

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.

HOUSE ENROLLED ACT No. 1269

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

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

SECTION 1. IC 5-14-3-4.4, AS ADDED BY P.L.248-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.4. (a) This section applies to a request for a record that the public agency considers to be excepted from disclosure under section 4(b)(1) or 4(b)(25) of this chapter. The public agency may do either of the following:

(1) Deny disclosure of the record or a part of the record. The person requesting the information may appeal the denial under section 9 of this chapter.

(2) Refuse to confirm or deny the existence of the record, regardless of whether the record exists or does not exist, if the fact of the record's existence or nonexistence would reveal information that would:

(A) impede or compromise an ongoing law enforcement investigation or result in danger to an individual's safety, including the safety of a law enforcement officer or a confidential source; or

(B) reveal information that would have a reasonable likelihood of threatening public safety.

(b) This subsection applies to a request for a record that the public agency considers to be excepted from disclosure under section 4(b)(19) of this chapter. The agency may consult with the ~~counterterrorism and~~

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~~security council established by IC 10-19-8-1~~ **governor's security council established by IC 10-19-8.1-2** in formulating a response. The public agency may do either of the following:

(1) Deny disclosure of the record or a part of the record. The agency or the counterterrorism and security council shall provide a general description of the record being withheld and of how disclosure of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. The person requesting the information may appeal the denial under section 9 of this chapter.

(2) Refuse to confirm or deny the existence of the record regardless of whether the record exists or does not exist, if the fact of the record's existence or nonexistence would reveal information that would have a reasonable likelihood of threatening public safety.

(c) If a public agency does not respond to a request for a record under this section:

(1) within twenty-four (24) hours of receiving the request for a record from a person who:

(A) is physically present in the agency office;

(B) makes the request by telephone; or

(C) requests enhanced access to a document; or

(2) within seven (7) days of receiving the request for a record made by mail or facsimile;

the request for the record is deemed denied. The person requesting the information may appeal the denial under section 9 of this chapter.

(d) If a public agency refuses to confirm or deny the existence of a record under this section, the name and title or position of the person responsible for the refusal shall be given to the person making the records request.

(e) A person who has received a refusal from an agency to confirm or deny the existence of a record may file an action in the circuit or superior court of the county in which the response was received:

(1) to compel the public agency to confirm whether the record exists or does not exist; and

(2) if the public agency confirms that the record exists, to compel the agency to permit the person to inspect and copy the record.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its refusal to confirm or deny the existence of the record. The public agency meets its burden of proof by filing a public affidavit with the court that provides with reasonable specificity of detail, and not simply conclusory statements, the basis of



the agency's claim that it cannot be required to confirm or deny the existence of the requested record. If the public agency meets its burden of proof, the burden of proof shifts to the person requesting access to the record. The person requesting access to the record meets the person's burden of proof by proving any of the following:

- (1) The agency's justifications for not confirming the existence of the record contradict other evidence in the trial record.
- (2) The agency is withholding the record in bad faith.
- (3) An official with authority to speak for the agency has acknowledged to the public in a documented disclosure that the record exists. The person requesting the record must prove that the information requested:
 - (A) is as specific as the information previously disclosed; and
 - (B) matches the previously disclosed information.

(g) Either party may make an interlocutory appeal of the trial court's determination on whether the agency's refusal to confirm or deny the existence of the record was proper.

(h) If the court, after the disposition of any interlocutory appeals, finds that the agency's refusal to confirm or deny was improper, the court shall order the agency to disclose whether the record exists or does not exist. If the record exists and the agency claims that the record is exempt from disclosure under this chapter, the court may review the public record in camera to determine whether any part of the record may be withheld.

(i) In an action filed under this section, the court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

- (1) the plaintiff substantially prevails; or
- (2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

A plaintiff is eligible for the awarding of attorney's fees, court costs, and other reasonable expenses regardless of whether the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor.

(j) A court that hears an action under this section may not assess a civil penalty under section 9.5 of this chapter in connection with the action.

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



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

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.

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

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.

SECTION 6. IC 10-13-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Emergency Alert System Advisory Committee).

SECTION 7. IC 10-19-1-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Council" refers to the ~~counterterrorism and security council established by IC 10-19-8-1.~~ **governor's security council established by IC 10-19-8.1-2.**

SECTION 8. IC 10-19-3-7, AS AMENDED BY P.L.142-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the authority that adopts rules under IC 16-31.

(c) ~~Except as provided in subsection (e) or (f),~~ The fire prevention and building safety commission is the authority that adopts rules under any of the following:

(1) IC 22-11.

(2) IC 22-12.

(3) IC 22-13.

(4) IC 22-14.

(5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.5.

~~(e) The boiler and pressure vessel rules board established by~~

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~~IC 22-12-4-1~~ is the authority that adopts:

- (1) emergency rules under IC 22-13-2-8(c); and
- (2) rules under IC 22-15-6.

~~(f) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.~~

~~(g)~~ (e) The executive director may adopt rules governing:

- (1) emergency action plans; or
- (2) emergency response plans;

for outdoor performances (as defined in IC 22-12-1-17.5) where outdoor event equipment (as defined in IC 22-12-1-17.7) is used.

SECTION 9. IC 10-19-8 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Counterterrorism and Security Council).

SECTION 10. IC 10-19-8.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 8.1. Governor's Security Council

Sec. 1. As used in this chapter, "fusion center" means the Indiana intelligence fusion center established by IC 10-11-9-2.

