

# SENATE BILL No. 167

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-9.

**Synopsis:** Volunteer firefighters holding elected office. Deletes provisions that prohibit volunteer firefighters from assuming or holding certain elected offices.

**Effective:** Upon passage.

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January 8, 2014, read first time and referred to Committee on Local Government.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 167

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

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

1       SECTION 1. IC 3-5-9-4, AS ADDED BY P.L.135-2012, SECTION  
2       1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
3       PASSAGE]: Sec. 4. (a) ~~An individual who is serving as a volunteer~~  
4       ~~firefighter for a volunteer fire department or a fire department that~~  
5       ~~provides fire protection services to a unit:~~  
6               (1) ~~under a contract, excluding a mutual aid agreement; or~~  
7               (2) ~~as the unit's fire department;~~  
8       ~~may not assume or hold an elected office of a unit that receives fire~~  
9       ~~protection services from the department in which the volunteer~~  
10       ~~firefighter serves.~~  
11       ~~(b) An individual who~~  
12               (1) ~~is an employee of a unit, serving as a full-time, paid~~  
13               ~~firefighter, or~~  
14               (2) ~~serves as a volunteer firefighter;~~  
15       ~~in a department that provides fire protection services to more than one~~  
16       (1) unit, excluding fire protection services provided under mutual aid



1 agreements, may not assume or hold an elected office of any unit that  
2 receives fire protection services from the department.

3 SECTION 2. IC 3-5-9-6, AS ADDED BY P.L.135-2012, SECTION  
4 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
5 PASSAGE]: Sec. 6. This chapter does not prohibit:

6 (1) a government employee from assuming or holding an elected  
7 office of a unit other than the unit that employs the government  
8 employee;

9 (2) a full-time, paid firefighter ~~or volunteer firefighter~~ from  
10 assuming or holding an elected office of a unit other than a unit  
11 that receives fire protection services from the department in  
12 which the ~~volunteer~~ firefighter serves; or

13 (3) an individual who assumes or holds an elected office from  
14 also being appointed to and serving on a board, commission, or  
15 committee of the unit.

16 SECTION 3. IC 3-5-9-7, AS ADDED BY P.L.135-2012, SECTION  
17 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
18 PASSAGE]: Sec. 7. (a) Notwithstanding sections 4 and 5 of this  
19 chapter,

20 ~~(1) a volunteer firefighter who assumes or holds an elected office~~  
21 ~~on January 1, 2013, may continue to hold the elected office and~~  
22 ~~serve as a volunteer firefighter; and~~

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

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

28 ~~(b) After the expiration of the term of the elected office that the~~  
29 ~~volunteer firefighter referred to in subsection (a) is serving on January~~  
30 ~~1, 2013, the volunteer firefighter is subject to section 4 of this chapter~~  
31 ~~with respect to serving as a volunteer firefighter and assuming or~~  
32 ~~holding an elected office of the unit that receives fire protection~~  
33 ~~services from the department in which the volunteer firefighter serves.~~

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

39 SECTION 4. IC 3-5-9-7.1 IS ADDED TO THE INDIANA CODE  
40 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: **Sec. 7.1. (a) Notwithstanding section 4 of this**  
42 **chapter (as in effect on January 1, 2014), a volunteer firefighter**



1 who assumes or holds an elected office on January 1, 2013, may  
2 continue to hold the elected office and serve as a volunteer  
3 firefighter until the term of the elected office that the volunteer  
4 firefighter is serving on January 1, 2013, expires.

5 (b) This section expires July 1, 2017. A volunteer firefighter  
6 described in this subsection may run for reelection and hold the  
7 elected office the firefighter held on January 1, 2013.

8 SECTION 5. An emergency is declared for this act.

