

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>8</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Public Policy, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 professions and occupations and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008,
- 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking
- 9 action resulting in any of the following rules:
- 10 (1) An order adopted by the commissioner of the Indiana
- 11 department of transportation under IC 9-20-1-3(d) or
- 12 IC 9-21-4-7(a) and designated by the commissioner as an
- 13 emergency rule.

- 1 (2) An action taken by the director of the department of natural  
2 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 3 (3) An emergency temporary standard adopted by the  
4 occupational safety standards commission under  
5 IC 22-8-1.1-16.1.
- 6 (4) An emergency rule adopted by the solid waste management  
7 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 8 (5) A rule, other than a rule described in subdivision (6), adopted  
9 by the department of financial institutions under IC 24-4.5-6-107  
10 and declared necessary to meet an emergency.
- 11 (6) A rule required under IC 24-4.5-1-106 that is adopted by the  
12 department of financial institutions and declared necessary to  
13 meet an emergency under IC 24-4.5-6-107.
- 14 (7) A rule adopted by the Indiana utility regulatory commission to  
15 address an emergency under IC 8-1-2-113.
- 16 (8) An emergency rule adopted by the state lottery commission  
17 under IC 4-30-3-9.
- 18 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the  
19 executive board of the state department of health declares is  
20 necessary to meet an emergency.
- 21 (10) An emergency rule adopted by the Indiana finance authority  
22 under IC 8-21-12.
- 23 (11) An emergency rule adopted by the insurance commissioner  
24 under IC 27-1-23-7.
- 25 (12) An emergency rule adopted by the Indiana horse racing  
26 commission under IC 4-31-3-9.
- 27 (13) An emergency rule adopted by the air pollution control  
28 board, the solid waste management board, or the water pollution  
29 control board under IC 13-15-4-10(4) or to comply with a  
30 deadline required by or other date provided by federal law,  
31 provided:
- 32 (A) the variance procedures are included in the rules; and  
33 (B) permits or licenses granted during the period the  
34 emergency rule is in effect are reviewed after the emergency  
35 rule expires.
- 36 (14) An emergency rule adopted by the Indiana election  
37 commission under IC 3-6-4.1-14.
- 38 (15) An emergency rule adopted by the department of natural

- 1 resources under IC 14-10-2-5.
- 2 (16) An emergency rule adopted by the Indiana gaming  
3 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,  
4 IC 4-33-4-14, or IC 4-35-4-2.
- 5 (17) An emergency rule adopted by the alcohol and tobacco  
6 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
7 IC 7.1-3-20-24.4.
- 8 (18) An emergency rule adopted by the department of financial  
9 institutions under IC 28-15-11.
- 10 (19) An emergency rule adopted by the office of the secretary of  
11 family and social services under IC 12-8-1-12.
- 12 (20) An emergency rule adopted by the office of the children's  
13 health insurance program under IC 12-17.6-2-11.
- 14 (21) An emergency rule adopted by the office of Medicaid policy  
15 and planning under IC 12-15-41-15.
- 16 (22) An emergency rule adopted by the Indiana state board of  
17 animal health under IC 15-17-10-9.
- 18 (23) An emergency rule adopted by the board of directors of the  
19 Indiana education savings authority under IC 21-9-4-7.
- 20 (24) An emergency rule adopted by the Indiana board of tax  
21 review under IC 6-1.1-4-34 (repealed).
- 22 (25) An emergency rule adopted by the department of local  
23 government finance under IC 6-1.1-4-33 (repealed).
- 24 (26) An emergency rule adopted by the boiler and pressure vessel  
25 rules board under IC 22-13-2-8(c).
- 26 (27) An emergency rule adopted by the Indiana board of tax  
27 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
28 adopted by the department of local government finance under  
29 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 30 (28) An emergency rule adopted by the board of the Indiana  
31 economic development corporation under IC 5-28-5-8.
- 32 (29) A rule adopted by the department of financial institutions  
33 under IC 34-55-10-2.5.
- 34 (30) A rule adopted by the Indiana finance authority:
- 35 (A) under IC 8-15.5-7 approving user fees (as defined in  
36 IC 8-15.5-2-10) provided for in a public-private agreement  
37 under IC 8-15.5;
- 38 (B) under IC 8-15-2-17.2(a)(10):

