

## HOUSE BILL No. 1248

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DIGEST OF HB 1248 (Updated February 2, 1998 8:00 pm - DI 77)

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

**Synopsis:** Planning councils. Specifies representatives that must be on local planning councils and regional 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.  
February 2, 1998, read second time, amended, ordered engrossed.

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Reprinted  
February 3, 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 a statute 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 12-14-26-1, AS ADDED BY P.L.109-1997,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 1. As used in this chapter, "planning council"  
4 refers to:

- 5 (1) a local planning council described in ~~IC 12-14-22-13(b)~~  
6 ~~(repealed July 1, 1998)~~; **IC 12-14-26-2(b)**; or  
7 (2) a regional planning council described in ~~IC 12-14-22-13(f)~~  
8 ~~(repealed July 1, 1998)~~; **IC 12-14-26-2(c)**.

9 SECTION 2. IC 12-14-26-2, AS ADDED BY P.L.109-1997,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 1998]: Sec. 2. ~~Not later than September 1, 1997~~, (a) Each  
12 county executive (as defined in IC 36-1-2-5) shall establish a planning  
13 council by doing one (1) of the following:

- 14 (1) Reappointing the members of a local planning council  
15 established by the county executive under IC 12-14-22-13  
16 (repealed July 1, 1998).  
17 (2) Appointing one (1) or more new members to a local planning

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1 council established by the county executive under IC 12-14-22-13  
2 (repealed July 1, 1998).

3 (3) Working with other county executives to establish or  
4 reestablish a regional planning council as provided in  
5 IC 12-14-22-13(f) (repealed July 1, 1998).

6 **(b) Each county executive must include on the local planning  
7 council representatives in the county from each of the following:**

8 **(1) The private industry council.**

9 **(2) The step ahead council.**

10 **(3) The community action program or its equivalent.**

11 **(4) The township trustee representing the township in the  
12 county with the highest number of AFDC recipients.  
13 However, if that township trustee does not actively participate  
14 in the work of the local planning council, the county executive  
15 must appoint a township trustee selected by the majority of  
16 the township trustees in the county.**

17 **(5) At least one (1) entity that provides job training,  
18 placement, or other job related support services.**

19 **(6) At least one (1) school teacher.**

20 **(7) At least one (1) school administrator.**

21 **(8) At least one (1) representative from a vocational education  
22 facility within the county.**

23 **(9) At least five (5) representatives from business and labor in  
24 the county.**

25 **(10) The women, infants, and children nutrition program  
26 under 42 U.S.C. 1786 et seq.**

27 **(11) The United Way or other social services organizations.**

28 **(12) Others as determined by the county executive.**

29 **(c) Members of each regional council must include the  
30 following:**

31 **(1) One (1) county executive elected by the other county  
32 executives within the region of each private industry council  
33 to serve as facilitator of the regional planning council.**

34 **(2) The county auditor of the facilitator's county to serve as  
35 the fiscal officer for the planning council.**

36 **(3) Five (5) representatives from each local planning council  
37 within the region of each private industry council who are  
38 selected by the members of each local planning council.**

39 **(4) At least one (1) representative from a county office of  
40 family and children within the region of the private industry  
41 council who is chosen by the office of the secretary.**

42 **(5) Two (2) township trustees selected by the township trustee**



1           **representatives from each local planning council within the**  
 2           **region of each private industry council.**

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

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

11          (b) "Employee" and "public employee" mean a person presently or  
 12          formerly acting on behalf of a governmental entity whether temporarily  
 13          or permanently or with or without compensation, including members  
 14          of boards, committees, commissions, authorities, and other  
 15          instrumentalities of governmental entities, volunteer firefighters (as  
 16          defined in IC 36-8-12-2), and elected public officials. The term also  
 17          includes attorneys at law whether employed by the governmental entity  
 18          as employees or independent contractors and physicians licensed under  
 19          IC 25-22.5 and optometrists who provide medical or optical care to  
 20          confined offenders (as defined in IC 11-8-1) within the course of their  
 21          employment by or contractual relationship with the department of  
 22          correction. However, the term does not include:

- 23           (1) an independent contractor (other than an attorney at law, a
- 24           physician, or an optometrist described in this subsection);
- 25           (2) an agent or employee of an independent contractor;
- 26           (3) a person appointed by the governor to an honorary advisory or
- 27           honorary military position; or
- 28           (4) a physician licensed under IC 25-22.5, with regard to a claim
- 29           against the physician for an act or omission occurring or allegedly
- 30           occurring in the physician's capacity as an employee of a hospital.

31          (c) "Governmental entity" means the state or a political subdivision  
 32          of the state.

