

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred House Bill No. 1005, 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:

- 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
8 services from the department in which the volunteer firefighter
9 serves.
10 (b) An individual who serves as a volunteer firefighter in a
11 department that provides fire service to more than one (1) unit,
12 excluding fire service provided under mutual aid agreements, may
13 not assume or hold an elected office of any unit that receives fire
14 service from the department."
15 Page 2, delete lines 1 through 3.
16 Page 2, line 9, after "from" insert "assuming or".
17 Page 2, delete lines 12 through 15, begin a new line block indented
18 and insert:
19 "(2) a volunteer firefighter from assuming or holding an
20 elected office of a unit other than the unit receiving services
21 from the department in which the volunteer firefighter serves;

1 or".

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

3 Page 2, delete lines 19 through 27, begin a new paragraph and
4 insert:

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

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

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

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

14 **(b) After the expiration of the term of the elected office that the**
15 **volunteer firefighter referred to in subsection (a) is serving on**
16 **January 1, 2013, the volunteer firefighter is subject to section 4 of**
17 **this chapter with respect to serving as a volunteer firefighter and**
18 **assuming or holding an elected office of the unit that receives**
19 **services from the department in which the volunteer firefighter**
20 **serves.**

21 **(c) After the expiration of the term of the elected office that the**
22 **government employee referred to in subsection (a) is serving on**
23 **January 1, 2013, the government employee is subject to section 5**
24 **of this chapter with respect to assuming or holding an elected office**
25 **and being employed by the unit that employs the government**
26 **employee."**

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

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

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

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

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

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

38 **The unit may prohibit the employment of a relative that is not**

- 1 otherwise prohibited by this chapter.
- 2 (b) The annual report filed by a unit with the state board of
3 accounts under IC 5-11-13-1 must include a statement by the
4 executive of the unit stating whether the unit has implemented a
5 policy under this chapter."
- 6 Page 5, line 28, delete "9. Except as otherwise provided in this
7 chapter, individuals" and insert "**10. Individuals**".
- 8 Page 5, line 32, delete "10." and insert "**11. (a)**".
- 9 Page 5, line 32, delete "subsection" and insert "**section**".
- 10 Page 5, delete lines 37 through 42, begin a new paragraph and
11 insert:
12 "**(b) Unless a policy adopted under section 9 of this chapter
13 provides otherwise, an individual may remain employed by a unit
14 and maintain the individual's position or rank even if the
15 individual's employment would violate section 10 of this chapter.**
- 16 (c) Unless a policy adopted under section 9 of this chapter
17 provides otherwise, an individual described in subsection (b) may
18 not:
19 (1) be promoted to a position; or
20 (2) be promoted to a position that is not within the merit
21 ranks, in the case of an individual who is a member of a merit
22 police department or merit fire department;
23 if the new position would violate section 10 of this chapter."
- 24 Page 6, delete line 1.
- 25 Page 6, line 2, delete "11." and insert "**12.**".
- 26 Page 6, line 7, delete "12. A" and insert "**13. Unless the policy
27 adopted under section 9 of this chapter provides otherwise, a**".
- 28 Page 6, line 10, delete "13. An" and insert "**14. Unless the policy
29 adopted under section 9 of this chapter provides otherwise, an**".
- 30 Page 6, line 21, delete "14." and insert "**15.**".
- 31 Page 6, line 22, after "residence," insert "**unless the policy adopted
32 under section 9 of this chapter provides otherwise**".
- 33 Page 6, line 29, delete "15. (a)" and insert "**16.**".
- 34 Page 6, delete lines 34 through 40.
- 35 Page 6, line 41, delete "16." and insert "**17.**".
- 36 Page 6, line 42, delete "that complies with" and insert "**under**".
- 37 Page 7, line 3, delete "17." and insert "**18.**".
- 38 Page 7, line 3, delete "that complies" and insert "**under**".

- 1 Page 7, line 4, delete "with".
- 2 Page 7, between lines 33 and 34, begin a new paragraph and insert:
- 3 **"Sec. 4. (a) This chapter establishes minimum requirements**
- 4 **regarding contracting with a unit. The legislative body of the unit**
- 5 **shall adopt a policy that includes, at a minimum, the requirements**
- 6 **set forth in this chapter. However, the policy may:**
- 7 **(1) include requirements that are more stringent or detailed**
- 8 **than any provision in this chapter; and**
- 9 **(2) apply to individuals who are exempted or excluded from**
- 10 **the application of this chapter.**
- 11 **The unit may prohibit the employment of a relative that is not**
- 12 **otherwise prohibited by this chapter.**
- 13 **(b) The annual report filed by a unit with the state board of**
- 14 **accounts under IC 5-11-13-1 must include a statement by the**
- 15 **executive of the unit stating whether the unit has implemented a**
- 16 **policy under this chapter."**
- 17 Page 7, line 34, delete "4." and insert "5."
- 18 Page 8, line 32, delete "5. (a)" and insert "6."
- 19 Page 8, delete lines 37 through 42.
- 20 Page 9, delete line 1.
- 21 Page 9, line 2, delete "6." and insert "7."
- 22 Page 9, line 3, delete "that complies with" and insert "**under**".
- 23 Page 9, line 6, delete "7." and insert "8."
- 24 Page 9, line 6, delete "that complies with" and insert "**under**".
- 25 Page 9, line 13, delete "is in compliance with" and insert "**has**
- 26 **adopted a policy under**".
- (Reference is to HB 1005 as printed January 13, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Lawson C

Chairperson