CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1334

Citations Affected: IC 4-13; IC 11-10; IC 22-2.

Synopsis: Teacher liability insurance. Provides that criminal offenders in a facility operated by the department of correction or operated by a private operator under contract with the department of correction are exempt from certain provisions concerning the frequency of wage payment and wage claims. Permits the department of administration to contract for the availability of personal liability insurance for public and nonpublic school teachers in Indiana. **(This conference committee report: (1) adds provisions that provide that criminal offenders in a facility operated by the department of correction or operated by a private operator under contract with the department of correction are exempt from certain provisions concerning the frequency of wage payment and wage claims; and (2) removes provision that: (A) deletes a provision in current law that adds back for state income tax purposes the amount of a federal gross income tax deduction claimed for certain unreimbursed teacher expenses; (B) provides that if a certificated employee is required to renew the certificated employee's license in the same year the certificated employee receives a designation as highly effective, the certificated employee is not subject to the continuing education requirements in order to renew the certificated employee's teaching license; (C) provides that a governing body may request the state board to waive any rule adopted by the state board for a school contained in the school corporation if the school has been placed in the two highest categories or designations of school performance; and (D) provides that a school's reading plan must have at least two assessments made throughout the school year by grade 3 to determine a student's reading level, and place an emphasis on a home and school reading initiative.)**

Effective: Upon passage; July 1, 2013.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1334 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-1-17, AS AMENDED BY P.L.35-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) A state agency may not purchase insurance to cover loss or damage to property.

(b) This section does not prohibit any of the following:

(1) The purchase of title insurance by a state agency.

(2) The purchase of insurance by a body corporate and politic.

(3) The purchase of insurance to meet requirements for receipt of federal funds by a state agency.

(4) The requiring of contractors to carry insurance.

(5) The purchase of insurance to cover loss or damage to real property owned by the Indiana public retirement system.

(6) The purchase of insurance to cover loss or destruction of money or securities under the control of the treasurer of state.

(7) The purchase of insurance by a state agency to cover loss or damage to exhibits, artifacts, or other materials that are loaned to the agency.

(8) The purchase of casualty and liability insurance for foster parents (as defined in IC 27-1-30-4) on a group basis.

(9) The purchase of personal liability insurance under

IC 4-13-20.

SECTION 2. IC 4-13-20 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 20. Teacher Liability Insurance

Sec. 1. As used in this chapter, "personal liability" means liability incurred by a teacher in the performance of the teacher's duties.

Sec. 2. As used in this chapter, "teacher" means a professional person whose:

(1) position in a public or nonpublic school requires certain educational preparation and licensing; and

(2) primary responsibility is the instruction of students who attend kindergarten through grade 12 in a public or nonpublic school.

Sec. 3. The Indiana department of administration may contract with at least one (1) personal liability insurer to allow any teacher to purchase coverage under a personal liability insurance policy issued by the insurer.

Sec. 4. Any teacher in Indiana may, at any time, purchase coverage under a personal liability insurance policy for which the Indiana department of administration has contracted under section 3 of this chapter.

Sec. 5. A teacher purchasing coverage under this chapter shall pay the full premium for the teacher's coverage.

SECTION 3. IC 11-10-6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. An offender employed in accordance with this chapter is subject to IC 22-2-5-3 and IC 22-2-9-8.**

SECTION 4. IC 11-10-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any agreement entered into between the commissioner and a private person under this chapter must provide that an offender employed by a private person under this chapter will be paid at least the prevailing wage for that type of work as established by the department of workforce development, including applicable wage increases for overtime work.

(b) An offender may be employed under this chapter only on a voluntary basis and only after the offender has been informed of the conditions of the offender's employment.

(c) An offender employed under this chapter is not eligible for unemployment compensation benefits under workforce development laws.

(d) An offender employed in accordance with this chapter is subject to IC 22-2-5-3 and IC 22-2-9-8.

SECTION 5. IC 22-2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Farmers and those engaged in the business of agriculture and horticulture~~ **The following** shall be specifically exempt from the provisions of this chapter:

(1) Farmers and those engaged in the business of agriculture and horticulture.

(2) Criminal offenders in a facility operated by the

department of correction (as established by IC 11-8-2-1) or operated by a private operator under contract with the department of correction.

SECTION 6. IC 22-2-9-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. Criminal offenders in a facility operated by the department of correction (as established by IC 11-8-2-1) or operated by a private operator under contract with the department of correction are specifically exempt from this chapter.**

SECTION 7. **An emergency is declared for this act.**

(Reference is to EHB 1334 as reprinted April 10, 2013.)

Conference Committee Report
on
Engrossed House Bill 1334

Signed by:

Representative Thompson Chairperson	Senator Kruse
Representative Behning	Senator Taylor
House Conferees	**Senate Conferees**