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

- 1 subsection (e).
- 2 (3) The effective date stated by the adopting agency in the rule.
- 3 (4) The date of compliance with every requirement established by
- 4 law as a prerequisite to the adoption or effectiveness of the rule.
- 5 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
- 6 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
- 7 subsections (j), (k), and (l), a rule adopted under this section expires
- 8 not later than ninety (90) days after the rule is accepted for filing under
- 9 subsection (e). Except for a rule adopted under subsection (a)(13),
- 10 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
- 11 another rule under this section, but only for one (1) extension period.
- 12 The extension period for a rule adopted under subsection (a)(28) may
- 13 not exceed the period for which the original rule was in effect. A rule
- 14 adopted under subsection (a)(13) may be extended for two (2)
- 15 extension periods. Subject to subsection (j), a rule adopted under
- 16 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
- 17 number of extension periods. Except for a rule adopted under
- 18 subsection (a)(13), for a rule adopted under this section to be effective
- 19 after one (1) extension period, the rule must be adopted under:
- 20 (1) sections 24 through 36 of this chapter; or
- 21 (2) IC 13-14-9;
- 22 as applicable.
- 23 (h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires
- 24 on the earlier of the following dates:
- 25 (1) The expiration date stated by the adopting agency in the rule.
- 26 (2) The date that the rule is amended or repealed by a later rule
- 27 adopted under sections 24 through 36 of this chapter or this
- 28 section.
- 29 (i) This section may not be used to readopt a rule under IC 4-22-2.5.
- 30 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
- 31 than January 1, 2006.
- 32 (k) A rule described in subsection (a)(28) expires on the expiration
- 33 date stated by the board of the Indiana economic development
- 34 corporation in the rule.
- 35 (l) A rule described in subsection (a)(30) expires on the expiration
- 36 date stated by the Indiana finance authority in the rule.
- 37 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
- 38 date the department is next required to issue a rule under the statute

1 authorizing or requiring the rule."

2 Page 14, line 18, delete "competes for money, teaches, pursues, or"  
3 and insert **"engages in an unarmed combat match, contest,  
4 exhibition, or performance."**

5 Page 14, delete lines 19 through 20.

6 Page 14, line 22, after "Sec. 1." insert **"(a)"**.

7 Page 14, between lines 36 and 37, begin a new paragraph and insert:

8 **"(b) The purpose of the commission is to ensure the:**

9 **(1) safety of participants in;**

10 **(2) fairness of; and**

11 **(3) integrity of;**

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

14 SECTION 20. IC 25-9-1-1.5 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2009]: **Sec. 1.5. (a) As used in this chapter, "fund" refers to the  
17 athletic commission fund created by this section.**

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

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

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

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

28 **(1) appropriations made by the general assembly;**

29 **(2) fees collected under this chapter; and**

30 **(3) penalties collected under this chapter.**

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

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

38 Page 15, line 30, strike "general".

- 1 Page 15, line 42, after "4.5." insert "(a)".
- 2 Page 16, between lines 18 and 19, begin a new paragraph and insert:
- 3 **"(b) The athletic commission may adopt emergency rules under**
- 4 **IC 4-22-2-37.1 if the athletic commission determines that:**
- 5 **(1) the need for a rule is so immediate and substantial that the**
- 6 **ordinary rulemaking procedures under IC 4-22-2 are**
- 7 **inadequate to address the need; and**
- 8 **(2) an emergency rule is likely to address the need."**
- 9 Page 16, line 22, delete "exhibitions" and insert "**exhibitions,**
- 10 **whether or not"**.
- 11 Page 16, line 22, after "purses" insert ",".
- 12 Page 16, line 31, after ";" insert "**or"**.
- 13 Page 16 delete lines 33 through 35.
- 14 Page 16, line 36, delete "(4)".
- 15 Page 16, line 36, strike "without a prize or purse;".
- 16 Page 16, line 41, delete "No" and insert "**Except as provided under**
- 17 **IC 25-9-1-9.5, no"**.
- 18 Page 17, line 2, after "boxing" insert "**athletic"**.
- 19 Page 17, line 18, after "revoked" insert "**or suspended"**.
- 20 Page 18, between lines 30 and 31, begin a new paragraph and insert:
- 21 "SECTION 26, IC 25-9-1-9.5 IS ADDED TO THE INDIANA
- 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2009]: **Sec. 9.5. (a) As used in this section,**
- 24 **"amateur mixed martial arts" refers to mixed martial arts that is:**
- 25 **(1) performed for training purposes in a school or other**
- 26 **educational facility for no:**
- 27 **(A) purse; or**
- 28 **(B) prize with a value greater than one hundred dollars**
- 29 **(\$100); or**
- 30 **(2) performed in a match, contest, exhibition, or performance**
- 31 **for no:**
- 32 **(A) purse; or**
- 33 **(B) prize with a value greater than one hundred dollars**
- 34 **(\$100).**
- 35 **(b) As used in this section, "promoter" means the person**
- 36 **primarily responsible for organizing, promoting, and producing an**
- 37 **amateur mixed martial arts match or exhibition. The term does not**
- 38 **include a hotel, casino, resort, or other commercial establishment**

