **(e)** At the first meeting of each year the board shall elect from  
 13 among its members a president and vice president who shall perform  
 14 duties and have powers as the board prescribes.

15 ~~(f)~~ **(f)** The board shall meet at least eight (8) times per year at such  
 16 times and places as the board selects. At each meeting the board shall  
 17 continue in session from day to day, for not more than five (5) days,  
 18 until the business of the meeting is complete. Four (4) members of the  
 19 board shall constitute a quorum.

20 ~~(g)~~ **(g)** Each member of the board is entitled to compensation as  
 21 determined by the rules of the budget agency for each day the member  
 22 is actually engaged in business of the board, together with necessary  
 23 travel and other expenses incurred in the performance of the member's  
 24 duties.

25 ~~(h)~~ **(h)** Approval by a majority of the quorum is required for any  
 26 action to be taken by the board.

27 SECTION 114. IC 25-27-1-4 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) There is created  
 29 a five (5) member Indiana physical therapy committee to assist the  
 30 board in carrying out this chapter regarding the qualifications and  
 31 examinations of physical therapists and physical therapist's assistants.

32 **Subject to IC 25-1-6.5-3**, the committee is comprised of:

- 33 (1) three (3) physical therapists;  
 34 (2) a licensed physician; and  
 35 (3) one (1) member who is a resident of the state and who is not  
 36 associated with physical therapy in any way, other than as a  
 37 consumer.

38 (b) The governor shall make each appointment **before July 1, 2019**,  
 39 for a term of three (3) years.

40 **(c) The governor shall make each appointment after June 30,**  
 41 **2019, under IC 25-1-6.5.**

42 **(d)** Each physical therapist appointed must:



- 1 (1) be a licensed physical therapist meeting the requirements of  
 2 this chapter;  
 3 (2) have had not less than three (3) years experience in the actual  
 4 practice of physical therapy immediately preceding appointment;  
 5 and  
 6 (3) be a resident of the state and actively engaged in this state in  
 7 the practice of physical therapy during incumbency as a member  
 8 of the committee.

9 **(e) A member may be removed under IC 25-1-6.5-4.**

10 SECTION 115. IC 25-27.5-3-2, AS AMENDED BY P.L.90-2007,  
 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2019]: Sec. 2. (a) The committee consists of five (5) members  
 13 appointed by the governor. ~~for terms of three (3) years.~~

14 (b) **Subject to IC 25-1-6.5-3**, the committee must include the  
 15 following:

- 16 (1) Three (3) physician assistants who:  
 17 (A) are residents of Indiana;  
 18 (B) have at least three (3) years experience as physician  
 19 assistants; and  
 20 (C) are licensed under this article.  
 21 (2) A physician licensed under IC 25-22.5 who is familiar with  
 22 the practice of physician assistants.  
 23 (3) An individual who:  
 24 (A) is a resident of Indiana; and  
 25 (B) is not associated with physician assistants in any way other  
 26 than as a consumer.

27 **(c) A member who is appointed:**

- 28 **(1) before July 1, 2019, serves a term of three (3) years; and**  
 29 **(2) after June 30, 2019, serves a term under IC 25-1-6.5.**

30 SECTION 116. IC 25-27.5-3-4 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the  
 32 committee may be removed by the governor ~~for cause.~~ **under**  
 33 **IC 25-1-6.5-4.**

34 SECTION 117. IC 25-28.5-1-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The commission  
 36 shall consist of ~~six (6)~~ **five (5)** members to be appointed by the  
 37 governor.

38 **(b) Subject to IC 25-1-6.5-3**, each member appointed shall be a  
 39 citizen and resident of this state **and include the following:**

- 40 **(1) Two (2) of the members shall be actively engaged in the**  
 41 **plumbing contracting business for not less than five (5) years**  
 42 **immediately prior to his their appointment or shall have had ten**





1 (10) years experience in the plumbing contracting business.

2 **(2)** Two (2) of the members shall be persons who for not less than  
3 five (5) years immediately prior to their appointment have been  
4 employed as journeymen plumbers. ~~One (1) member shall be the~~  
5 ~~commissioner of the state department of health or a member of~~  
6 ~~the commissioner's professional staff.~~

7 **(3)** One (1) member, appointed to represent the general public,  
8 may never have been associated with plumbing in any way other  
9 than as a consumer.

10 **(c)** The term of all members of the commission **appointed:**

11 **(1) before July 1, 2019**, shall be for three (3) years and until their  
12 successors are appointed and qualified; **and**

13 **(2) after June 30, 2019, shall be under IC 25-1-6.5.**

14 ~~(b) (d) Members appointed by the governor to fill vacancies shall~~  
15 ~~hold office for the unexpired term. At no time shall there be more than~~  
16 ~~four (4) members of the same political faith party on the commission.~~  
17 ~~No person, other than the representative of the state department of~~  
18 ~~health, shall act as a member of the commission while holding another~~  
19 ~~elective or appointive office either state or federal.~~

20 **(e) A member may be removed under IC 25-1-6.5-4.**

21 SECTION 118. IC 25-28.5-1-9 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The secretary shall  
23 call all meetings of the commission as directed by the chairman or  
24 upon request in writing by two (2) members, and at such time and  
25 places, within the state of Indiana as the commission business may  
26 require. Sufficient notice shall be given to permit members to attend all  
27 meetings. ~~The presence of four (4) members of the commission in~~  
28 ~~attendance at a commission meeting subject to notice as herein~~  
29 ~~required, shall constitute a quorum for the transaction of commission~~  
30 ~~business. A quorum of the board consists of a majority of the~~  
31 ~~appointed members.~~ Meetings of the commission may be held  
32 pursuant to written waiver of notice signed by all the members of the  
33 commission. A record shall be kept of all proceedings at meetings and  
34 of the vote taken on each act or transaction of the commission, and a  
35 majority vote of all members shall be required to bind the commission.

