
HOUSE BILL No. 1243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-9; IC 36-1-6.6.

Synopsis: Public safety personnel in elected office. Allows a volunteer firefighter to hold an elected office of a unit that receives fire protection services from the volunteer fire department or fire department in which the volunteer firefighter serves if the volunteer firefighter does not receive compensation for services provided to the department. Provides that "compensation for services" does not include the following: (1) A clothing or automobile allowance. (2) Membership fees in a volunteer firefighters' association. (3) Insurance. Provides that if a volunteer firefighter serves in more than one department, the firefighter may hold an elected office of a unit if the volunteer firefighter does not receive compensation for services from any department that provides fire protection to the unit. Provides that a volunteer firefighter who serves in a department that provides fire protection service to more than one unit may hold an elected office of any unit served by the department if the firefighter does not receive compensation for services to the department. Allows a full-time paid police officer or a full-time paid firefighter to hold an elected office of the county, city, or town that employs the police officer or firefighter. Provides that a member of the fiscal body of a county, city, or town (local unit) who is also a full-time paid firefighter or full-time paid police officer of the local unit may not vote on the budget ordinance or salary ordinance of the police department or fire department that employs the member. Requires a local unit to prepare a separate budget ordinance and a separate salary ordinance for the department that employs a member of the fiscal body.

Effective: July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Government and Regulatory Reform.



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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1243



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 3-5-9-2, AS ADDED BY P.L.135-2012, SECTION
2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2013]: Sec. 2. As used in this chapter, "government employee" refers to
4 an employee of a unit. The term does not include **the following**:

- 5 (1) An individual who holds only an elected office.
- 6 (2) **A full-time paid police officer.**
- 7 (3) **A full-time paid firefighter.**

8 SECTION 2. IC 3-5-9-4, AS ADDED BY P.L.135-2012, SECTION
9 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
10 2013]: Sec. 4. (a) **Except as provided in section 4.5 of this chapter**,
11 an individual who is serving as a volunteer firefighter for a volunteer
12 fire department or a fire department that provides fire protection
13 services to a unit:

- 14 (1) under a contract, excluding a mutual aid agreement; or
- 15 (2) as the unit's fire department;

16 may not assume or hold an elected office of a unit that receives fire
17 protection services from the department in which the volunteer



- 1 firefighter serves.
- 2 (b) An individual who:
- 3 (1) is an employee of a unit, serving as a full-time, paid
- 4 firefighter; or
- 5 (2) serves as a volunteer firefighter;
- 6 in a department that provides fire protection services to more than one
- 7 (1) unit, excluding fire protection services provided under mutual aid
- 8 agreements, may not assume or hold an elected office of any unit that
- 9 receives fire protection services from the department.
- 10 SECTION 3. IC 3-5-9-4.5 IS ADDED TO THE INDIANA CODE
- 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2013]: **Sec. 4.5. (a) An individual who:**
- 13 (1) serves as a volunteer firefighter in a volunteer fire
- 14 department or fire department that provides fire protection
- 15 service to a unit; and
- 16 (2) does not receive compensation for services provided to the
- 17 department;
- 18 is not prohibited under this chapter from assuming or holding an
- 19 elected office of a unit served by the department in which the
- 20 individual serves.
- 21 (b) An individual serving as a volunteer firefighter who receives
- 22 from a department only:
- 23 (1) a clothing or automobile allowance or membership fees
- 24 under IC 36-8-12-5; or
- 25 (2) insurance coverage under IC 36-8-12-6 through
- 26 IC 36-8-12-10;
- 27 does not receive compensation for services provided to that
- 28 department for purposes of this chapter.
- 29 (c) This subsection applies to an individual who serves as a
- 30 volunteer firefighter in more than one (1):
- 31 (1) volunteer fire department; or
- 32 (2) fire department.
- 33 An individual is not prohibited under this chapter from assuming
- 34 or holding an elected office of a unit if the individual does not
- 35 receive compensation for services provided to any department that
- 36 provides fire services to the unit.
- 37 (d) This subsection applies to an individual who serves as a
- 38 volunteer firefighter in only one (1):
- 39 (1) volunteer fire department; or
- 40 (2) fire department;
- 41 that provides fire protection services to more than one (1) unit. An
- 42 individual is not prohibited under this chapter from assuming or

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1 **holding an elected office of a unit served by the department in**
 2 **which the individual serves as a volunteer firefighter if the**
 3 **individual does not receive compensation for services provided to**
 4 **the department.**

5 SECTION 4. IC 3-5-9-7, AS ADDED BY P.L.135-2012, SECTION
 6 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 7 2013]: Sec. 7. **(a) This section does not apply to a volunteer**
 8 **firefighter who:**

9 **(1) assumes or holds an elected office of a unit; and**

10 **(2) is not prohibited under this chapter from assuming or**
 11 **holding the elected office;**

12 **as set forth in section 4.5 of this chapter.**

13 **(a) (b)** Notwithstanding sections 4 and 5 of this chapter:

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

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

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

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

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

33 SECTION 5. IC 36-1-6.6 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]:

36 **Chapter 6.6. Recusal from Vote on Budget and Salary**
 37 **Ordinance**

38 **Sec. 1. This chapter applies to an individual who is:**

39 **(1) a member of the fiscal body of a local unit; and**

40 **(2) employed full time by the fire department or police**
 41 **department of the local unit.**

42 **Sec. 2. As used in this chapter, "fiscal body" means the**

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following:

(1) For a county:

(A) the county council, if the county does not have a consolidated city; or

(B) the city-county council, if the county has a consolidated city.

(2) For a city:

(A) the common council, if the city is not a consolidated city; or

(B) the city-county council, if the city is a consolidated city.

(3) For a town, the town council.

Sec. 3. As used in this chapter, "local unit" means a county, city, or town.

Sec. 4. An individual described in section 1 of this chapter may not participate in a vote of the fiscal body on the adoption of the budget ordinance or salary ordinance of the fire department or police department that employs the individual.

Sec. 5. If a fiscal body of a local unit has a member who is described in section 1 of this chapter, the local unit shall prepare a separate budget ordinance and a separate salary ordinance of the fire department or police department that employs the fiscal body member.

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