

# HOUSE BILL No. 1248

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-14-26; IC 34-4-16.5-2.

**Synopsis:** Planning councils. Provides members of planning councils established in each county or region of Indiana with access to confidential records of individuals who receive assistance under the Title IV-A program (Temporary Assistance to Needy Families). 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.

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Introduced

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.

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## 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 12-14-26-5, AS ADDED BY P.L.109-1997,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 5. The director of the county office of ~~family and~~  
4 ~~children~~ or the director's designee in each county shall **do the**  
5 **following:**

6 (1) Attend each meeting of the planning council that includes  
7 members from the county to inform the members of the planning  
8 council concerning:

9 (1) ~~(A)~~ **(A)** progress made in implementing changes to Title IV-A  
10 assistance; and

11 (2) ~~(B)~~ **(B)** ways the planning council may help community  
12 members who receive Title IV-A assistance to become more  
13 self sufficient.

14 (2) **Assist the members of the planning council that includes**  
15 **members from the county in obtaining access to records**  
16 **maintained by the county office as described in section 11 of**  
17 **this chapter.**



1 SECTION 2. IC 12-14-26-11 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1998]: **Sec. 11. Notwithstanding**  
 4 **IC 12-14-22-5(c), all records of recipients of Title IV-A assistance**  
 5 **that are maintained by a county office are open to inspection by**  
 6 **members of a planning council with members from the county.**

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

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

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

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

35 (c) "Governmental entity" means the state or a political subdivision  
 36 of the state.

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

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

40 (f) "Political subdivision" means a:

- 41 (1) county;
- 42 (2) township;

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- 1 (3) city;
- 2 (4) town;
- 3 (5) separate municipal corporation;
- 4 (6) special taxing district;
- 5 (7) state college or university;
- 6 (8) city or county hospital;
- 7 (9) school corporation;
- 8 (10) board or commission of one (1) of the entities listed in
- 9 subdivisions (1) through (9);
- 10 (11) drug enforcement task force operated jointly by political
- 11 subdivisions;
- 12 (12) community correctional service program organized under
- 13 IC 12-12-1; ~~or~~
- 14 (13) solid waste management district established under IC 13-21
- 15 or IC 13-9.5-2 (before its repeal); **or**
- 16 **(14) planning council established under IC 12-14-26.**
- 17 (g) "State" means Indiana and its state agencies.
- 18 (h) "State agency" means a board, a commission, a department, a
- 19 division, a governmental subdivision, including a soil and water
- 20 conservation district, a bureau, a committee, an authority, a military
- 21 body, or other instrumentality of the state. However, the term does not
- 22 include a political subdivision.

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