Sec. 2. The governor's security council is established.

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 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.

Sec. 4. (a) The expenses of the council shall be paid from appropriations made by the general assembly.

(b) Money received by the council as a grant or a gift is appropriated for the purposes of the grant or the gift.

Sec. 5. (a) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for travel expenses as provided in 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.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for travel 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.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 6. The council may meet as often as is necessary upon the call of the chairperson, but meetings shall be held at least once per calendar year.

Sec. 7. The affirmative votes of a majority of the voting members of the council are required for the council to take action on any measure, including final reports.

Sec. 8. The governor or governor's designee shall serve as the chairperson of the council.

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

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

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



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

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

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

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

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

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

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

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

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

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.

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

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

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

(2) either:

(A) noncompliance with the rule; or

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

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

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).

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

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



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

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

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

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

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

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

- (1) A paid fire department.
- (2) A volunteer fire department.
- (3) The field of fire insurance.
- (4) The fire service industry.
- (5) The manufactured housing industry.
- (6) The field of fire protection engineering.
- (7) As a professionally licensed engineer.
- (8) Building contracting.
- (9) The field of building one (1) and two (2) family dwellings.
- (10) As a professionally licensed architect.
- (11) The design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) The design or construction of regulated lifting devices.
- (13) City, town, or county building inspection.
- (14) Regulated amusement devices.
- (15) Accessibility requirements and personal experience with a disability.
- (16) Underground and aboveground motor fuel storage tanks and dispensing systems.
- (17) The masonry trades.
- (18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:



- (A) residential;
 - (B) single and multiple family dwelling; or
 - (C) commercial;
- building codes.

(19) The boiler and pressure vessel industry.

(e) Not more than five (5) of the appointed members of the commission may be affiliated with the same political party.

SECTION 15. IC 22-12-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) On July 1, 2019, all powers, duties, agreements, and liabilities of the boiler and pressure vessel rules board are transferred to the commission, as the successor agency.**

(b) On July 1, 2019, all records and property of the boiler and pressure vessel rules board, including appropriations and other funds under the control or supervision of the boiler and pressure vessel rules board, are transferred to the commission, as the successor agency.

(c) After June 30, 2019, any amounts owed to the boiler and pressure vessel rules board before July 1, 2019, are considered to be owed to the commission as the successor agency.

(d) After June 30, 2019, a reference to the boiler and pressure vessel rules board in a statute, rule, or other document is considered a reference to the commission, as the successor agency.

(e) Proceedings pending before the boiler and pressure vessel rules board on July 1, 2019, shall be transferred from the boiler and pressure vessel rules board to the commission and treated as if initiated by the commission.

(f) A license or permit issued by the boiler and pressure vessel rules board before July 1, 2019, shall be treated after June 30, 2019, as a certification issued by the commission.

(g) The rules adopted by the boiler and pressure vessel rules board before July 1, 2019, concerning the boiler and pressure vessel industry are considered, after June 30, 2019, rules of the commission.

SECTION 16. IC 22-12-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) On July 1, 2019, all powers, duties, agreements, and liabilities of the regulated amusement device safety board are transferred to the commission, as the successor agency.**

(b) On July 1, 2019, all records and property of the regulated amusement device safety board, including appropriations and



other funds under the control or supervision of the regulated amusement device safety board, are transferred to the commission, as the successor agency.

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

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

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

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

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

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

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

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

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

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

- (1) Fire insurance policy premium taxes assessed under section 5 of this chapter.
- (2) Except as provided in section 6(d) of this chapter, all fees collected under this chapter.
- (3) Any money not otherwise described in this subsection but collected by the division of fire and building safety.
- (4) Any money not otherwise described in this subsection but collected by the department, commission, ~~or~~ education board ~~or~~ ~~rules board~~ and designated for distribution to the fund by statute



or the executive director of the department.

(5) A fee collected by the education board for the issuance of a certification under IC 22-14-2-7.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

SECTION 20. IC 22-12-6-15, AS AMENDED BY P.L.1-2010, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) As used in this section, "credit card" means a bank card, debit card, charge card, prepaid card, or other similar device used for payment.

(b) In addition to other methods of payment allowed by law, the department may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the following:

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

(c) The department may enter into appropriate agreements with banks or other organizations authorized to do business in Indiana to enable the department to accept payment by credit card.

(d) The department may recognize net amounts remitted by the bank or other organization as payment in full of amounts due the department.

(e) The department may pay any applicable credit card service charge or fee.

SECTION 21. IC 22-12-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to the commission, the education board, ~~the rules board~~, and every officer, employee, and agent of an office or division within the department whenever the person has authority to administer or enforce 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 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:

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(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.

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

(b) It is the intent of the general assembly that NFPA 72, as may be



amended by the commission under subsection (c), be incorporated into the Indiana Administrative Code. Not later than July 1, 2014, the commission shall adopt rules under IC 4-22-2 to amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code, subject to subsection (c)(1) and (c)(2). The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to comply with this subsection. An emergency rule adopted by the commission under IC 4-22-2-37.1 to comply with this subsection expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

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

- (1) Incorporate the definition of, and associated requirements for:
 - (A) a managed facilities-based voice network (MFVN); and
 - (B) a public switched telephone network (PSTN);
 as set forth in NFPA 72.