1 **hosting or sponsoring an amateur mixed martial arts match unless:**

- 2 **(1) the hotel, casino, resort, or other commercial**  
 3 **establishment is primarily responsible for organizing,**  
 4 **promoting, and producing the match or exhibition; and**  
 5 **(2) there is no other person primarily responsible for**  
 6 **organizing, promoting, and producing the match or**  
 7 **exhibition.**

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

- 9 **(1) a body sanctioning the match or exhibition; and**  
 10 **(2) the promoter of the match or exhibition;**

11 **must procure licenses under this article. The commission shall**  
 12 **develop procedures and standards governing application for**  
 13 **licensure and license renewal of bodies sanctioning a match or**  
 14 **exhibition and promoters under this section. The commission shall**  
 15 **develop procedures for inspection and enforcement with respect to**  
 16 **licenses issued under this subsection.**

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

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

- 23 **(1) The presence of a medical doctor licensed under**  
 24 **IC 25-22.5.**  
 25 **(2) The presence of an ambulance.**  
 26 **(3) Requirements for medical and life insurance to be carried**  
 27 **for each participant.**  
 28 **(4) The need for medical tests, including:**  
 29 **(A) tests for HIV;**  
 30 **(B) pregnancy tests for women participants; and**  
 31 **(C) screening tests for illegal drugs."**

32 Page 20, delete lines 12 through 42, begin a new paragraph and  
 33 insert:

34 "SECTION 32. IC 25-9-1-16, AS AMENDED BY P.L.197-2007,  
 35 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2009]: Sec. 16. (a) A person shall not:

- 37 **(1) permit any person under the age of eighteen (18) years to**  
 38 **participate in any boxing or sparring match or exhibition;**



1 (2) permit any gambling on the result of, or on any contingency in  
 2 connection with, any boxing or sparring match or exhibition  
 3 conducted by it; or

4 (3) participate in or permit any sham or collusive boxing or  
 5 sparring match or exhibition.

6 (b) A person who violates this section shall, in addition to any  
 7 criminal penalty:

8 (1) have the person's license or permit revoked, **suspended, or**  
 9 **restricted by the commission;**

10 (2) **be placed on probation by the commission;**

11 (3) **pay a civil penalty not to exceed one thousand dollars**  
 12 **(\$1,000) imposed by the commission; and be**

13 (4) **be rendered ineligible by the commission** for a license or  
 14 permit at any future time; **or**

15 (5) **be subject to the imposition by the commission of any**  
 16 **combination of the penalties set forth in subdivisions (1)**  
 17 **through (4).**

18 SECTION 1. IC 25-9-1-17, AS AMENDED BY P.L.197-2007,  
 19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2009]: Sec. 17. (a) A person shall not:

21 (1) participate in any sham or collusive boxing or sparring match  
 22 or exhibition where the match or exhibition is conducted by a  
 23 licensed person; or

24 (2) being under the age of eighteen (18), participate in any boxing  
 25 or sparring match or exhibition.

26 (b) If a person violating this section is a licensed contestant in this  
 27 state, the person shall for the first offense, in addition to the fine: ~~suffer~~  
 28 ~~a revocation of the~~

29 (1) **have the person's license or permit and for revoked,**  
 30 **suspended, or restricted by the commission;**

31 (2) **be placed on probation by the commission;**

32 (3) **pay a civil penalty not to exceed one thousand dollars**  
 33 **(\$1,000) imposed by the commission;**

34 (4) **be rendered ineligible by the commission for a license or**  
 35 **permit at any future time; or**

36 (5) **be subject to the imposition by the commission of any**  
 37 **combination of the penalties set forth in subdivisions (1)**  
 38 **through (4).**

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

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

8       Page 21, delete line 1.

9       Page 22, line 2, strike "state treasury for the use".

10      Page 22, strike line 3 and insert "**fund**".

11      Page 24, line 24, strike "state general".

12      Page 25, line 10, strike "state general".

13      Page 26, line 4, strike "state treasurer to be".

14      Page 26, strike line 5 and insert "**fund**".

15      Page 27, after line 14, begin a new paragraph and insert:

16      "SECTION 51. [EFFECTIVE JULY 1, 2009] **(a) As used in this**  
17      **SECTION, "fund" refers to the athletic commission fund created**  
18      **by IC 25-9-1-1.5, as added by this act.**

19      **(b) There is appropriated to the fund from the state general**  
20      **fund an amount sufficient to administer IC 25-9-1 for the state**  
21      **fiscal year beginning July 1, 2009, and ending July 1, 2010.**

22      **(c) This SECTION expires December 31, 2010."**

23      Re-number all SECTIONS consecutively.

(Reference is to SB 160 as printed February 20, 2009.)

**and when so amended that said bill do pass.**

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Representative Van Haften