

January 30, 1998

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## HOUSE BILL No. 1248

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DIGEST OF HB 1248 (Updated January 28, 1998 7:06 pm - DI 94)

**Citations Affected:** IC 12-14; IC 34-4.

**Synopsis:** Planning councils. Provides that the immunities and limitations under the tort claims act that apply to governmental entities apply to members of planning councils.

**Effective:** July 1, 1998.

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**D. Young, Crawford**

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January 13, 1998, read first time and referred to Committee on Local Government.  
January 29, 1998, amended, reported — Do Pass.

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HB 1248—LS 7241/DI 88



January 30, 1998

Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1248

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-14-26-12 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1998]: **Sec. 12. The members of a planning**  
4 **council are subject to IC 34-4-16.5.**

5 SECTION 2. IC 34-4-16.5-2, AS AMENDED BY P.L.220-1996,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 1998]: Sec. 2. (a) The definitions in this section apply  
8 throughout this chapter.

9 (b) "Employee" and "public employee" mean a person presently or  
10 formerly acting on behalf of a governmental entity whether temporarily  
11 or permanently or with or without compensation, including members  
12 of boards, committees, commissions, authorities, and other  
13 instrumentalities of governmental entities, volunteer firefighters (as  
14 defined in IC 36-8-12-2), and elected public officials. The term also  
15 includes attorneys at law whether employed by the governmental entity  
16 as employees or independent contractors and physicians licensed under  
17 IC 25-22.5 and optometrists who provide medical or optical care to

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1 confined offenders (as defined in IC 11-8-1) within the course of their  
 2 employment by or contractual relationship with the department of  
 3 correction. However, the term does not include:

4 (1) an independent contractor (other than an attorney at law, a  
 5 physician, or an optometrist described in this subsection);

6 (2) an agent or employee of an independent contractor;

7 (3) a person appointed by the governor to an honorary advisory or  
 8 honorary military position; or

9 (4) a physician licensed under IC 25-22.5, with regard to a claim  
 10 against the physician for an act or omission occurring or allegedly  
 11 occurring in the physician's capacity as an employee of a hospital.

12 (c) "Governmental entity" means the state or a political subdivision  
 13 of the state.

14 (d) "Incapacitated" has the meaning set forth in IC 29-3-1-7.5.

15 (e) "Loss" means injury to or death of a person or damage to  
 16 property.

17 (f) "Political subdivision" means a:

18 (1) county;

19 (2) township;

20 (3) city;

21 (4) town;

22 (5) separate municipal corporation;

23 (6) special taxing district;

24 (7) state college or university;

25 (8) city or county hospital;

26 (9) school corporation;

27 (10) board or commission of one (1) of the entities listed in  
 28 subdivisions (1) through (9);

29 (11) drug enforcement task force operated jointly by political  
 30 subdivisions;

31 (12) community correctional service program organized under  
 32 IC 12-12-1; ~~or~~

33 (13) solid waste management district established under IC 13-21  
 34 or IC 13-9.5-2 (before its repeal); ~~or~~

35 **(14) planning council established under IC 12-14-26.**

36 (g) "State" means Indiana and its state agencies.

37 (h) "State agency" means a board, a commission, a department, a  
 38 division, a governmental subdivision, including a soil and water  
 39 conservation district, a bureau, a committee, an authority, a military  
 40 body, or other instrumentality of the state. However, the term does not  
 41 include a political subdivision.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1248 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 14, nays 0.

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