36 SECTION 119. IC 25-29-2-2 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board  
38 consists of ~~six (6)~~ **five (5)** members appointed by the governor.

39 **(b) Subject to IC 25-1-6.5-3**, four (4) members must be licensed  
40 podiatrists who actively practice podiatric medicine and who meet the  
41 following conditions:

42 (1) Be licensed in Indiana as a podiatrist under this article.



- 1 (2) Be a resident of Indiana.
- 2 (3) Have practiced podiatric medicine for at least five (5) years.
- 3 (c) ~~Two (2) members~~ **Subject to IC 25-1-6.5-3, one (1) member** of  
 4 the board must meet the following conditions:
- 5 (1) Be a resident of Indiana.
- 6 (2) Not be associated with the practice of podiatry other than as  
 7 a consumer.
- 8 SECTION 120. IC 25-29-2-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A member of the  
 10 board serves a term:
- 11 **(1) if appointed before July 1, 2019**, of three (3) years and until  
 12 the member's successor is appointed and qualified; **and**
- 13 **(2) if appointed after June 30, 2019, a term under IC 25-1-6.5.**
- 14 SECTION 121. IC 25-29-2-4 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The governor  
 16 may remove a member of the board ~~after a hearing conducted under~~  
 17 ~~IC 4-21.5-3 for incompetency, neglect of duty, or for unprofessional~~  
 18 ~~conduct. under IC 25-1-6.5-4.~~
- 19 (b) ~~A vacancy in the membership of the board shall be filled by~~  
 20 ~~appointment by the governor for the unexpired term.~~
- 21 SECTION 122. IC 25-29-2-5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~A quorum of the~~  
 23 ~~board consists of four (4) members. A quorum of the board consists~~  
 24 ~~of a majority of the appointed members. At least four (4) three (3)~~  
 25 ~~votes are necessary for the board to take official action.~~
- 26 SECTION 123. IC 25-30-1-5.2, AS ADDED BY P.L.185-2007,  
 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2019]: Sec. 5.2. (a) The private investigator and security  
 29 guard licensing board is established.
- 30 (b) The board consists of:
- 31 (1) the superintendent of the state police department or the  
 32 superintendent's designee; and
- 33 (2) **subject to IC 25-1-6.5-3**, the following ~~six (6)~~ **four (4)**  
 34 ~~members appointed by the governor: from different geographic~~  
 35 ~~regions of Indiana as determined by the governor:~~
- 36 (A) ~~Two (2) individuals~~ **One (1) individual** who are is  
 37 associated with a private investigator firm licensed under this  
 38 article.
- 39 (B) ~~Two (2) individuals~~ **One (1) individual** who are is  
 40 associated with a security guard agency licensed under this  
 41 article.
- 42 (C) One (1) local law enforcement official.



- 1 (D) One (1) person who is not associated with the private  
 2 investigator firm or security guard agency other than as a  
 3 consumer.
- 4 (c) Each member of the board appointed by the governor shall serve  
 5 a term of two (2) years: **under IC 25-1-6.5.**
- 6 (d) The governor may remove a board member appointed by the  
 7 governor for ~~incompetency or failure to perform the member's duties~~  
 8 ~~under this chapter:~~ **under IC 25-1-6.5-4.**
- 9 (e) A vacancy in the membership of the board shall be filled by  
 10 appointment by the governor for the ~~unexpired term:~~ **under**  
 11 **IC 25-1-6.5.**
- 12 (f) ~~Each member of the board who is not a state employee is entitled~~  
 13 ~~to the minimum salary per diem provided by IC 4-10-11-2.1(b):~~ Each  
 14 member of the board is entitled to reimbursement for traveling  
 15 expenses and other expenses actually incurred in connection with the  
 16 member's duties, as provided in the state travel policies and procedures  
 17 established by the Indiana department of administration and approved  
 18 by the budget agency.
- 19 SECTION 124. IC 25-30-1-6.5, AS ADDED BY P.L.185-2007,  
 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2019]: Sec. 6.5. (a) The board shall meet upon the call of the  
 22 board president.
- 23 (b) ~~Four (4)~~ **Three (3)** members of the board constitute a quorum.
- 24 SECTION 125. IC 25-31-1-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The state board  
 26 of registration for professional engineers is created.
- 27 (b) The board consists of seven (7) members, six (6) of whom shall  
 28 be registered professional engineers.
- 29 (c) **Subject to IC 25-1-6.5-3**, one (1) member must be appointed to  
 30 represent the general public who is:  
 31 (1) a resident of this state; and  
 32 (2) not associated with professional engineering other than as a  
 33 consumer.
- 34 (d) All members of the board shall be appointed by the governor.
- 35 (e) **Subject to IC 25-1-6.5-3**, six (6) professional engineer members  
 36 shall be appointed to the board. ~~and shall at the time of appointment~~  
 37 ~~consist of:~~  
 38 (1) one (1) member from industry;  
 39 (2) one (1) member from government;  
 40 (3) one (1) member from education;  
 41 (4) two (2) members from private practice; and  
 42 (5) one (1) member at large.



