

SENATE BILL No. 159

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-2-13; IC 4-15; IC 14-9; IC 14-10-3-4; IC 14-24-1-3.

Synopsis: Department of natural resources employees. Provides that employees of the department of natural resources (DNR), except for the director, the highest position in each division, and conservation officers, are merit employees. Requires the personnel department to work with the DNR to provide for a transition for current employees. Repeals provisions establishing the nonmerit status of DNR employees.

Effective: Upon passage.

Simpson

January 9, 2006, read first time and referred to Committee on Natural Resources.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 159



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

- 1 SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual may not
- 3 solicit or receive a contribution in violation of the following statutes:
- 4 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- 5 (2) IC 4-23-7.1-38 (Indiana State Library).
- 6 (3) IC 4-23-7.2-17 (Indiana Historical Bureau).
- 7 (4) IC 8-23-2-3 (Indiana Department of Transportation).
- 8 ~~(5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural~~
- 9 ~~Resources):~~
- 10 SECTION 2. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005,
- 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 UPON PASSAGE]: Sec. 3.8. "State service" means public service by:
- 13 (1) employees and officers, including the incumbent directors, of
- 14 the county offices of family and children; and
- 15 (2) employees and officers, except members of boards and
- 16 commissions or individuals hired for or appointed to, after June
- 17 30, 1982, positions as appointing authorities, deputies, assistants



1 reporting to appointing authorities, or supervisors of major units
 2 within state agencies, irrespective of the title carried by those
 3 positions, of the division of disability, aging, and rehabilitative
 4 services, Fort Wayne State Developmental Center, Muscatatuck
 5 State Developmental Center, division of mental health and
 6 addiction, Larue D. Carter Memorial Hospital, Evansville State
 7 Psychiatric Treatment Center for Children, Evansville State
 8 Hospital, Logansport State Hospital, Madison State Hospital,
 9 Richmond State Hospital, state department of health, Indiana
 10 School for the Blind and Visually Impaired, Indiana School for
 11 the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors'
 12 Children's Home, Silvercrest Children's Development Center,
 13 department of correction, Westville Correctional Facility,
 14 Plainfield Juvenile Correctional Facility, Putnamville
 15 Correctional Facility, Indianapolis Juvenile Correctional Facility,
 16 Indiana State Prison, Indiana Women's Prison, Pendleton
 17 Correctional Facility, Reception and Diagnostic Center, Rockville
 18 Correctional Facility, Youth Rehabilitation Facility, Plainfield
 19 Correctional Facility, ~~department of fire and building services,~~
 20 ~~state emergency management agency~~ **department of homeland**
 21 **security** (excluding a county emergency management
 22 organization and any other local emergency management
 23 organization created under IC 10-14-3), civil rights commission,
 24 criminal justice planning agency, department of workforce
 25 development, Indiana historical bureau, Indiana state library,
 26 division of family and children, Indiana state board of animal
 27 health, Federal Surplus Property Warehouse, Indiana education
 28 employment relations board, department of labor, Indiana
 29 protection and advocacy services commission, commission on
 30 public records, Indiana horse racing commission, ~~and~~ state
 31 personnel department, **and department of natural resources**
 32 **(excluding conservation officers under IC 14-9-8).**

33 SECTION 3. IC 4-15-2.5-1.1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. The personnel
 35 system of the department of insurance, bureau of motor vehicles,
 36 department of **state** revenue, ~~department of natural resources,~~ and
 37 department of adjutant general shall be conducted pursuant to this
 38 chapter, except that the division of audit of the department of **state**
 39 revenue, the conservation officers of the department of natural
 40 resources, and the excise police of the alcohol and tobacco commission
 41 shall maintain the political balance established prior to July 1, 1971.

42 SECTION 4. IC 14-9-3-2 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 2. Each bureau is headed by a
 2 deputy director. Each deputy director
 3 (1) must be professionally or technically qualified for the position.
 4 and
 5 (2) shall be employed in accordance with IC 14-9-7.

6 SECTION 5. IC 14-9-7-0.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 0.5. Employees of the department except
 9 for the:**

- 10 (1) director;
- 11 (2) employees in the highest position in each division; and
- 12 (3) employees of the law enforcement division under
 13 IC 14-9-8;

14 **are merit employees under IC 4-15-2.**

15 SECTION 6. IC 14-9-7-1 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Because the functions
 17 and duties of the department are largely technical in nature and require
 18 specialized knowledge, training, and experience for proper
 19 performance, the employees of the department designated by the state
 20 personnel department as professional or technical shall, except as
 21 otherwise expressly provided in this article, be employed solely on the
 22 basis of the qualifications of the employees to perform the required
 23 duties. ~~Political, religious, racial, and fraternal affiliations may not be~~
 24 ~~a consideration in personnel actions affecting the employees.~~

25 (b) Adequate provisions shall be made to assure that employees
 26 selected possess the knowledge and ability and can satisfy the
 27 minimum education and experience requirements as defined in the
 28 class specifications for the positions.

29 (c) An employee under this policy may not:
 30 (1) hold political office while employed by the department;
 31 (2) solicit or receive money for political purposes; or
 32 (3) be required to make contributions for or participate in political
 33 activities.

34 (d) An applicant for a position may not be required to declare a
 35 ~~political, religious, racial, or fraternal affiliation.~~

36 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
 37 UPON PASSAGE]: IC 14-9-7-2; IC 14-9-7-3; IC 14-9-7-4;
 38 IC 14-10-3-4; IC 14-24-1-3.

39 SECTION 8. [EFFECTIVE UPON PASSAGE] (a) For purposes of
 40 this SECTION, "department" means the department of natural
 41 resources established by IC 14-9-1-1.

42 (b) For purposes of this SECTION, "employee" means an

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1 individual who is an employee of the department on January 1,
2 2006.

3 (c) Notwithstanding IC 14-9-7-0.5, as added by this act, an
4 employee continues to be employed under IC 4-15-2.5 until
5 January 1, 2007.

6 (d) The department shall work with the state personnel
7 department to:

8 (1) develop position classification plans for the department;
9 and

10 (2) assist employees to qualify for positions developed under
11 subdivision (1).

12 (e) If an employee does not qualify for employment with the
13 department after the new classifications are developed, the state
14 department of personnel shall work with the employee to find
15 employment with another state agency, if possible.

16 (f) This SECTION expires January 1, 2007.

17 SECTION 9. An emergency is declared for this act.

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