

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES: 9
NO: 0

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 170, 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:

- 1 Page 1, delete line 15, begin a new paragraph and insert:
2 "Sec. 4. (a) An individual who is serving as a volunteer
3 firefighter for a volunteer fire department or a fire department
4 that provides fire protection services to a unit:
5 (1) under a contract, excluding a mutual aid agreement; or
6 (2) as the unit's fire department;
7 may not assume or hold an elected office of a unit that receives fire
8 protection services from the department in which the volunteer
9 firefighter serves.
10 (b) An individual who:
11 (1) is an employee of a unit, serving as a full time, paid
12 firefighter; or
13 (2) serves as a volunteer firefighter;
14 in a department that provides fire protection services to more than
15 one (1) unit, excluding fire protection services provided under
16 mutual aid agreements, may not assume or hold an elected office

1 of any unit that receives fire protection services from the
2 department."

3 Page 2, delete lines 1 through 3.

4 Page 2, line 9, after "from" insert "**assuming or**".

5 Page 2, delete lines 12 through 15, begin a new line block indented
6 and insert:

7 **"(2) a full-time paid firefighter or volunteer firefighter from**
8 **assuming or holding an elected office of a unit other than a**
9 **unit that receives fire protection services from the department**
10 **in which the volunteer firefighter serves; or"**.

11 Page 2, line 16, after "who" insert "**assumes or**".

12 Page 2, delete lines 19 through 27, begin a new paragraph and
13 insert:

14 **"Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter:**

15 **(1) a volunteer firefighter who assumes or holds an elected**
16 **office on January 1, 2013, may continue to hold the elected**
17 **office and serve as a volunteer firefighter; and**

18 **(2) a government employee who assumes or holds an elected**
19 **office on January 1, 2013, may continue to hold the elected**
20 **office and be employed as a government employee;**

21 **until the term of the elected office that the volunteer firefighter or**
22 **government employee is serving on January 1, 2013, expires.**

23 **(b) After the expiration of the term of the elected office that the**
24 **volunteer firefighter referred to in subsection (a) is serving on**
25 **January 1, 2013, the volunteer firefighter is subject to section 4 of**
26 **this chapter with respect to serving as a volunteer firefighter and**
27 **assuming or holding an elected office of the unit that receives fire**
28 **protection services from the department in which the volunteer**
29 **firefighter serves.**

30 **(c) After the expiration of the term of the elected office that the**
31 **government employee referred to in subsection (a) is serving on**
32 **January 1, 2013, the government employee is subject to section 5**
33 **of this chapter with respect to assuming or holding an elected office**
34 **and being employed by the unit that employs the government**
35 **employee."**

36 Page 3, line 15, delete "that complies with" and insert "**under**".

37 Page 3, line 16, delete "that complies with" and insert "**under**".

38 Page 5, between lines 27 and 28, begin a new paragraph and insert:

1 **"Sec. 9. (a) This chapter establishes minimum requirements**
 2 **regarding employment of relatives. The legislative body of the unit**
 3 **shall adopt a policy that includes, at a minimum, the requirements**
 4 **set forth in this chapter. However, the policy may:**

5 **(1) include requirements that are more stringent or detailed**
 6 **than any provision in this chapter; and**

7 **(2) apply to individuals who are exempted or excluded from**
 8 **the application of this chapter.**

9 **The unit may prohibit the employment of a relative that is not**
 10 **otherwise prohibited by this chapter.**

11 **(b) The annual report filed by a unit with the state board of**
 12 **accounts under IC 5-11-13-1 must include a statement by the**
 13 **executive of the unit stating whether the unit has implemented a**
 14 **policy under this chapter."**

15 Page 5, line 28, delete "9. Except as otherwise provided in this
 16 chapter, individuals" and insert "**10. Individuals**".

17 Page 5, line 32, delete "10." and insert "**11. (a)**".

18 Page 5, line 32, delete "subsection" and insert "**section**".

19 Page 5, delete lines 37 through 42, begin a new paragraph and
 20 insert:

21 **"(b) Unless a policy adopted under section 9 of this chapter**
 22 **provides otherwise, an individual may remain employed by a unit**
 23 **and maintain the individual's position or rank even if the**
 24 **individual's employment would violate section 10 of this chapter.**

25 **(c) Unless a policy adopted under section 9 of this chapter**
 26 **provides otherwise, an individual described in subsection (b) may**
 27 **not:**

28 **(1) be promoted to a position; or**

29 **(2) be promoted to a position that is not within the merit**
 30 **ranks, in the case of an individual who is a member of a merit**
 31 **police department or merit fire department;**

32 **if the new position would violate section 10 of this chapter."**

33 Page 6, delete line 1.

34 Page 6, line 2, delete "11." and insert "**12.**".

35 Page 6, line 7, delete "12. A" and insert "**13. Unless the policy**
 36 **adopted under section 9 of this chapter provides otherwise, a**".

37 Page 6, line 10, delete "13. An" and insert "**14. Unless the policy**
 38 **adopted under section 9 of this chapter provides otherwise, an**".

- 1 Page 6, line 21, delete "14." and insert "15."
- 2 Page 6, line 22, after "residence," insert **"unless the policy adopted**
- 3 **under section 9 of this chapter provides otherwise"**.
- 4 Page 6, line 29, delete "15. (a)" and insert "16."
- 5 Page 6, delete lines 34 through 40.
- 6 Page 6, line 41, delete "16." and insert "17."
- 7 Page 6, line 42, delete "that complies with" and insert **"under"**.
- 8 Page 7, line 3, delete "17." and insert "18."
- 9 Page 7, line 3, delete "that complies" and insert **"under"**.
- 10 Page 7, line 4, delete "with".
- 11 Page 7, between lines 33 and 34, begin a new paragraph and insert:
- 12 **"Sec. 4. (a) This chapter establishes minimum requirements**
- 13 **regarding contracting with a unit. The legislative body of the unit**
- 14 **shall adopt a policy that includes, at a minimum, the requirements**
- 15 **set forth in this chapter. However, the policy may:**
- 16 (1) **include requirements that are more stringent or detailed**
- 17 **than any provision in this chapter; and**
- 18 (2) **apply to individuals who are exempted or excluded from**
- 19 **the application of this chapter.**
- 20 **The unit may prohibit or restrict an individual from entering into**
- 21 **a contract with the unit that is not otherwise prohibited or**
- 22 **restricted by this chapter.**
- 23 (b) **The annual report filed by a unit with the state board of**
- 24 **accounts under IC 5-11-13-1 must include a statement by the**
- 25 **executive of the unit stating whether the unit has implemented a**
- 26 **policy under this chapter."**
- 27 Page 7, line 34, delete "4." and insert "5."
- 28 Page 8, line 32, delete "5. (a)" and insert "6."
- 29 Page 8, delete lines 37 through 42.
- 30 Page 9, delete line 1.
- 31 Page 9, line 2, delete "6." and insert "7."
- 32 Page 9, line 3, delete "that complies with" and insert **"under"**.
- 33 Page 9, line 6, delete "7." and insert "8."
- 34 Page 9, line 6, delete "that complies with" and insert **"under"**.
- 35 Page 9, line 13, delete "is in compliance with" and insert **"has**

- 1 **adopted a policy under".**
- 2 Page 11, line 24, strike "public employees' retirement" and insert
- 3 **"Indiana public retirement system".**
(Reference is to SB 170 as printed January 13, 2012.)

and when so amended that said bill do pass.

Representative Mahan