1 (f) A person appointed as a professional engineer member of the  
2 board must:

3 (1) be a citizen of the United States;

4 (2) have been a resident of this state for a period of at least five  
5 (5) years immediately before the time of the member's  
6 appointment;

7 (3) be registered as a professional engineer and must have been  
8 engaged in the lawful practice of engineering for at least twelve  
9 (12) years; and

10 (4) have been in responsible charge of engineering work or  
11 engineering teaching for at least five (5) years.

12 **To the extent possible, the governor shall appoint members to the**  
13 **board who serve or have served in diverse areas of professional**  
14 **practice.**

15 (g) Every member of the board shall be appointed for a term of four  
16 (4) years and shall serve until the member's successor is appointed and  
17 qualified: **under IC 25-1-6.5.**

18 (h) Every member of the board shall receive a certificate of  
19 appointment from the governor, and, before beginning the member's  
20 term of office, file with the secretary of the board a written oath or  
21 affirmation for the faithful discharge of the member's official duties.

22 (i) The governor may remove any member of the board at any time  
23 for incompetency, neglect of duty, or for unprofessional conduct:  
24 **under IC 25-1-6.5-4.**

25 (j) Any vacancy which may occur in the membership of the board;  
26 at any time, shall be filled by appointment by the governor for the  
27 unexpired term:

28 SECTION 126. IC 25-33-1-3, AS AMENDED BY P.L.197-2007,  
29 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2019]: Sec. 3. (a) There is created a board to be known as the  
31 "state psychology board". The board shall consist of ~~seven (7)~~ **five (5)**  
32 members appointed by the governor.

33 **(b) Six (6) Subject to IC 25-1-6.5-3, four (4)** of the board members  
34 shall be licensed under this article and shall have had at least five (5)  
35 years of experience as a professional psychologist prior to their  
36 appointment.

37 **(c) Subject to IC 25-1-6.5-3, the seventh fifth** member shall be  
38 appointed to represent the general public, must be a resident of this  
39 state, must never have been credentialed in a mental health profession,  
40 and must in no way be associated with the profession of psychology  
41 other than as a consumer.

42 **(d)** All members shall:

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1 (1) if appointed before July 1, 2019, be appointed for a term of  
 2 three (3) years; and

3 (2) if appointed after June 30, 2019, be appointed under  
 4 IC 25-1-6.5. All members may serve until their successors are  
 5 duly appointed and qualified. A vacancy occurring on the board  
 6 shall be filled by the governor by appointment. The member so  
 7 appointed shall serve for the unexpired term of the vacating  
 8 member.

9 (e) A member may be removed under IC 25-1-6.5-4.

10 (f) Each member of the board is entitled to the minimum salary per  
 11 diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to  
 12 reimbursement for traveling expenses and other expenses actually  
 13 incurred in connection with the member's duties, as provided in the  
 14 state travel policies and procedures established by the Indiana  
 15 department of administration and approved by the state budget agency.

16 (b) (g) The members of the board shall organize by the election of  
 17 a chairman and a vice chairman from among its membership. Such  
 18 officers shall serve for a term of one (1) year. The board shall meet at  
 19 least once in each calendar year and on such other occasions as it  
 20 considers necessary and advisable. A meeting of the board may be  
 21 called by its chairman or by a majority of the members on the board.  
 22 Four (4) members of the board constitute a quorum. A quorum of the  
 23 board consists of a majority of the appointed members. A majority  
 24 of the quorum may transact business.

25 (e) (h) The board is empowered to do the following:

26 (1) Establish reasonable application, examination, and renewal  
 27 procedures and set fees for licensure under this article. However,  
 28 no fee collected under this article shall, under any circumstances,  
 29 be refunded.

30 (2) Adopt and enforce rules concerning assessment of costs in  
 31 disciplinary proceedings before the board.

32 (3) Establish examinations of applicants for licensure under this  
 33 article and issue, deny, suspend, revoke, and renew licenses.

34 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon  
 35 complaint against individuals licensed or not licensed under this  
 36 article, concerning alleged violation of this article, under  
 37 procedures conducted in accordance with IC 4-21.5.

38 (5) Initiate the prosecution and enjoinder of any person violating  
 39 this article.

40 (6) Adopt rules which are necessary for the proper performance  
 41 of its duties, in accordance with IC 4-22-2.

42 (7) Establish a code of professional conduct.



1           ~~(d)~~ **(i)** The board shall adopt rules establishing standards for the  
2 competent practice of psychology.

3           ~~(e)~~ **(j)** All expenses incurred in the administration of this article  
4 shall be paid from the general fund upon appropriation being made in  
5 the manner provided by law for the making of such appropriations.

6           ~~(f)~~ **(k)** The ~~bureau~~ **agency** shall do the following:

7               (1) Carry out the administrative functions of the board.

