

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 214 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 4-15-10-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
5 chapter:  
6           "Agency" means any state administration, agency, authority, board,  
7 bureau, commission, committee, council, department, division,  
8 institution, office, service, or other similar body of state government  
9 created or established by law. However, the term does not include **the**  
10 **following:**  
11           (1) State colleges and universities.  
12           (2) **The bureau of motor vehicles commission, unless the**  
13 **bureau of motor vehicles commission has decided to be under**  
14 **the jurisdiction and rules adopted by the state ethics**  
15 **commission, as provided in IC 9-15-2-2.2(a)(2).**  
16           "Appointing authority" means the individual or group of individuals  
17 who have the power by law or by law fully delegated authority to make  
18 appointment to a position in an agency.  
19           "Employee" means an employee of an agency except an elected  
20 official.  
21           "Supervisor" means an individual who oversees the daily activity of  
22 an employee.  
23           SECTION 2. IC 9-13-2-176.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: **Sec. 176.5. "Supervisor", for purposes of  
3 IC 9-15-2, has the meaning set forth in IC 9-15-2-0.5.**

4 SECTION 3. IC 9-15-2-0.5 IS ADDED TO THE INDIANA CODE  
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON  
6 PASSAGE]: **Sec. 0.5. As used in this chapter, "supervisor" means  
7 an individual who oversees the daily activity of an employee.**

8 SECTION 4. IC 9-15-2-3 IS ADDED TO THE INDIANA CODE AS  
9 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON  
10 PASSAGE]: **Sec. 3. (a) If the commission has established a code of  
11 ethics for its employees under section 2.2(a) of this chapter, an  
12 employee of the commission may submit a written report to the  
13 employee's supervisor or a commission employee with authority  
14 greater than the employee's supervisor concerning the existence  
15 of a violation of a federal law or regulation, a violation of a state  
16 law or rule, a violation of an ordinance of a county or municipality  
17 (as defined in IC 36-1-2-11), or the misuse of public resources.  
18 However, if:**

19 (1) the employee believes that the supervisor and the  
20 commission employee with authority greater than the  
21 employee's supervisor are committing a violation or misusing  
22 public resources; or

23 (2) the employee reports the suspected violation or misuse to  
24 the supervisor or commission employee with authority  
25 greater than the employee's supervisor and a good faith  
26 effort is not made to correct the problem within a reasonable  
27 time;

28 the employee may submit a written report of the violation or  
29 misuse to any person, agency, commission, or organization.

30 (b) If an employee submits a report under subsection (a), the  
31 employee may not:

32 (1) be dismissed from employment;

33 (2) have salary increases or employment related benefits  
34 withheld;

35 (3) be transferred or reassigned;

36 (4) be denied a promotion the employee otherwise would have  
37 received; or

38 (5) be demoted;

39 solely for submitting the report.

40 (c) Notwithstanding subsections (a) and (b), an employee must  
41 make a reasonable attempt to ascertain the accuracy of any  
42 information submitted in a report and may be subject to  
43 disciplinary actions, including suspension or dismissal, for

1 knowingly furnishing false information, as determined by the  
2 employee's supervisor.

3 (d) An employee disciplined under subsection (c) may appeal  
4 the disciplinary action under the procedure set forth in a  
5 personnel policy adopted by a rule of the commission. The rule  
6 must provide that, if the result of the decision reached in the  
7 appeal is not agreeable to the employee, the employee may  
8 institute a civil action to appeal the disciplinary action. The  
9 preferred venue for the civil action is in the county in which the  
10 employee is employed.

11 (e) If the employee prevails in a civil action brought under  
12 subsection (d), the court shall allow the employee reasonable  
13 attorney's fees, including litigation expenses, and costs."

14 Page 1, between lines 4 and 5, begin a new paragraph and insert:  
15 "SECTION 6. [EFFECTIVE UPON PASSAGE] (a)  
16 Notwithstanding IC 9-15-2-3, as added by this act, the bureau of  
17 motor vehicles commission shall adopt a personnel policy that  
18 includes a disciplinary procedure described in IC 9-15-2-3(d), as  
19 added by this act. The policy must provide that, if the result of the  
20 decision reached in the appeal is not agreeable to the employee,  
21 the employee may institute a civil action to appeal the disciplinary  
22 action. The bureau of motor vehicles commission shall carry out  
23 the duties imposed on it by IC 9-15-2-3, as added by this act,  
24 under interim written guidelines approved by the bureau of motor  
25 vehicles commissioner.

26 (b) This SECTION expires on the earlier of the following:  
27 (1) The date rules are adopted under IC 9-15-2-3(d), as added  
28 by this act.  
29 (2) January 1, 2005."

30 Page 2, after line 12, begin a new paragraph and insert:  
31 "SECTION 8. An emergency is declared for this act."  
32 Renumber all SECTIONS consecutively.  
(Reference is to ESB 214 as printed February 13, 2004.)

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Representative Liggett