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

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

- (1) The definition of, and associated requirements for:
 - (A) a managed facilities-based voice network (MFVN); and
 - (B) a public switched telephone network (PSTN);
 as set forth in NFPA 72, are considered incorporated into the Indiana Administrative Code. Any provisions of 675 IAC 28-1-28 (or any rules adopted by a state agency, or any ordinances or other regulations adopted by a political subdivision) that conflict with the definitions and requirements described in this subdivision are superseded by the definitions and requirements described in this subdivision. This subdivision continues to apply until the commission adopts rules that amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code and that comply with subsection (c)(1) and (c)(2).
- (2) A person that after June 30, 2014, installs or uses a digital alarm communicator system that:
 - (A) makes use of a managed facilities-based voice network



(MFVN) to transmit signals from a fire alarm system to an offsite monitoring facility; and

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

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

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.**

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

- (1) Safety.
- (2) Sanitary conditions.
- (3) Energy conservation.
- (4) Access by a person with a physical disability to Class 1 structures.
- (b) Rules that:
 - (1) are adopted by the commission; ~~or the rules board under this article;~~ and
 - (2) are not covered by subsection (a);

must promote safety.

SECTION 29. IC 22-13-5-4, AS AMENDED BY P.L.218-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A written interpretation of a building law or fire safety law binds all counties and municipalities if the state building commissioner publishes the written interpretation of the building law or fire safety law in the Indiana Register under IC 4-22-7-7(b). For purposes of IC 4-22-7-7, a written interpretation of a building law or fire safety law published by the state building commissioner is considered adopted by an agency.

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

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

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

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

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

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

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

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

(c) The education board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) To qualify for a permit or to renew a permit under this section, an applicant must do the following:

(1) Demonstrate through an inspection that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the ~~rules board~~ **commission**.

(2) Pay the fee set under IC 22-12-6-6(a)(8).

(e) An inspection under subsection ~~(d)(2)~~ **(d)(1)** shall be conducted as follows:

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- (1) An inspection for an initial permit shall be conducted by:
 - (A) the division; or
 - (B) an owner or user inspection agency.
- (2) An inspection for a renewal permit shall be conducted by one
 - (1) of the following:
 - (A) An insurance company inspection agency, if the vessel is insured under a boiler and pressure vessel insurance policy and the renewal inspection is not conducted by an owner or user inspection agency.
 - (B) An owner or user inspection agency.
 - (C) The division, if:
 - (i) the owner or user of a vessel is not licensed as an owner or user inspection agency and the vessel is not insured under a boiler and pressure vessel insurance policy; or
 - (ii) the regulated boiler or pressure vessel operating permit has lapsed.

(f) The ~~rules board~~ **commission** may, by rule adopted under IC 4-22-2, specify a period between inspections of more than one (1) year. However, the ~~rules board~~ **commission** may not set an inspection period of greater than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(g) For any inspection conducted by the division under this section, the division may designate:

- (1) a third party inspector that satisfies the requirements of section 5 of this chapter; or
- (2) an inspection agency that satisfies the requirements of section 6 of this chapter;

to act as the division's agent for purposes of the inspection.

SECTION 35. IC 22-15-6-4, AS AMENDED BY P.L.218-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) As used in this chapter, "inspection agency" means:

- (1) an insurance company inspection agency; or
- (2) an owner or user inspection agency licensed under section 6 of this chapter.

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

- (1) An inspection required by section 2 of this chapter.
- (2) The issuance of a permit under section 2 of this chapter.
- (3) The issuance of an appropriate order under IC 22-12-7 when



an equipment law has been violated.

(c) The authority of an inspector acting under this chapter is limited to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the office the report required by the ~~rules board~~ **commission**. In addition to any other information required by the ~~rules board~~ **commission**, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before the annual date as the ~~rules board~~ **commission** may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the ~~rules board~~ **commission**. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative.

(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7.

SECTION 36. IC 22-15-6-5, AS AMENDED BY P.L.1-2006, SECTION 399, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

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

- (1) meet the qualifications set by the ~~rules board~~ **commission** in its rules;
- (2) pass an examination approved by the ~~rules board~~ **commission**



and conducted, supervised, and graded as prescribed by the ~~rules board;~~ **commission;** and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 38. 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.~~

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

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

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

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

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

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

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

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

Chapter 6.5. Board Administration

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

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

- (1) the member is removed under section 4 of this chapter; or
- (2) a successor is appointed and qualified.

(b) Notwithstanding any other law, a member appointed to a board under this chapter after June 30, 2019, serves a term of four (4) years, beginning on the date of appointment and continuing until:

- (1) the member is removed under section 4 of this chapter; or



(2) a successor is appointed and qualified.

(c) Notwithstanding any other law, a member appointed to a board under this chapter may serve multiple terms.

Sec. 3. Except as provided in IC 25-14-1-2 and IC 25-34.1-2-1 and notwithstanding any other law, not more than two (2) board members may be appointed from the same congressional district.

Sec. 4. (a) Notwithstanding any other law, a member who is appointed to a board under this chapter serves at the will and pleasure of the governor.

(b) Notwithstanding any other law, a member who is appointed to a board under this chapter may be removed by the governor without cause.

(c) Notwithstanding any other law, a member who is appointed to a board under this chapter must be removed if:

- (1) the member's license is suspended or revoked under this title;
- (2) the member has violated a rule or law under IC 4-2-6-4(a)(2) as determined by the state ethics commission created by IC 4-2-6-2; or
- (3) the member has been convicted of a crime (as defined under IC 33-23-1-4).

(d) Notwithstanding any other law, a vacancy in the membership of a board under this chapter shall be filled by the governor for the unexpired term in the same manner as the original appointment.

