

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 241 be amended to read as follows:

- 1 Page 6, line 28, after "body" insert "**or fiscal body**".
- 2 Page 82, delete lines 39 through 42, begin a new paragraph and
- 3 insert:
- 4 "SECTION 150. IC 36-1-20 IS ADDED TO THE INDIANA CODE
- 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2010]:
- 7 **Chapter 20. Employment of Relatives; Contracting With**
- 8 **Relatives**
- 9 **Sec. 1. This chapter does not apply to the following:**
- 10 **(1) An individual who is a contractor or employed by a**
- 11 **contractor for the design or construction of a public works**
- 12 **project.**
- 13 **(2) An individual who is a vendor or employed by a vendor for**
- 14 **a purchase of mowing services or property maintenance**
- 15 **services.**
- 16 **(3) An individual who is a member of a paid fire department**
- 17 **or a volunteer fire department that renders fire protection**
- 18 **services to the political subdivision.**
- 19 **Sec. 2. For purposes of this chapter, the performance of the**
- 20 **duties of a precinct election officer (as defined in IC 3-5-2-40.1)**
- 21 **that are imposed by IC 3 is not considered employment by a**
- 22 **political subdivision.**
- 23 **Sec. 3. As used in this chapter, "employee" means an individual**
- 24 **who is employed by a political subdivision on a full time, a part**
- 25 **time, a temporary, an intermittent, or an hourly basis. The term**
- 26 **does not include a member of a paid fire department or a volunteer**
- 27 **fire department that renders fire protection services to the political**
- 28 **subdivision.**
- 29 **Sec. 4. (a) As used in this chapter, "relative" means any of the**
- 30 **following:**
- 31 **(1) A husband.**

- 1 (2) A wife.
 2 (3) A father, grandfather, or stepfather.
 3 (4) A mother, grandmother, or stepmother.
 4 (5) A son, grandson, stepson, or son-in-law.
 5 (6) A daughter, granddaughter, stepdaughter, or
 6 daughter-in-law.
 7 (7) A brother or stepbrother.
 8 (8) A sister or stepsister.
 9 (9) An aunt.
 10 (10) An uncle.
 11 (11) A niece.
 12 (12) A nephew.
 13 (13) A first cousin.

14 **(b) A relative by adoption, half-blood, marriage, or remarriage**
 15 **is considered a relative of whole kinship for purposes of this**
 16 **chapter.**

17 **Sec. 5. An individual who is a relative of an officer or employee**
 18 **of a political subdivision may not be employed by the political**
 19 **subdivision in a position in which the individual would have a**
 20 **direct supervisory or subordinate relationship with the officer or**
 21 **employee who is the individual's relative.**

22 **Sec. 6. (a) A political subdivision may not enter into a contract**
 23 **or renew a contract with:**

- 24 **(1) an individual to provide goods or services to the political**
 25 **subdivision, if the individual is a relative of an individual who:**
 26 **(A) is the executive of the political subdivision; or**
 27 **(B) is a member of the executive of the political**
 28 **subdivision; or**
 29 **(2) a business entity to provide goods or services, if:**
 30 **(A) a relative of the executive of the political subdivision;**
 31 **or**
 32 **(B) a relative of a member of the executive of the political**
 33 **subdivision;**
 34 **has an ownership interest in the business entity.**

35 **(b) This section does not prohibit a political subdivision from**
 36 **entering into a contract or renewing a contract if an employee of:**

- 37 **(1) an individual contractor under subsection (a)(1); or**
 38 **(2) a business entity under subsection (a)(2);**
 39 **is a relative of the executive of the political subdivision or a**
 40 **member of the executive of the political subdivision.**

41 **(c) This section does not affect the initial term of a contract in**
 42 **existence at the time the term of office of the executive of the**
 43 **political subdivision or the member of the executive of the political**
 44 **subdivision begins.**

45 **Sec. 7. This chapter does not require the termination or**
 46 **reassignment of any employee of a political subdivision from any**
 47 **position held by that individual before July 1, 2010. This section**
 48 **expires January 1, 2015."**

- 1 Delete page 83.
- 2 Page 84, delete line 1.
- 3 Page 86, line 34, delete "The" and insert "**Subject to section 2.5 of**
- 4 **this chapter, the**".
- 5 Page 86, between lines 39 and 40, begin a new paragraph and insert:
- 6 "**Sec. 2.5. Notwithstanding any other law, to be adopted under**
- 7 **section 2 of this chapter, an ordinance must be approved by the**
- 8 **following vote of the county legislative body:**
- 9 (1) **By a unanimous vote of all the elected members of the**
- 10 **county legislative body, in the case of a county legislative body**
- 11 **with not more than three (3) members.**
- 12 (2) **By a vote of at least two-thirds (2/3) of all the elected**
- 13 **members of the county legislative body, in the case of a county**
- 14 **legislative body with more than three (3) members."**
- 15 Renumber all SECTIONS consecutively.
(Reference is to SB 241 as printed January 22, 2010.)

Senator LAWSON C