

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that Engrossed Senate Bill 127 be amended to read as follows:

- 1 Page 96, delete line 42, begin a new paragraph and insert:
- 2 "SECTION 130. IC 36-8-8-13.1, AS AMENDED BY HEA
- 3 1009-2012, SECTION 252, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) If:
- 5 (1) the local board has determined under this chapter that a
- 6 covered impairment exists and the safety board has determined
- 7 that there is no suitable and available work within the department,
- 8 considering reasonable accommodation to the extent required by
- 9 the Americans with Disabilities Act; or
- 10 (2) the fund member has filed an appeal under section 12.7(o) of
- 11 this chapter;
- 12 the local board shall submit the local board's determinations and the
- 13 safety board's determinations to the system board's director.
- 14 (b) Whenever a fund member is determined to have an impairment
- 15 under section 12.7(i) of this chapter, the system board's director shall
- 16 initiate a review of the default award not later than sixty (60) days after
- 17 the director learns of the default award.
- 18 (c) After the system board's director receives the determinations
- 19 under subsection (a) or initiates a review under subsection (b), the fund
- 20 member must submit to an examination by a medical authority selected
- 21 by the system board. The authority shall determine if there is a covered
- 22 impairment. With respect to a fund member who is covered by sections
- 23 12.5 and 13.5 of this chapter, the authority shall determine the degree

1 of impairment. The system board shall adopt rules to establish  
 2 impairment standards, such as the impairment standards contained in  
 3 the United States Department of Veterans Affairs Schedule for Rating  
 4 Disabilities. The report of the examination shall be submitted to the  
 5 system board's director. If a fund member refuses to submit to an  
 6 examination, the authority may find that no impairment exists.

7 (d) The system board's director shall review the medical authority's  
 8 report and the local board's determinations and issue an initial  
 9 determination within sixty (60) days after receipt of the local board's  
 10 determinations. The system board's director shall notify the local board,  
 11 the safety board, and the fund member of the initial determination. The  
 12 following provisions apply if the system board's director does not issue  
 13 an initial determination within sixty (60) days and if the delay is not  
 14 attributable to the fund member or the safety board:

15 (1) In the case of a review initiated under subsection ~~(b)~~: **(a)(1)**:

16 (A) the determinations of the local board and the chief of the  
 17 police or fire department are considered to be the initial  
 18 determination; and

19 (B) for purposes of section 13.5(d) of this chapter, the fund  
 20 member is considered to be totally impaired.

21 (2) In the case of an appeal submitted under subsection (a)(2), the  
 22 statements made by the fund member under section 12.7(o) of this  
 23 chapter are considered to be the initial determination.

24 (3) In the case of a review initiated under subsection (b), the  
 25 initial determination is the impairment determined under section  
 26 12.7(i) of this chapter.

27 (e) The fund member, the safety board, or the local board may  
 28 object in writing to the director's initial determination within fifteen  
 29 (15) days after the determination is issued. If no written objection is  
 30 filed, the initial determination becomes the final order of the system  
 31 board. If a timely written objection is filed, the system board shall issue  
 32 the final order after a hearing. Unless an administrative law judge  
 33 orders a waiver or an extension of the period for cause shown, the final  
 34 order shall be issued not later than one hundred eighty (180) days after  
 35 the date of receipt of the local board's determination or the date the  
 36 system board's director initiates a review under subsection (b). The  
 37 following provisions apply if a final order is not issued within the time  
 38 limit described in this subsection and if the delay is not attributable to  
 39 the fund member or the chief of the police or fire department:

40 (1) In the case of a review initiated under subsection ~~(b)~~: **(a)(1)**:

41 (A) the determinations of the local board and the chief of the  
 42 police or fire department are considered to be the final order;  
 43 and

44 (B) for purposes of section 13.5(d) of this chapter, the fund  
 45 member is considered to be totally impaired.

46 (2) In the case of an appeal submitted under subsection (a)(2), the

- 1 statements made by the fund member under section 12.7(o) of this  
2 chapter are considered to be the final order.
- 3 (3) In the case of a review initiated under subsection (b), the  
4 impairment determined under section 12.7(i) of this chapter is  
5 considered to be the final order.
- 6 (f) If the system board approves the director's initial determination,  
7 then the system board shall issue a final order adopting the initial  
8 determination. The local board and the chief of the police or fire  
9 department shall comply with the initial determination. If the system  
10 board does not approve the initial determination, the system board may  
11 receive additional evidence on the matter before issuing a final order.
- 12 (g) Appeals of the system board's final order may be made under  
13 IC 4-21.5.
- 14 (h) The transcripts, records, reports, and other materials compiled  
15 under this section must be retained in accordance with the procedures  
16 specified in section 12.7(p) of this chapter."
- 17 Delete pages 97 through 98.  
18 Page 99, delete lines 1 through 4.  
19 Page 113, after line 42, begin a new paragraph and insert:  
20 "SECTION 144. **An emergency is declared for this act.**".  
21 Renumber all SECTIONS consecutively.  
(Reference is to ESB 127 as printed February 14, 2012.)

---

Representative Niezgodski