8               (2) Provide necessary personnel to carry out the duties of this  
9 article.

10              (3) Receive and account for all fees required under this article.

11              (4) Deposit fees collected with the treasurer of state for deposit in  
12 the state general fund.

13           ~~(g)~~ **(l)** This section may not be interpreted to prevent a licensed or  
14 certified health care professional from practicing within the scope of  
15 the health care professional's:

16               (1) license or certification; and

17               (2) training or credentials.

18           SECTION 127. IC 25-34.1-2-1 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The Indiana real  
20 estate commission is created.

21           (b) The commission consists of the following:

22               (1) Nine (9) district members. Each Indiana congressional district  
23 must be represented by one (1) individual appointed under this  
24 subdivision.

25               (2) One (1) real estate member at large.

26               (3) Two (2) citizen members at large.

27 A member described in subdivision (1) must be a resident of the  
28 represented district for not less than one (1) year. A member described  
29 in subdivision (1) or (2) must have engaged in business as a license  
30 broker for not less than five (5) years. Citizen members at large shall  
31 be appointed to represent the general public, must be residents of  
32 Indiana, and must have never been associated with the real estate  
33 business in any way other than as a consumer.

34           (c) Each member of the commission shall be appointed by the  
35 governor and shall serve a four (4) year term. If a successor has not  
36 been appointed, the current member shall serve until a successor is  
37 appointed and qualified. If a vacancy occurs on the commission, the  
38 governor shall appoint an individual to serve the unexpired term of the  
39 previous member and until a successor is appointed and qualified.  
40 **under IC 25-1-6.5.**

41           (d) A member of the commission may not hold a state or federal  
42 elective office.



1           **(e) A member may be removed under IC 25-1-6.5-4.**

2           SECTION 128. IC 25-34.1-8-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board  
4 consists of ~~seven (7)~~ **five (5)** members appointed by the governor as  
5 follows:

6           (1) ~~Five (5)~~ **Subject to IC 25-1-6.5-3, three (3)** members who are  
7 real estate appraisers:

8           (A) who are licensed or certified under this article;

9           (B) who have at least five (5) years experience as real estate  
10 appraisers; and

11           (C) at least ~~three (3)~~ **one (1)** of whom ~~are is a~~ certified  
12 ~~appraisers. appraiser.~~

13           (2) **Subject to IC 25-1-6.5-3**, one (1) representative who  
14 represents lenders qualified to:

15           (A) make Federal Housing Administration insured loans and  
16 Veterans Administration guaranteed loans; and

17           (B) sell loans to the Federal National Mortgage Association  
18 and the Federal Home Loan Mortgage Corporation.

19           (3) **Subject to IC 25-1-6.5-3**, one (1) member who is not  
20 associated with the real estate business in any way other than as  
21 a consumer.

22           (b) ~~When making appointments under subsection (a), the governor~~  
23 ~~shall consider the geographic areas represented on the board. A~~  
24 **member may be removed under IC 25-1-6.5-4.**

25           SECTION 129. IC 25-34.1-8-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Each board member  
27 serves for a term of ~~four (4) years. under IC 25-1-6.5.~~

28           SECTION 130. IC 25-34.1-8-4 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board must  
30 have a quorum to transact business.

31           (b) ~~Four (4) members of the board constitute a quorum. A quorum~~  
32 **of the board consists of a majority of the appointed members.**

33           SECTION 131. IC 25-34.1-8-5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The affirmative vote  
35 of ~~four (4)~~ **three (3)** members of the board is required for the board to  
36 take action.

37           SECTION 132. IC 25-34.5-2-2 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to**  
39 **IC 25-1-6.5-3**, the committee consists of five (5) members to be  
40 appointed by the governor as follows:

41           (1) At least two (2) practitioners.

42           (2) At least one (1) physician licensed under IC 25-22.5 who is



1 familiar with the practice of respiratory care.

2 (3) At least one (1) member who:

3 (A) is a resident of Indiana; and

4 (B) is not associated with the practice of respiratory care in  
5 any way, other than as a consumer.

6 (b) Each practitioner appointed to the committee must:

7 (1) be a practitioner meeting the requirements of this article;

8 (2) have had not less than three (3) years experience in the actual  
9 practice of respiratory care immediately preceding appointment;  
10 and

11 (3) be a resident of Indiana and actively engaged in Indiana in the  
12 practice of respiratory care while serving as a member of the  
13 committee.

14 SECTION 133. IC 25-34.5-2-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governor shall  
16 make each appointment to the committee **as follows:**

17 **(1) For an appointment before July 1, 2019,** for a term of three  
18 (3) years.

19 **(2) For an appointment after June 30, 2019, for a term under**  
20 **IC 25-1-6.5.**

21 SECTION 134. IC 25-34.5-2-4 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the  
23 committee may be removed ~~by the governor without cause.~~ **under**  
24 **IC 25-1-6.5-4.**

25 SECTION 135. IC 25-35.6-2-1, AS AMENDED BY P.L.168-2016,  
26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2019]: Sec. 1. (a) There is established the speech-language  
28 pathology and audiology board.

