

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 94 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 34-6-2-38 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE DECEMBER 31, 1998 (RETROACTIVE)]:
- 5 Sec. 38. (a) "Employee" and "public employee", for purposes of
- 6 IC 34-13-2, IC 34-13-3, IC 34-13-4, and IC 34-30-14, mean a person
- 7 presently or formerly acting on behalf of a governmental entity,
- 8 whether temporarily or permanently or with or without compensation,
- 9 including members of boards, committees, commissions, authorities,
- 10 and other instrumentalities of governmental entities, volunteer
- 11 firefighters (as defined in IC 36-8-12-2), and elected public officials.
- 12 (b) The term also includes attorneys at law whether employed by the
- 13 governmental entity as employees or independent contractors and
- 14 physicians licensed under IC 25-22.5 and optometrists who provide
- 15 medical or optical care to confined offenders (as defined in IC 11-8-1)
- 16 within the course of their employment by or contractual relationship
- 17 with the department of correction. However, the term does not include:
- 18 (1) an independent contractor (other than an attorney at law, a
- 19 physician, or an optometrist described in this section);
- 20 (2) an agent or employee of an independent contractor;
- 21 (3) a person appointed by the governor to an honorary advisory or
- 22 honorary military position; or
- 23 (4) a physician licensed under IC 25-22.5 with regard to a claim
- 24 against the physician for an act or omission occurring or allegedly

- 1 occurring in the physician's capacity as an employee of a hospital.
- 2 **(c) A physician licensed under IC 25-22.5 who is an employee of**
- 3 **a governmental entity (as defined in IC 34-6-2-49) shall be**
- 4 **considered a public employee for purposes of IC 34-13-3-3(20)."**
- 5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 94 as printed April 6, 1999.)

Representative Dvorak