



March 23, 2001

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# ENGROSSED HOUSE BILL No. 1099

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DIGEST OF HB 1099 (Updated March 22, 2001 11:14 AM - DI 102)

**Citations Affected:** IC 8-9.

**Synopsis:** Railroad employees involved in accidents. Requires a Class I railroad company to establish a counseling or trauma program and provide or make available counseling or critical stress debriefing services to each operating crew member of a train that is operated by the railroad company in passenger, freight, or yard service and that is involved in an accident that results in death or serious bodily injury. Requires a Class I railroad company to file a description of the railroad company's counseling or trauma program with the department of transportation, who must receive the descriptions and make the descriptions available to the public. Requires a railroad company to file a revised description of the counseling or trauma program with the Indiana department of transportation before making a change to the railroad company's required counseling or trauma program.

**Effective:** September 1, 2001.

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## Stilwell, Cook, Alderman, Mock

(SENATE SPONSORS — HARRISON, HUME)

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January 8, 2001, read first time and referred to Committee on Roads and Transportation.  
February 19, 2001, amended, reported — Do Pass.  
February 22, 2001, read second time, ordered engrossed. Engrossed.  
February 26, 2001, read third time, passed. Yeas 84, nays 12.

SENATE ACTION

March 1, 2001, read first time and referred to Committee on Pensions and Labor.  
March 22, 2001, reported favorably — Do Pass.

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EH 1099—LS 6855/DI 102+



March 23, 2001

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

## ENGROSSED HOUSE BILL No. 1099

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A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-9-12 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 SEPTEMBER 1, 2001]:

4 **Chapter 12. Railroad Employee Counseling and Assistance**

5 **Sec. 1. This chapter does not apply to a Class II or Class III**  
6 **railroad as established by the Interstate Commerce Commission.**

7 **Sec. 2. As used in this chapter, "operating crew member" means**  
8 **a railroad employee described in IC 8-9-2-1(n).**

9 **Sec. 3. As used in this chapter, "railroad" has the meaning set**  
10 **forth in IC 8-3-1-2. However, the term does not include a Class II**  
11 **or Class III railroad as established by the Interstate Commerce**  
12 **Commission.**

13 **Sec. 4. (a) A railroad company operating in Indiana shall**  
14 **establish a counseling or trauma program and provide or make**  
15 **available counseling or critical incident stress debriefing services**  
16 **to each operating crew member of a train that is:**

17 **(1) operated by the railroad company in passenger, freight, or**

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1           yard service; and  
2           (2) involved in an accident that results in death or serious  
3           bodily injury.  
4           (b) A railroad company operating in Indiana shall file a  
5           description of the railroad company's counseling or trauma  
6           program required under subsection (a) with the Indiana  
7           department of transportation, whose sole responsibility under this  
8           section is to receive the descriptions and make the descriptions  
9           available to the public in accordance with IC 5-14-3.  
10          (c) Before a railroad company implements one (1) or more  
11          changes to the railroad company's counseling or trauma program  
12          required under subsection (a), the railroad company must file with  
13          the Indiana department of transportation a revised description of  
14          the program that includes the changes.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1099, 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:

Replace the effective date in SECTION 1 with "[EFFECTIVE SEPTEMBER 1, 2001]".

Page 1, line 5, after "a" insert "**Class II or**".

Page 1, delete lines 7 through 10.

Page 1, line 11, delete "3." and insert "4.".

Page 1, line 13, delete " 4." and insert "3.".

Page 1, line 14, after "a" insert "**Class II or**".

Page 1, line 16, delete "5." and insert "4.".

Page 1, line 16, delete "If a train operated by a railroad company in" and insert "**A railroad company operating in Indiana shall establish a counseling or trauma program and provide or make available counseling or critical incident stress debriefing services to each operating crew member of a train that is:**

**(1) operated by the railroad company in passenger, freight, or yard service; and**

**(2) involved in an accident that results in death or serious bodily injury."**

Page 1, delete line 17.

Page 2, delete lines 1 through 4.

Page 2, line 5, delete "If a train operated by a railroad company in passenger," and insert "**A railroad company operating in Indiana shall file a description of the railroad company's counseling or trauma program required under subsection (a) with the Indiana department of transportation, whose sole responsibility under this section is to receive the descriptions and make the descriptions available to the public in accordance with IC 5-14-3."**

Page 2, delete lines 6 through 10.

Page 2, line 11, delete "If an operating crew member requests an extension of the" and insert "**Before a railroad company implements one (1) or more changes to the railroad company's counseling or trauma program required under subsection (a), the railroad company must file with the Indiana department of transportation a revised description of the program that includes the changes."**

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Page 2, delete lines 12 through 27.  
and when so amended that said bill do pass.  
(Reference is to HB 1099 as introduced.)

GOODIN, Chair

Committee Vote: yeas 8, nays 2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1099, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1099 as printed February 20, 2001.)

HARRISON, Chairperson

Committee Vote: Yeas 6, Nays 4.

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