

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1215 be amended to read as follows:

1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-5-9-4, AS ADDED BY P.L.135-2012,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2013]: Sec. 4. (a) **Except as provided in section 4.5 of this**  
6 **chapter**, an individual who is serving as a volunteer firefighter for a  
7 volunteer fire department or a fire department that provides fire  
8 protection services to a unit:  
9           (1) under a contract, excluding a mutual aid agreement; or  
10           (2) as the unit's fire department;  
11 may not assume or hold an elected office of a unit that receives fire  
12 protection services from the department in which the volunteer  
13 firefighter serves.  
14           (b) An individual who:  
15           (1) is an employee of a unit, serving as a full-time, paid  
16 firefighter; or  
17           (2) serves as a volunteer firefighter;  
18 in a department that provides fire protection services to more than one  
19 (1) unit, excluding fire protection services provided under mutual aid  
20 agreements, may not assume or hold an elected office of any unit that  
21 receives fire protection services from the department.  
22           SECTION 2. IC 3-5-9-4.5 IS ADDED TO THE INDIANA CODE  
23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2013]: **Sec. 4.5. (a) An individual who:**  
25           **(1) serves as a volunteer firefighter in a volunteer fire**

- 1 department or fire department that provides fire protection  
 2 service to a unit; and  
 3 (2) does not receive compensation for services provided to the  
 4 department;  
 5 is not prohibited under this chapter from assuming or holding an  
 6 elected office of a unit served by the department in which the  
 7 individual serves.  
 8 (b) An individual serving as a volunteer firefighter who receives  
 9 from a department only:  
 10 (1) a clothing or automobile allowance or membership fees  
 11 under IC 36-8-12-5; or  
 12 (2) insurance coverage under IC 36-8-12-6 through  
 13 IC 36-8-12-10;  
 14 does not receive compensation for services provided to that  
 15 department for purposes of this chapter.  
 16 (c) This subsection applies to an individual who serves as a  
 17 volunteer firefighter in more than one (1):  
 18 (1) volunteer fire department; or  
 19 (2) fire department.  
 20 An individual is not prohibited under this chapter from assuming  
 21 or holding an elected office of a unit if the individual does not  
 22 receive compensation for services provided to any department that  
 23 provides fire services to the unit.  
 24 (d) This subsection applies to an individual who serves as a  
 25 volunteer firefighter in only one (1):  
 26 (1) volunteer fire department; or  
 27 (2) fire department;  
 28 that provides fire protection services to more than one (1) unit. An  
 29 individual is not prohibited under this chapter from assuming or  
 30 holding an elected office of a unit served by the department in  
 31 which the individual serves as a volunteer firefighter if the  
 32 individual does not receive compensation for services provided to  
 33 the department.  
 34 SECTION 3. IC 3-5-9-7, AS ADDED BY P.L.135-2012, SECTION  
 35 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 36 2013]: Sec. 7. (a) This section does not apply to a volunteer  
 37 firefighter who:  
 38 (1) assumes or holds an elected office of a unit; and  
 39 (2) is not prohibited under this chapter from assuming or  
 40 holding the elected office;  
 41 as set forth in section 4.5 of this chapter.  
 42 (a) (b) Notwithstanding sections 4 and 5 of this chapter:  
 43 (1) a volunteer firefighter who assumes or holds an elected office  
 44 on January 1, 2013, may continue to hold the elected office and  
 45 serve as a volunteer firefighter; and  
 46 (2) a government employee who assumes or holds an elected

1 office on January 1, 2013, may continue to hold the elected office  
2 and be employed as a government employee;  
3 until the term of the elected office that the volunteer firefighter or  
4 government employee is serving on January 1, 2013, expires.  
5 ~~(b)~~ (c) After the expiration of the term of the elected office that the  
6 volunteer firefighter referred to in subsection ~~(a)~~ (b) is serving on  
7 January 1, 2013, the volunteer firefighter is subject to section 4 of this  
8 chapter with respect to serving as a volunteer firefighter and assuming  
9 or holding an elected office of the unit that receives fire protection  
10 services from the department in which the volunteer firefighter serves.  
11 ~~(c)~~ (d) After the expiration of the term of the elected office that the  
12 government employee referred to in subsection ~~(a)~~ (b) is serving on  
13 January 1, 2013, the government employee is subject to section 5 of  
14 this chapter with respect to assuming or holding an elected office and  
15 being employed by the unit that employs the government employee."  
16 Renumber all SECTIONS consecutively.  
(Reference is to HB 1215 as printed February 18, 2013.)

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Representative Goodin