29 (b) The board shall be comprised of ~~six (6)~~ **five (5)** members, who  
30 shall be appointed by the governor. ~~Five (5)~~ **Subject to IC 25-1-6.5-3,**  
31 **four (4)** board members shall have been residents of this state for at  
32 least one (1) year immediately preceding their appointment and shall  
33 have been engaged in rendering services to the public, teaching, or  
34 research in speech-language pathology or audiology for at least five (5)  
35 years immediately preceding their appointment. At least two (2) board  
36 members shall be speech-language pathologists and at least two (2)  
37 shall be audiologists. ~~with the fifth member being either a~~  
38 ~~speech-language pathologist or audiologist.~~ At least one (1) of these  
39 ~~five (5) members must be engaged in an active private practice of~~  
40 ~~speech-language pathology or audiology.~~ **Subject to IC 25-1-6.5-3,** the  
41 ~~sixth~~ **fifth** member of the board, to represent the general public, shall  
42 be a resident of this state who has never been associated with





1 speech-language pathology or audiology in any way other than as a  
 2 consumer. Except for the member representing the general public, all  
 3 board members shall at all times be holders of active and valid licenses  
 4 for the practice of speech-language pathology or audiology in this state.

5 (c) ~~The governor shall also appoint one (1) nonvoting advisor, who~~  
 6 ~~must be a licensed physician and board certified in otolaryngology; to~~  
 7 ~~serve a four (4) year term of office on the board. A member may be~~  
 8 ~~removed under IC 25-1-6.5-4.~~

9 (d) ~~Appointments shall be: for three (3) year terms, with no person~~  
 10 ~~being eligible to serve more than two (2) full consecutive terms. Terms~~  
 11 ~~shall begin on the first day of the calendar year and end on the last day~~  
 12 ~~of the calendar year, except for the first appointed members, who shall~~  
 13 ~~serve through the last calendar day of the year in which they are~~  
 14 ~~appointed before commencing the terms prescribed by this subsection.~~  
 15 ~~Any member of the board may serve until the member's successor is~~  
 16 ~~appointed and qualified under this chapter.~~

17 (1) **for members appointed before July 1, 2019, for a three**  
 18 **year term; and**

19 (2) **for members appointed after June 30, 2019, for a term**  
 20 **under IC 25-1-6.5.**

21 (e) The governor may consider, but shall not be bound to accept,  
 22 recommendations for board membership made by a statewide  
 23 association for speech-language and hearing. A statewide association  
 24 for speech-language and hearing may submit to the governor its  
 25 recommendations for board membership not less than sixty (60) days  
 26 ~~before the end of each calendar year. after a vacancy.~~ In the event of  
 27 a mid-term vacancy, such association may make recommendations for  
 28 filling such vacancy.

29 (f) At the first meeting of the board each year, members shall elect  
 30 a chairperson for the subsequent twelve (12) month period. Further  
 31 meetings may be convened at the call of the chairperson or the written  
 32 request of any two (2) board members. All meetings of the board shall  
 33 be open to the public, except that the board may hold closed sessions  
 34 to prepare, approve, grade, or administer examinations or, upon request  
 35 of an applicant who fails an examination, to prepare a response  
 36 indicating any reason for the applicant's failure. All meetings of the  
 37 board must be held in Indiana.

38 (g) ~~Four (4) members of the board constitute a quorum. A quorum~~  
 39 ~~of the board consists of a majority of the appointed members. A~~  
 40 ~~majority of the quorum may transact business.~~

41 SECTION 136. IC 25-35.6-2-3 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The board may



1 utilize employees provided by the ~~health professions bureau~~ **Indiana**  
 2 **professional licensing agency** as necessary.

3 (b) The board shall adopt a seal by which it shall authenticate its  
 4 proceedings. Copies of the proceedings, records, and acts of the board,  
 5 and certificates purporting to relate the facts concerning such  
 6 proceedings, records, and acts, that are signed by the chairman or the  
 7 executive secretary and authenticated by the seal, shall be prima facie  
 8 evidence in all courts of this state.

9 (c) Under no circumstances shall the total amount of expenditures  
 10 incurred by the board exceed the amount of the fees collected as  
 11 provided in this chapter.

12 SECTION 137. IC 25-38.1-2-1, AS AMENDED BY P.L.78-2017,  
 13 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2019]: Sec. 1. (a) The Indiana board of veterinary medical  
 15 examiners is established.

16 (b) **Subject to IC 25-1-6.5-3**, the board consists of seven (7)  
 17 members appointed by the governor.

18 (c) One (1) of the board members must be a registered veterinary  
 19 technician.

20 (d) One (1) of the board members must be appointed to represent  
 21 the general public.

22 (e) Not more than four (4) board members may be affiliated with the  
 23 same political party.

24 (f) ~~If there is a vacancy on the board, the governor shall appoint a~~  
 25 ~~successor to complete the unexpired term. A board member may be~~  
 26 **removed under IC 25-1-6.5-4.**

27 SECTION 138. IC 25-38.1-2-2, AS AMENDED BY P.L.78-2017,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2019]: Sec. 2. The term of each member of the board is ~~four~~  
 30 ~~(4) years beginning on September 1 of the appropriate year of the~~  
 31 ~~member's appointment. Each member shall serve until the member's~~  
 32 ~~successor is appointed and qualified. Members of the board may be~~  
 33 ~~appointed for more than one (1) term; but an individual may not be a~~  
 34 ~~member of the board for more than eight (8) years out of any twelve~~  
 35 ~~(12) year period. established under IC 25-1-6.5.~~



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 13.