SECTION 47. IC 25-2.1-2-3, AS AMENDED BY P.L.105-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The board consists of ~~six (6)~~ **five (5)** members appointed by the governor.

(b) ~~Five (5)~~ **Subject to IC 25-1-6.5-3, four (4)** members must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Be a certified public accountant under IC 25-2.1-3 or IC 25-2.1-4.

(c) **Subject to IC 25-1-6.5-3**, one (1) member must meet the following conditions:

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



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

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

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

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

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

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

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

(b) All appointments:

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

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

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

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

(d) Each member of the board shall be entitled to receive as compensation for the member's services a salary per diem for each and every day the member may be engaged in attending the meetings or transacting the business of the board; in addition thereto each member



shall be entitled to receive as reimbursement all traveling and other necessary expenses incurred in the performance of the member's duties as a member of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency.

~~(b)~~ **(e) Subject to 25-1-6.5-3**, each member of the board shall be a citizen of the United States of America and a resident of the state of Indiana.

~~(f)~~ **Five (5) Three (3)** of the members must be registered architects under this chapter. ~~and shall~~ **Preferably these members would** have had at least ten (10) years of active architectural practice preceding the member's appointment.

~~(e)~~ **(g) Two (2) members One (1) member** of the board must be registered as a landscape architects architect under this chapter. ~~and~~ **must Preferably this member would** have at least ten (10) years of active landscape architectural practice preceding the member's appointment.

~~(d)~~ **(h) One (1)** member of the board, to represent the general public, shall be a resident of this state who has never been associated with the architecture or landscape architecture profession in any way other than as a consumer.

SECTION 51. IC 25-4-1-3, AS AMENDED BY P.L.194-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The board shall organize by the election of a chairman and vice chairman, each of whom shall serve for a term of one (1) year. The first meeting of the board shall be held within thirty (30) days after the members thereof shall have been appointed, on call of the chairman of the board. Thereafter, the board shall hold at least two (2) regular meetings each year and may hold such special meetings, as the board in its discretion considers necessary or advisable. The time for holding the regular meetings, the method of calling special meetings and the manner of giving notice of all meetings shall be prescribed in the bylaws of the board. ~~Five (5) members of the board shall constitute a quorum for the transaction of any and all business which may come before the board. A quorum of the board consists of a majority of the appointed members.~~ Approval by a majority of all members of the board shall be required for action to be taken. The board shall adopt official seals representing the different professions that shall be affixed to all certificates of registration granted and issued as provided in this chapter. Subject to the approval of the governor, the board is hereby authorized to make bylaws and prescribe and promulgate rules as considered necessary in



the performance of its duty. The board shall adopt rules establishing standards for the competent practice of architecture and landscape architecture, and for the administration of the registered architects and registered landscape architects investigative fund established by section 32 of this chapter. Suitable office quarters shall be provided for the use of the board in the city of Indianapolis.

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

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

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

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

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

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

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

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

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

SECTION 53. IC 25-5.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The term of office for each member of the board is ~~four (4) years.~~ ~~However, a member of the board may be removed by the governor without cause.~~ **made under IC 25-1-6.5.**

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

SECTION 54. IC 25-5.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. A vacancy on the



board shall be filled for the unexpired term in the same manner as the original appointment. **under IC 25-1-6.5.**

SECTION 55. 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 56. 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.

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

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

- (1) Two (2) of the members must:
 - (A) possess a current cosmetologist license; and
 - (B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.
- (2) Two (2) of the members of the board must:
 - (A) possess a current barber license; and
 - (B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.
- (3) One (1) of the members must be an owner or operator of a



beauty culture school. However, the member may not be a licensed barber or cosmetologist.

(4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.

(5) One (1) of the members must not have any association with the practice of beauty culture, except as a consumer.

SECTION 58. IC 25-8-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** Each board member **appointed before July 1, 2019**, serves a term of three (3) years, beginning on the date of appointment and continuing until:

(1) the member is removed under section 8 of this chapter; or

(2) a successor is appointed.

(b) Each board member appointed after June 30, 2019, serves a term under IC 25-1-6.5.

SECTION 59. IC 25-8-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The governor may remove a board member for ~~incompetency or failure to perform the member's duties under this chapter.~~ **under IC 25-1-6.5-4.**

SECTION 60. IC 25-8-3-9 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 9: If a member of the board is removed under section 8 of this chapter, the governor shall appoint a successor to serve for the remainder of the unexpired term.~~

SECTION 61. IC 25-10-1-1.5, AS AMENDED BY P.L.85-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of ~~seven (7)~~ **five (5)** members appointed by the governor, not more than ~~four (4)~~ **three (3)** of whom may be affiliated with the same political party. ~~Six (6)~~ **Subject to IC 25-1-6.5-3, four (4)** of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. **Subject to IC 25-1-6.5-3**, one (1) member is to represent the general public and must be:

(1) a resident of this state; and

(2) in no way associated with the profession of chiropractic other than as a consumer.

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

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



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

~~(e)~~ **(e)** The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are 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.

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

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

~~(h)~~ **(h)** The board may do the following:

- (1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.
- (2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.
- (3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the agency who is approved by the board. The agency may conduct any part of the examinations under IC 25-1-5-4.
- (4) Issue, deny, suspend, revoke, and renew certificates.
- (5) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.
- (6) Initiate the prosecution and enjoinder of a person violating this chapter.
- (7) Adopt rules necessary for the proper performance of the



board's duties, in accordance with IC 4-22-2.

