

February 16, 1998

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**ENGROSSED  
SENATE BILL No. 152**

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DIGEST OF SB 152 (Updated February 16, 1998 12:03 pm - DI 87)

**Citations Affected:** IC 7.1-2; IC 10-1.

**Synopsis:** State police serving in local office. Provides that a member of the Indiana state police department may hold a part-time local political office without resigning from the department. Provides that a commissioner of the alcoholic beverage commission may not solicit or accept a political contribution from a person or entity that has a permit or has applied for a permit issued by the commission. (Current law prohibits a commissioner or an enforcement officer of the alcoholic beverage commission from actively participating in any political activity while affiliated with the commission.) Makes technical changes.

**Effective:** July 1, 1998.

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**Meeks, Craycraft**

(HOUSE SPONSORS — DOBIS, BEHNING, RUPPEL)

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January 6, 1998, read first time and referred to Committee on Elections.  
January 22, 1998, amended, reported favorably — Do Pass.  
January 29, 1998, read second time, amended, ordered engrossed.  
January 30, 1998, engrossed. Read third time, passed. Yeas 45, nays 5.

HOUSE ACTION

February 4, 1998, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.  
February 16, 1998, amended, reported — Do Pass.

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ES 152—LS 6693/DI 51+



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February 16, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning law enforcement officers.

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

1 SECTION 1. IC 7.1-2-1-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. ~~Limitation on~~  
3 ~~Political Activity~~. A commissioner ~~or an enforcement officer~~ shall ~~may~~  
4 not ~~participate~~ actively in any political activity as long as he is  
5 ~~affiliated with the commission~~. ~~solicit or accept a political~~  
6 ~~contribution from any person or entity that has a permit or has~~  
7 ~~applied for a permit issued by the commission~~. However, the right  
8 of a commissioner ~~or an enforcement officer~~ to vote as ~~he~~ **the**  
9 **commissioner** chooses and to express ~~his~~ **the commissioner's**  
10 opinions on political subjects and candidates ~~shall~~ **may** not be  
11 impaired.

12 SECTION 2. IC 10-1-1-4 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The superintendent shall,  
14 with the approval of the board and within the limits of any  
15 appropriation made available for such purpose, and subject only to  
16 section 5 of this chapter, appoint such personnel to the ranks, grades,  
17 and positions of the department as are deemed by the superintendent

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1 to be necessary for the efficient administration of the department.  
2 Appointment, insofar as is consistent with the satisfaction of prescribed  
3 standards and prerequisites, shall be made to the ranks, grades, and  
4 positions of the department in such manner as to create and maintain  
5 in such ranks, grades, and positions a personnel of which not more than  
6 one-half (1/2) are adherents of any one (1) political party. If any of said  
7 ranks, grades, or positions contains at any time more than one-half  
8 (1/2) who are adherents of any one (1) political party, then there shall  
9 be no person of such party appointed or promoted to such rank, grade,  
10 or position so long as such condition exists. The superintendent shall  
11 devise and administer examinations designed to test applicants in the  
12 qualifications required for the rank, grade, or position, and only those  
13 applicants shall be appointed who best meet the prescribed standards  
14 and prerequisites. All employees appointed to the department are on  
15 probation for a period of one (1) year from the date of appointment, and  
16 the board may extend such probationary status, for cause, for any  
17 period not exceeding one (1) additional year.

18 (b) An employee may:

- 19 (1) be a candidate for elected office or a political party office, if  
20 permitted under 5 U.S.C. 1502, and serve in that office if elected;  
21 (2) be appointed to or selected for a pro tempore appointment to  
22 any office and serve in that office if appointed or selected; and  
23 (3) as long as the employee is not on duty, solicit votes and  
24 campaign funds and challenge voters for the office for which the  
25 person is a candidate.

26 If elected **to other than a part-time local elected office**, the employee  
27 or appointee shall resign as an employee or appointee before assuming  
28 elected office. **An employee may serve in a part-time local elected**  
29 **office. However, service in that office must be in accordance with**  
30 **IC 4-2-6 and the rules and employee policies of the department.**

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as coauthor of Senate Bill 152.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning law enforcement officers.

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 7.1-2-1-12 IS REPEALED [EFFECTIVE JULY 1, 1998] .".

and when so amended that said bill do pass.

(Reference is to Senate Bill 152 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 152 be amended to read as follows:

Page 2, delete lines 20 through 21.

(Reference is to Senate Bill 152 as printed January 23, 1998.)

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 152, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-2-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. ~~Limitation on Political Activity.~~ A commissioner or an enforcement officer ~~shall~~ **may** not participate actively in any political activity as long as he is affiliated with the commission. **solicit or accept a political contribution from any person or entity that has a permit or has applied for a permit issued by the commission.** However, the right of a commissioner or an enforcement officer to vote as ~~he~~ **the commissioner** chooses and to express ~~his~~ **the commissioner's** opinions on political subjects and candidates ~~shall~~ **may** not be impaired."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 152 as reprinted January 30, 1998.)

BAILEY, Chair

Committee Vote: yeas 8, nays 1.

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