Page 4, delete lines 25 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 3. IC 9-31-3-19, AS AMENDED BY P.L.179-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) A dealer licensed by the secretary of state under IC 9-32-8-2 may, upon application to the secretary of state, obtain a dealer plate and registration card for use in the testing or demonstrating of motorboats. Two (2) dealer plates must be displayed within a motorboat that is being tested or demonstrated while the motorboat is being tested or demonstrated.

(b) A transfer dealer or automobile auction **company** licensed under IC 9-32 may request dealer plates under subsection (a).

(c) The fee to obtain a dealer plate and registration card under subsection (a) is ten dollars (\$10). The secretary of state may retain the fee."

Page 7, line 41, delete "auction"" and insert "auction **company**".

Page 8, line 7, reset in roman "The term does not include a person".

Page 8, reset in roman line 8.

Page 8, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 9-32-11-1, AS AMENDED BY P.L.137-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Subject to IC 9-32-11-20, the following persons must be licensed under this article to engage in the business of buying, selling, or manufacturing motor vehicles:

- (1) An automobile auction **company**.
- (2) A converter manufacturer.
- (3) A dealer.
- (4) A distributor.
- (5) An automotive salvage recycler.
- (6) A watercraft dealer.
- (7) A manufacturer.
- (8) A transfer dealer.
- (9) An automotive mobility dealer.
- (10) A manufactured home dealer.



The persons listed in this subsection are the only persons eligible for a license under this article.

(b) After January 1, 2018, an automotive mobility dealer must hold an automotive mobility dealer endorsement issued under this article.

(c) After January 1, 2018, an automotive mobility dealer that fails to be licensed and hold an automotive mobility dealer endorsement under this article, and engages in the business of:

- (1) selling;
- (2) installing;
- (3) servicing; or

(4) soliciting or advertising the sale, installation, or servicing of; equipment or modifications specifically designed to facilitate use or operation of a motor vehicle or watercraft by an individual who is disabled or aged commits a Class A infraction."

Delete page 9.

Page 10, delete lines 1 through 2.

Page 13, between lines 12 and 13, begin a new paragraph and insert:  
"SECTION 11. IC 16-31-2-10 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 10: (a) In adopting rules concerning the duties of the commission, the commission shall appoint a technical advisory committee:

(b) Members of the technical advisory committee shall be selected by the commission subject to the approval of the governor on the basis of technical expertise and competency in the specific area of emergency medical service concerned.

(c) Each member of a technical advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of a technical advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."

Page 26, delete lines 16 through 18, begin a new paragraph and insert:

"SECTION 35. IC 25-0.5-3-36 IS REPEALED [EFFECTIVE JULY



1, 2019]. Sec. 36. IC 25-1-2-6(b) applies to the Indiana dietitians certification board."

Page 26, delete lines 22 through 32.

Page 26, delete lines 38 through 41.

Page 27, delete lines 4 through 25.

Page 27, delete lines 30 through 39.

Page 28, delete lines 1 through 3.

Page 28, delete lines 7 through 12.

Page 28, delete lines 16 through 28.

Page 29, delete lines 29 through 42.

Page 30, delete lines 1 through 3.

Page 33, delete lines 21 through 22, begin a new paragraph and insert:

"SECTION 51. IC 25-6.1-1-1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1. Short Title. This article shall be known and may be cited as the "Auctioneer and Auction Licensing Act."

SECTION 52. IC 25-6.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. ~~Creation and Membership.~~ (a) The Indiana auctioneer commission is created consisting of ~~six (6)~~ **five (5)** members, not more than ~~four (4)~~ **three (3)** of whom may be members of the same political party.

(b) ~~A member of the Subject to IC 25-1-6.5-3, the governor shall appoint each~~ commission is appointed by the governor member to serve for a term of ~~three (3)~~ years and until his successor is appointed and qualified: **under IC 25-1-6.5**. A vacancy arising on the commission shall be filled by the governor, and the individual appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled: **under IC 25-1-6.5**.

(c) ~~Five (5)~~ **Four (4)** individuals appointed to membership on the commission must be citizens of Indiana and engaged as auctioneers for a period of not less than five (5) years immediately preceding their appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with auctioneering in any way other than as a consumer.

(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.

**(e) A board member may be removed under IC 25-1-6.5-4."**

Page 45, delete lines 2 through 30, begin a new paragraph and insert:

"SECTION 83. IC 25-20-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) **Subject to**



**IC 25-1-6.5-3**, there is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the governor to a term of ~~three (3) years~~: **under IC 25-1-6.5**. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor ~~to serve the remainder of the term of the vacated member~~: **under IC 25-1-6.5**.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

**(d) A member may be removed under IC 25-1-6.5-4.**

SECTION 84. IC 25-20.2-3-2, AS AMENDED BY P.L.177-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board is composed of ~~seven (7)~~ **five (5)** members appointed by the governor as follows:

(1) ~~Four (4)~~ **Subject to IC 25-1-6.5-3, three (3)** members, each of whom:

(A) is licensed in Indiana as a home inspector; and

(B) has been actively engaged in performing home inspections in Indiana for at least five (5) years immediately before the member's appointment to the board.