(8) Maintain a current list of individuals certified under this chapter.

(9) Establish a code of professional conduct.

(10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(13) Adopt rules under IC 4-22-2 establishing health and sanitation standards that conform to public health standards for dry needling.

~~(g)~~ (i) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

~~(h)~~ (j) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 62. IC 25-14-1-2, AS AMENDED BY P.L.103-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The state board of dentistry is established and consists of:

(1) nine (9) practicing dentists licensed under IC 25-14 who must have been in practice in Indiana for not less than the five (5) years;

(2) one (1) practicing dental hygienist who:

(A) has been practicing in Indiana as a dental hygienist:

(i) in 2011 and 2012, for at least three (3) years; and

(ii) after 2012, for at least five (5) years; and

(B) is licensed under IC 25-13-1; and

(3) one (1) member to represent the general public who must be a resident to this state and in no way associated with the profession of dentistry other than as a consumer.

(b) All eleven (11) members of the board **appointed before July 1, 2019**, shall be appointed by the governor for a term of three (3) years each. ~~Any member of the board may serve until the member's successor is appointed and qualified under this chapter. A member may serve consecutive terms; but no member may serve more than three (3) terms~~



or a total of nine ~~(9)~~ years.

(c) All eleven (11) members of the board appointed after June 30, 2019, shall be appointed under IC 25-1-6.5.

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

~~(b)~~ **(e)** The appointment of the dentist members shall be made in a manner that, at all times, each dentist member on the board represents and is a resident of one (1) of nine (9) examiner districts set forth in this subsection. Each dentist member shall be chiefly responsible in the performance of his or her duties with regard to the district from which he or she is appointed. The nine (9) dentist members' districts consist of the following counties:

- (1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby.
- (2) District 2. Lake, Porter, LaPorte, and Jasper.
- (3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko, and Fulton.
- (4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen, Huntington, Wells, DeKalb, and Adams.
- (5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry.
- (6) District 6. Newton, Benton, White, Pulaski, Cass, Miami, Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and Clinton.
- (7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone, Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.
- (8) District 8. Madison, Delaware, Blackford, Randolph, Rush, Fayette, Union, Henry, and Wayne.
- (9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland, Ohio, Crawford, Harrison, Floyd, and Clark.

~~(e)~~ **(f)** The board may issue licenses to applicants who pass an examination administered by an entity that has been approved by the board.

SECTION 63. IC 25-14-1-11 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 44. The governor shall have the power to remove any member of the board for incompetency, gross immorality, for any abuse of his official power or for any other good cause and may fill any vacancy occasioned by removal, death, resignation or otherwise, by appointment. Any person appointed to fill any vacancy of such board, whether caused by death, resignation, removal or otherwise, shall hold~~

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for the unexpired term of the member whose place he is appointed to fill and all vacancies shall be filled in the manner prescribed for the regular appointments to said board:

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

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

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

- (1) Four (4) members who are certified under this article and currently provide and have provided services in the practice of dietetics in Indiana for a minimum of three (3) years:
- (2) One (1) member who is a physician licensed under IC 25-22.5-
- (3) One (1) member who is a registered nurse licensed under IC 25-23-
- (4) One (1) member representing the public who is a resident of Indiana and has never been associated with dietetics in any way other than as a consumer.

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

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

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

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

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

(c) After June 30, 2019, any amounts owed to the Indiana dietitians certification board before July 1, 2019, are considered to



be owed to the board as the successor agency.

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

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

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

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

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

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

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

(3) Special meetings may be held at the discretion of the chairperson:

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

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

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

SECTION 71. IC 25-14.5-2-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 7: (a) 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). 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:

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



agency.

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

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

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

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

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

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

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

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

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

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

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

SECTION 76. IC 25-15-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Not more than ~~five (5)~~ **three (3)** of the board's appointed members may be affiliated with the same political party.

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

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until the member's successor is appointed and qualified under this chapter.

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

- (1) Adopt rules under IC 4-22-2 to do the following:
 - (A) Establish standards for the competent practice of funeral service.
 - (B) Establish sanitation standards for the construction and equipping of funeral homes.
 - (C) Establish standards for the operation of funeral homes.
 - (D) Set fees under IC 25-1-8.
 - (E) Carry out this article.
- (2) Establish a program of inspection to administer this article.
- (3) Pass upon the qualifications of each applicant for a license under this article.
- (4) Provide all examinations under this article.
- (5) License all applicants who meet the requirements of IC 25-15-4.
- (6) Investigate a complaint alleging a violation of this article.
- (7) For a violation of this article by a person who is licensed under this article, if necessary, take any combination of the following actions:
 - (A) Issue an appropriate order to correct the violation.
 - (B) Suspend the seller's certificate of authority issued under IC 30-2-13.
 - (C) Permanently revoke the licensee's license.
 - (D) Censure the licensee.
 - (E) Issue a letter of reprimand.
 - (F) Place the licensee on probation.
 - (G) Assess a civil penalty against the licensee in an amount not to exceed one thousand dollars (\$1,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the board, the board may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.
 - (H) Refer the matter to the attorney general or the prosecuting



attorney for enforcement.

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

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

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

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

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

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

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

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

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

(C) Censure the cemetery owner.

(D) Issue a letter of reprimand.