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

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

36          (f) "Political subdivision" means a:

- 37           (1) county;
- 38           (2) township;
- 39           (3) city;
- 40           (4) town;
- 41           (5) separate municipal corporation;
- 42           (6) special taxing district;



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- 1 (7) state college or university;
- 2 (8) city or county hospital;
- 3 (9) school corporation;
- 4 (10) board or commission of one (1) of the entities listed in
- 5 subdivisions (1) through (9);
- 6 (11) drug enforcement task force operated jointly by political
- 7 subdivisions;
- 8 (12) community correctional service program organized under
- 9 IC 12-12-1; ~~or~~
- 10 (13) solid waste management district established under IC 13-21
- 11 or IC 13-9.5-2 (before its repeal); **or**
- 12 **(14) planning council established under IC 12-14-26.**
- 13 (g) "State" means Indiana and its state agencies.
- 14 (h) "State agency" means a board, a commission, a department, a
- 15 division, a governmental subdivision, including a soil and water
- 16 conservation district, a bureau, a committee, an authority, a military
- 17 body, or other instrumentality of the state. However, the term does not
- 18 include a political subdivision.
- 19 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) In each county**
- 20 **where the county executives have worked together to establish or**
- 21 **reestablish a regional council under IC 12-14-26-2(a)(3), as**
- 22 **amended by this act, the township trustee members of each local**
- 23 **planning council within the region of each private industry council**
- 24 **shall select two (2) township trustees from the counties within the**
- 25 **region who shall become members of the regional planning council**
- 26 **on July 1, 1998.**
- 27 **(b) This SECTION expires July 2, 1998.**
- 28 SECTION 6. **An emergency is declared for this act.**

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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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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1248 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-14-26-1, AS ADDED BY P.L.109-1997, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "planning council" refers to:

- (1) a local planning council described in ~~IC 12-14-22-13(b)~~ (repealed July 1, 1998); **IC 12-14-26-2(b)**; or
- (2) a regional planning council described in ~~IC 12-14-22-13(f)~~ (repealed July 1, 1998); **IC 12-14-26-2(c)**.

SECTION 2. IC 12-14-26-2, AS ADDED BY P.L.109-1997, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. ~~Not later than September 1, 1997;~~ **(a)** Each county executive (as defined in IC 36-1-2-5) shall establish a planning council by doing one (1) of the following:

- (1) Reappointing the members of a local planning council established by the county executive under IC 12-14-22-13 (repealed July 1, 1998).
- (2) Appointing one (1) or more new members to a local planning council established by the county executive under IC 12-14-22-13 (repealed July 1, 1998).
- (3) Working with other county executives to establish or reestablish a regional planning council as provided in IC 12-14-22-13(f) (repealed July 1, 1998).

**(b) Each county executive must include on the local planning council representatives in the county from each of the following:**

- (1) The private industry council.**
- (2) The step ahead council.**
- (3) The community action program or its equivalent.**
- (4) The township trustee representing the township in the county with the highest number of AFDC recipients. However, if that township trustee does not actively participate in the work of the local planning council, the county executive must appoint a township trustee selected by the majority of the township trustees in the county.**
- (5) At least one (1) entity that provides job training, placement, or other job related support services.**
- (6) At least one (1) school teacher.**
- (7) At least one (1) school administrator.**



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**(8) At least one (1) representative from a vocational education facility within the county.**

**(9) At least five (5) representatives from business and labor in the county.**

**(10) The women, infants, and children nutrition program under 42 U.S.C. 1786 et seq.**

**(11) The United Way or other social services organizations.**

**(12) Others as determined by the county executive.**

**(c) Members of each regional council must include the following:**

**(1) One (1) county executive elected by the other county executives within the region of each private industry council to serve as facilitator of the regional planning council.**

**(2) The county auditor of the facilitator's county to serve as the fiscal officer for the planning council.**

**(3) Five (5) representatives from each local planning council within the region of each private industry council who are selected by the members of each local planning council.**

**(4) At least one (1) representative from a county office of family and children within the region of the private industry council who is chosen by the office of the secretary.**

**(5) Two (2) township trustees selected by the township trustee representatives from each local planning council within the region of each private industry council."**

Page 2, after line 41, begin a new paragraph and insert:

**"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) In each county where the county executives have worked together to establish or reestablish a regional council under IC 12-14-26-2(a)(3), as amended by this act, the township trustee members of each local planning council within the region of each private industry council shall select two (2) township trustees from the counties within the region who shall become members of the regional planning council on July 1, 1998.**

**(b) This SECTION expires July 2, 1998.**

**SECTION 6. An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to House Bill 1248 as printed January 30, 1998.)

D. YOUNG

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