(2) **Subject to IC 25-1-6.5-3**, one (1) member who **satisfies either of the following**:

**(A) The member:**

~~(A)~~ **(i)** is a home builder; and

~~(B)~~ **(ii)** has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.

**(B) The member:**

**(i)** is a real estate broker licensed under IC 25-34.1; and

**(ii)** has been actively licensed in Indiana under IC 25-34.1 as a real estate broker for at least five (5)



**years immediately before the member's appointment to the board.**

(3) One (1) member who:

(A) is a licensed real estate broker under IC 25-34.1-3-4.1; and  
(B) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board.

(4) **(3) Subject to IC 25-1-6.5-3**, one (1) member who represents the public at large and is not associated with the home inspection, home building, or real estate business other than as a consumer.

(b) The members of the board must be residents of Indiana.

(c) All members of the board serve at the will and pleasure of the governor."

Page 47, delete lines 38 through 42.

Delete pages 48 through 50.

Page 51, delete lines 1 through 10.

Page 53, reset in roman lines 7 through 8.

Page 53, line 9, delete "(13)" and insert "(14)".

Page 54, delete lines 15 through 42.

Delete pages 55 through 58, begin a new paragraph and insert:

"SECTION 97. IC 25-23.4-2-2, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the committee consists of ~~nine (9)~~ **three (3)** members appointed by the governor as follows:

(1) ~~Three (3)~~ members who are certified direct entry midwives.

(2) ~~Two (2)~~ members who are licensed under IC 25-22.5 and who practice in the area of obstetrics; one (1) of whom has experience acting as a collaborative home birth physician with a midwife.

(3) One (1) certified nurse midwife with experience in the practice of home births.

(4) One (1) member who is licensed under IC 25-22.5 and practices in the area of family practice.

(5) One (1) member who is licensed under IC 25-22.5; who practices in the area of pediatrics; and who has experience acting as a collaborative home birth physician with a midwife.

(6) One (1) member representing the public who is not associated with the profession of midwifery or obstetrics other than as a consumer.

(b) Notwithstanding subsection (a)(1), a certified direct entry midwife appointed to the committee under subsection (a)(1) after June



30, 2013; and before September 2, 2014; is not required to be certified under this article. However, a certified direct entry midwife appointed to the committee after June 30, 2013; and before September 2, 2014; under subsection (a) must be designated as a Certified Professional Midwife (CPM) by the North American Registry of Midwives.

SECTION 98. IC 25-23.4-2-3, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) ~~The term of Each committee member is four (4) years. serves a term under IC 25-1-6.5.~~

(b) ~~A committee member may be reappointed for not more than three (3) consecutive terms.~~

(c) ~~(b) A committee member serves until the committee member's successor is appointed. A vacancy occurring in the membership of the committee for any cause shall be filled by appointment by the governor for the unexpired term. under IC 25-1-6.5.~~

(c) ~~A committee member may be removed under IC 25-1-6.5-4.~~

(d) Committee members annually shall select a chairperson and a vice chairperson from among the committee's members.

SECTION 99. IC 25-23.4-2-4, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The committee shall meet at least one (1) time each year at the call of the chairperson. ~~However, the first meeting of the committee shall be called by the licensing agency.~~

(b) With the approval of the executive director of the licensing agency, the committee may meet upon:

- (1) the call of the chairperson; or
- (2) the request of a majority of the members of the committee.

(c) ~~Five (5) Two (2)~~ members of the committee constitute a quorum.

(d) The affirmative vote of ~~five (5) two (2)~~ members of the committee is required for the committee to take action."

Page 59, delete lines 1 through 37.

Page 60, line 19, strike "eleven (11)" and insert "**ten (10)**".

Page 60, line 38, reset in roman "Two (2)".

Page 60, line 38, delete "Three (3)".

Page 61, line 23, delete "Three (3)" and insert "**Two (2)**".

Page 61, line 30, after "(3)" insert "**(2)**".

Page 61, line 30, reset in roman "One (1) member who represents manufactured home dealers."

Page 61, line 34, delete "(2)" and insert "**(3)**".

Page 61, line 38, delete "(3)" and insert "**(4)**".

Page 68, delete lines 13 through 16, begin a new paragraph and insert:





"SECTION 119. IC 25-30-1-5.2, AS ADDED BY P.L.185-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.2. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) **subject to IC 25-1-6.5-3**, the following ~~six (6)~~ **four (4)** members appointed by the governor: ~~from different geographic regions of Indiana as determined by the governor:~~

(A) ~~Two (2) individuals~~ **One (1) individual** who are is associated with a private investigator firm licensed under this article.

(B) ~~Two (2) individuals~~ **One (1) individual** who are is associated with a security guard agency licensed under this article.

(C) One (1) local law enforcement official.

(D) One (1) person who is not associated with the private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of ~~two (2) years~~: **under IC 25-1-6.5.**

(d) The governor may remove a board member appointed by the governor for ~~incompetency or failure to perform the member's duties under this chapter~~: **under IC 25-1-6.5-4.**

(e) A vacancy in the membership of the board shall be filled by appointment by the governor for ~~the unexpired term~~: **under IC 25-1-6.5.**

(f) ~~Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).~~ Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 120. IC 25-30-1-6.5, AS ADDED BY P.L.185-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) ~~Four (4)~~ **Three (3)** members of the board constitute a quorum."