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

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

SECTION 80. IC 25-15-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. An official action of the board is valid only if the action is adopted by ~~at least six (6) of the board's members; a majority of the appointed members.~~ However, ~~cemetery members may not vote on any matter involving section 9 of this chapter, and funeral director members may not vote on any matter involving section 10 of this chapter. When either cemetery or funeral director members are ineligible to vote, an official action of the board is valid if the action is adopted by at least four (4) of the board's members.~~

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

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

with the exception of the state geologist.

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

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

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

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

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

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

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

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

- (1) ~~The state health commissioner or the commissioner's designee.~~
- (2) ~~The director of the division of family resources or the director's designee.~~
- (3) ~~The state long term care ombudsman or the state long term care ombudsman's designee.~~
- (4) ~~The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.~~
- (5) ~~One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.~~
- (6) ~~(1) Four (4) Two (2)~~ administrators of licensed proprietary health facilities.



~~(7)~~ **(2)** Two (2) administrators of licensed nonproprietary health facilities.

~~(8)~~ **(3)** Two ~~(2)~~ **members One (1) member** representing the public at large, who:

(A) **are residents is a resident** of Indiana; and

(B) **have has** never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) ~~Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms; except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified. Members are appointed under IC 25-1-6.5.~~

(c) ~~The governor may remove any member of the board other than the representative of a state agency or institution for misconduct; incapacity; incompetence; or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes. A member of the board may be removed under IC 25-1-6.5-4.~~

SECTION 86. IC 25-19-1-6, AS AMENDED BY P.L.105-2008, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The board shall elect from its membership annually a chairperson and vice chairperson and shall adopt rules to govern its proceedings.

(b) 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). Such a member is also 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 department of administration and approved by the state budget agency.

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

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

SECTION 87. 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 88. 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.

SECTION 89. IC 25-20.2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Each member of the board **appointed before July 1, 2019**, serves a term of three (3) years and until a successor is appointed and qualified.

(b) Each member of the board appointed after June 30, 2019, serves under IC 25-1-6.5.

~~(b)~~ (c) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct. **under IC 25-1-6.5-4.**

~~(c)~~ If a vacancy occurs in the membership of the board, the governor shall appoint an individual to serve for the remainder of the unexpired term.

~~(d)~~ A member may not serve on the board for more than six (6) consecutive years.

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

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

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

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

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

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

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

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

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

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

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

- (1) ~~Three (3)~~ **Subject to IC 25-1-6.5-3, four (4)** massage therapists, each of whom:
 - (A) is licensed under this article;
 - (B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding the individual's appointment; and



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

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

- (A) be licensed under this article;
- (B) be the spouse of an individual who is licensed or intends to be licensed under this article; or
- (C) have a direct or an indirect financial interest in the profession regulated under this article.

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

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

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

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

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

SECTION 97. IC 25-22.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The medical licensing board of Indiana is created. It shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party. The members shall be appointed by the governor, and all vacancies occurring on the board shall be filled by the governor. **Subject to IC 25-1-6.5-3**, the membership of the board shall consist of the following:

- (1) Five (5) reputable physicians who:
 - (A) are graduates of a medical school;
 - (B) hold the degree of doctor of medicine or its equivalent;
 - and
 - (C) hold valid unlimited licenses to practice medicine in



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

- (2) One (1) reputable osteopathic physician who:
- (A) is a graduate of an accredited osteopathic medical school;
 - (B) holds the degree of doctor of osteopathy or its equivalent;
 - and
 - (C) holds a valid unlimited license to practice osteopathic medicine in Indiana.

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

- (3) One (1) member ~~to serve a term of four (4) years~~ who:
- (A) will represent the general public;
 - (B) is a resident of this state; and
 - (C) is in no way associated with the medical profession other than as a consumer.

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

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

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

- (1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:
- (A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
 - (B) The examination for licensure.
 - (C) The license or permit.
 - (D) Fees for examination, permit, licensure, and registration.
 - (E) Reinstatement of licenses and permits.
 - (F) Payment of costs in disciplinary proceedings conducted by the board.
- (2) Administer oaths in matters relating to the discharge of the board's official duties.
- (3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.
- (4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.
- (5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.
- (6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the

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next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

(13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(14) Adopt rules as set forth in IC 25-14.5 concerning the certification of certified dietitians.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telemedicine in Indiana. Adoption of rules under this subsection may not delay the implementation and provision of telemedicine services by a provider under IC 25-1-9.5.

SECTION 99. IC 25-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor, each to serve a term of ~~four (4)~~



years subject to death, resignation, or removal by the governor: **under IC 25-1-6.5.**

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

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

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

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

SECTION 101. 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)~~ **three (3)** members who are certified direct entry midwives.
- (2) ~~Two (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 102. 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 103. 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.~~



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

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

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

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

- (1) Two (2) marriage and family therapists who:
 - (A) have at least a master's degree in marriage and family therapy or a related field from an eligible postsecondary educational institution;
 - (B) are licensed under this chapter; and
 - (C) have five (5) years of experience in marriage and family therapy.
- (2) One (1) social worker who:
 - (A) has at least a master's degree in social work from an eligible postsecondary educational institution accredited by the Council on Social Work Education;
 - (B) is licensed under this article; and
 - (C) has at least five (5) years of experience as a social worker.
- (3) One (1) social services director of a hospital with a social work degree who has at least three (3) years of experience in a hospital setting.

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- (4) Two (2) mental health counselors who:
 - (A) have at least a master's degree in mental health counseling;
 - (B) are licensed under this article; and
 - (C) have at least five (5) years experience as a mental health counselor.
- (5) ~~Two (2) consumers~~ **One (1) consumer** who ~~have~~ **has** never been credentialed under this article.
- (6) One (1) physician licensed under IC 25-22.5 who has training in psychiatric medicine.
- (7) Two (2) licensed clinical addiction counselors who:
 - (A) are licensed under IC 25-23.6-10.5; and
 - (B) have at least five (5) years experience in clinical addiction counseling.

(b) Not more than six (6) members of the board may be from the same political party.

(c) A member appointed:

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

SECTION 107. IC 25-23.6-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the board who is appointed by the governor may ~~not be removed from the board except by action of the governor.~~ **be removed under IC 25-1-6.5-4.**

SECTION 108. IC 25-23.7-3-2, AS AMENDED BY P.L.177-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the board consists of ~~nine (9)~~ **five (5)** members appointed by the governor as follows:

- (1) ~~Four (4)~~ **Two (2)** members who are installers, each of whom:
 - (A) is licensed in Indiana as an installer; and
 - (B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.
- ~~(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana:~~
- ~~(3) (2) One (1) member who represents manufactured home dealers.~~
- ~~(4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.~~
- ~~(5) (3) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban~~

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~~(6)~~ **(4)** One (1) member who represents the general public and who is not associated with the manufactured home industry 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.

SECTION 109. IC 25-23.7-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~(a)~~ Each member of the board shall serve a term of ~~four (4) years and until the member's successor is appointed and qualified:~~ **under IC 25-1-6.5.**

~~(b) A board member may not serve more than two (2) consecutive terms:~~

SECTION 110. IC 25-23.7-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ The governor may remove a board member at ~~any time for incompetency, neglect of duty, or unprofessional conduct:~~ **under IC 25-1-6.5-4.**

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

SECTION 111. IC 25-23.7-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the time and place for each meeting.

~~(c) Five (5) members of the board constitute a quorum:~~ **A quorum of the board consists of a majority of the appointed members.**

~~(d) Except as otherwise provided in this article, at least five (5) three (3) votes are necessary for the board to take official action.~~

SECTION 112. IC 25-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) There is created the Indiana optometry board (referred to in this chapter as the board), whose duty it shall be to carry out this chapter. The board shall consist of ~~six (6) five (5) members appointed by the governor. Five (5) Subject to IC 25-1-6.5-3, four (4) of these members must have been resident optometrists, licensed under this chapter, engaged in the actual practice of optometry in Indiana for a period of five (5) years prior to their appointment, and not more than three (3) of the optometrist members may belong to the same political party. Subject to IC 25-1-6.5-3, the sixth fifth member of the board, to represent the general public, shall be a resident of this state who has never been associated with~~



optometry in any way other than as a consumer. The appointed members **appointed before July 1, 2019**, shall serve for a term of three (3) years each, and each shall hold ~~his~~ office until ~~his a~~ successor is appointed. ~~Appointment to fill vacancies from any cause shall be made by the governor for the residue of the term. The appointed members appointed after June 30, 2019, shall serve a term under IC 25-1-6.5. A member may be removed under IC 25-1-6.5-4.~~ The members of the board, before entering on their duties, shall each take and subscribe to the oath required to be taken by other state officers, which shall be administered by the secretary of state and filed in ~~his~~ **the office of the secretary of state**, and the board shall have a common seal. The board:

- (1) shall administer oaths and take affidavits as required by this chapter, certified under the hand and the seal of the board;
- (2) shall require the attendance of witnesses and the production of books, records, and papers pertinent to any matters coming before the board; and
- (3) for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or documents, directed to the sheriff of the county where the witness resides or is to be found, which shall be served and returned in the same manner as subpoenas in civil actions in the circuit court are served and returned.

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

(c) The board shall adopt rules, not inconsistent with this chapter, governing applicants and applications for license under this chapter and governing the examination of applicants before beginning the practice of optometry in this state, and shall establish a schedule of qualifications of applicants, and a schedule of the minimum requirements with which applicants for examination must comply before they can be examined or receive a license, which schedules of qualifications of applicants and of minimum requirements shall be kept in a record for that purpose by the board.

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



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

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

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

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

(i) The board may:

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

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

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

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

- (1) One (1) member of the board, to represent the general public, must be a who is a resident of this state who has never been associated with pharmacy in any way other than as a consumer.**
- (2) Except for the member representing the general public, the members must be Six (6) members who are pharmacists in good standing of recognized experience and ability from varied practice settings who hold a current license to practice pharmacy in Indiana, including one (1) member of the board who must be a practicing hospital pharmacist. If a member leaves the board for any reason before the end of the member's term, the member's successor shall serve for the unexpired portion of the term.**

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

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

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

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

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

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

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

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

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

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

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

(d) Each physical therapist appointed must:

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



of the committee.

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

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

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

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

(c) A member who is appointed:

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

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

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

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

- (1)** Two (2) of the members shall be actively engaged in the plumbing contracting business for not less than five (5) years immediately prior to ~~his~~ **their** appointment or shall have had ten (10) years experience in the plumbing contracting business.
- (2)** Two (2) of the members shall be persons who for not less than five (5) years immediately prior to their appointment have been employed as journeymen plumbers. ~~One (1) member shall be the commissioner of the state department of health or a member of the commissioner's professional staff.~~
- (3)** One (1) member, appointed to represent the general public,



may never have been associated with plumbing in any way other than as a consumer.