Page 71, delete lines 34 through 42.

Delete page 72.



Page 73, delete lines 1 through 2.  
 Page 74, delete lines 26 through 42.  
 Delete page 75.  
 Page 76, delete lines 1 through 11.  
 Page 77, delete lines 41 through 42.  
 Delete page 78.  
 Page 79, delete lines 1 through 6.  
 Page 79, delete lines 31 through 42.  
 Delete pages 80 through 82.  
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1269 as introduced.)

GUTWEIN

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1269 be amended to read as follows:

Page 6, delete lines 27 through 42, begin a new paragraph and insert:

**"Sec. 3. (a) The council consists of the following members:**

- (1) The governor or the governor's designee.**
- (2) The executive director.**
- (3) The superintendent of the state police department.**
- (4) The adjutant general.**
- (5) The state health commissioner.**
- (6) The commissioner of the department of environmental management.**
- (7) The chairman of the Indiana utility regulatory commission.**
- (8) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.**
- (9) The chief information officer of the office of technology.**
- (10) The speaker of the house of representatives or the speaker's designee.**
- (11) The president pro tempore of the senate or the president**

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**pro tempore's designee.**

**(12) The minority leader of the house of representatives or the minority leader's designee.**

**(13) The minority leader of the senate or the minority leader's designee.**

**(b) The members of the council described in subsection (a)(10) through (a)(13) are nonvoting members."**

Page 7, delete lines 1 through 4.

(Reference is to HB 1269 as printed February 8, 2019.)

HARRIS

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1269 be amended to read as follows:

Page 14, line 39, after "commission." insert "**The department shall place the initial determination on an application for a variance unless the department places the application for a variance on the agenda for the next commission meeting.**".

Page 15, delete lines 10 through 12.

Page 15, line 13, reset in roman "(c)".

Page 15, line 13, delete "(d)".

Page 15, line 16, reset in roman "(d)".

Page 15, line 16, delete "(e)".

Page 15, line 19, delete "(f)" and insert "(e)".

Page 17, line 30, strike "may" and insert "**shall**".

Page 17, line 32, reset in roman "by the commission" and insert "**or the department**".

(Reference is to HB 1269 as printed January 8, 2019.)

AUSTIN

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1269, 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:

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Page 14, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 24. IC 22-13-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) **The department or the commission the rules board, or the regulated amusement device safety board established by IC 22-12-4.5-2 may grant a variance to a any rule that it has adopted by the commission. However, the commission may grant a variance under this section only if the department places the application for the variance on the commission's agenda.**

(b) To qualify for a variance, an applicant must pay the fee set under IC 22-12-6-6 and **submit file an application, on a form approved by the department, that contains** facts demonstrating that:

(1) compliance with the rule will impose an undue hardship upon the applicant or prevent the preservation of an architecturally significant or historically significant part of a building or other structure; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the body ~~adopting the rule;~~ **considering the variance application;**

will not be adverse to the public health, safety, or welfare.

(c) A variance granted under this section is conditioned upon compliance with an alternative standard approved under subsection (b)(2)(B).

(d) A variance granted under this section takes precedence over conflicting rules adopted by a state agency and conflicting ordinances and other regulations adopted by a political subdivision.

**(e) Variances granted by the boiler and pressure vessel rules board and the regulated amusement device safety board prior to July 1, 2019, are valid and remain in full force and effect.**

**(f) The department shall make all variance applications available for review on a public portal.**

**(g) Local fire and building officials shall receive notice of variance applications filed under this section within their respective jurisdictions.**

**(h) A local fire official, local building official, or other interested party may submit documentation regarding a variance application to the department or commission for review and consideration prior to an initial determination being made on the application by the department or the commission.**



(i) **The department or commission shall wait at least five (5) business days after a variance application is filed before making an initial determination on the application.**

(j) **The commission may adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule adopted under this subsection expires not later than July 1, 2021."**

Page 15, delete lines 1 through 26.

Page 16, between lines 39 and 40, begin a new paragraph and insert:  
"SECTION 26. IC 22-13-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. The commission or **department** may engage in studies and consult with any person to implement this article, IC 22-12, IC 22-14, and IC 22-15.

SECTION 27. IC 22-13-2-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14.1. The commission may consult with industry experts or call a special meeting to discuss:**

- (1) boiler and pressure vessels; or**
- (2) regulated amusement devices."**

Page 25, line 33, after "shall" insert "**Preferably these members would**".

Page 25, line 33, reset in roman "have".

Page 25, line 33, reset in roman "at least ten (10) years of active".

Page 25, reset in roman line 34.

Page 25, line 37, after "must" insert "**Preferably this member would**".

Page 25, line 37, reset in roman "have at least ten (10) years of active landscape architectural".

Page 25, reset in roman line 38.

Page 57, between lines 25 and 26, begin a new line blocked left and insert:

**"To the extent possible, the governor shall appoint members to the board who serve or have served in diverse areas of professional practice."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1269 as reprinted February 12, 2019.)

PERFECT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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