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

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

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

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

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

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

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

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

- (1) Be licensed in Indiana as a podiatrist under this article.
- (2) Be a resident of Indiana.
- (3) Have practiced podiatric medicine for at least five (5) years.

(c) ~~Two (2) members~~ **Subject to IC 25-1-6.5-3, one (1) member** of the board must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Not be associated with the practice of podiatry other than as a consumer.

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SECTION 120. IC 25-29-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A member of the board serves a term:

(1) if appointed before July 1, 2019, of three (3) years and until the member's successor is appointed and qualified; **and**

(2) if appointed after June 30, 2019, a term under IC 25-1-6.5.

SECTION 121. IC 25-29-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a) The governor may remove a member of the board after a hearing conducted under IC 4-21.5-3 for incompetency, neglect of duty, or for unprofessional conduct.~~ **under IC 25-1-6.5-4.**

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

SECTION 122. IC 25-29-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~A quorum of the board consists of four (4) members.~~ **A quorum of the board consists of a majority of the appointed members.** At least ~~four (4)~~ **three (3)** votes are necessary for the board to take official action.

SECTION 123. 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 associated with a private investigator firm licensed under this article.

(B) ~~Two (2) individuals~~ **One (1) individual** who are 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~~

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~~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 124. 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.

SECTION 125. IC 25-31-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The state board of registration for professional engineers is created.

(b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.

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

- (1) a resident of this state; and
- (2) not associated with professional engineering other than as a consumer.

(d) All members of the board shall be appointed by the governor.

(e) **Subject to IC 25-1-6.5-3**, six (6) professional engineer members shall be appointed to the board. ~~and shall at the time of appointment consist of:~~

- ~~(1) one (1) member from industry;~~
- ~~(2) one (1) member from government;~~
- ~~(3) one (1) member from education;~~
- ~~(4) two (2) members from private practice; and~~
- ~~(5) one (1) member at large.~~

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

- (1) be a citizen of the United States;
- (2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;
- (3) be registered as a professional engineer and must have been

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engaged in the lawful practice of engineering for at least twelve (12) years; and

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

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

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

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

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

~~(j) Any vacancy which may occur in the membership of the board, at any time, shall be filled by appointment by the governor for the unexpired term.~~

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

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

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

(d) All members shall:

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

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



~~member.~~

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

(f) Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also 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 state budget agency.

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

~~(c)~~ **(h)** The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.
- (3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.
- (4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.
- (5) Initiate the prosecution and enjoinder of any person violating this article.
- (6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.
- (7) Establish a code of professional conduct.

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

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

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

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



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

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

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

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

(1) license or certification; and

(2) training or credentials.

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

(b) The commission consists of the following:

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

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

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

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

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

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

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

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

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

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- (A) who are licensed or certified under this article;
 - (B) who have at least five (5) years experience as real estate appraisers; and
 - (C) at least ~~three (3)~~ **one (1)** of whom ~~are~~ **is a** certified ~~appraisers.~~ **appraiser.**
- (2) **Subject to IC 25-1-6.5-3**, one (1) representative who represents lenders qualified to:
- (A) make Federal Housing Administration insured loans and Veterans Administration guaranteed loans; and
 - (B) sell loans to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
- (3) **Subject to IC 25-1-6.5-3**, one (1) member who is not associated with the real estate business in any way other than as a consumer.

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

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

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

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

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

SECTION 132. IC 25-34.5-2-2 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 five (5) members to be appointed by the governor as follows:

- (1) At least two (2) practitioners.
- (2) At least one (1) physician licensed under IC 25-22.5 who is familiar with the practice of respiratory care.
- (3) At least one (1) member who:
 - (A) is a resident of Indiana; and
 - (B) is not associated with the practice of respiratory care in any way, other than as a consumer.

(b) Each practitioner appointed to the committee must:

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



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

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

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

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

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

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

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

(b) The board shall be comprised of ~~six (6)~~ **five (5)** members, who shall be appointed by the governor. ~~Five (5)~~ **Subject to IC 25-1-6.5-3, four (4)** board members shall have been residents of this state for at least one (1) year immediately preceding their appointment and shall have been engaged in rendering services to the public, teaching, or research in speech-language pathology or audiology for at least five (5) years immediately preceding their appointment. At least two (2) board members shall be speech-language pathologists and at least two (2) shall be audiologists. ~~with the fifth member being either a speech-language pathologist or audiologist:~~ At least ~~one (1)~~ **of these five (5) members must be engaged in an active private practice of speech-language pathology or audiology.** ~~Subject to IC 25-1-6.5-3,~~ the ~~sixth~~ **fifth** member of the board, to represent the general public, shall be a resident of this state who has never been associated with speech-language pathology or audiology in any way other than as a consumer. Except for the member representing the general public, all board members shall at all times be holders of active and valid licenses for the practice of speech-language pathology or audiology in this state.

(c) ~~The governor shall also appoint one (1) nonvoting advisor, who must be a licensed physician and board certified in otolaryngology, to serve a four (4) year term of office on the board:~~ **A member may be**

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removed under IC 25-1-6.5-4.

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

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

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

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

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

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

SECTION 136. IC 25-35.6-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The board may utilize employees provided by the ~~health professions bureau~~ **Indiana professional licensing agency** as necessary.

(b) The board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records, and acts, that are signed by the chairman or the executive secretary and authenticated by the seal, shall be prima facie



evidence in all courts of this state.

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

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

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

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

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

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

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

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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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