Reprinted
February 1, 2012

SENATE BILL No. 107

DIGEST OF SB 107 (Updated January 31, 2012 2:19 pm - DI 87)

Citations Affected: IC 36-4; IC 36-8.

Synopsis: Deadline for adoption of salary ordinances. Requires a second or third class city to adopt a salary ordinance not later than November 1 (instead of September 30) for the ensuing budget year.

Effective: July 1, 2012.

Zakas, Lawson C, Hume, Broden, Randolph

January 4, 2012, read first time and referred to Committee on Local Government.
January 26, 2012, amended, reported favorably — Do Pass.
January 31, 2012, read second time, amended, ordered engrossed.

C o p y

Reprinted
February 1, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 107

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:

SECTION 1. IC 36-4-7-3, AS AMENDED BY P.L.169-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section does not apply to compensation paid by a city to members of its police and fire departments.

(b) Subject to the approval of the city legislative body, the city executive shall fix the compensation of each appointive officer, deputy, and other employee of the city. The legislative body may reduce but may not increase any compensation fixed by the executive. Compensation must be fixed under this section not later than ~~September 30~~ **November 1** of each year for the ensuing budget year.

(c) Compensation fixed under this section may be increased or decreased by the executive during the budget year for which it is fixed.

(d) Notwithstanding subsection (b), the city clerk may, with the approval of the legislative body, fix the salaries of deputies and employees appointed under IC 36-4-11-4.

SECTION 2. IC 36-8-3-3, AS AMENDED BY P.L.33-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2012]: Sec. 3. (a) A majority of the members of the safety board constitutes a quorum. The board shall adopt rules concerning the time of holding regular and special meetings and of giving notice of them. The board shall elect one (1) of its members chairman, who holds the position as long as prescribed by the rules of the board. The board shall record all of its proceedings.

(b) The members of the safety board may act only as a board. No member may bind the board or the city except by resolution entered in the records of the board authorizing the member to act in its behalf as its authorized agent.

(c) The safety board shall appoint:

(1) the members and other employees of the police department other than those in an upper level policymaking position;

(2) the members and other employees of the fire department other than those in an upper level policymaking position;

(3) a market master; and

(4) other officials that are necessary for public safety purposes.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the legislative body not later than ~~September 30~~ **November 1** of each year for the ensuing budget year. The ordinance may grade the members of the departments and regulate their pay by rank as well as by length of service. If the legislative body fails to adopt an ordinance fixing the compensation of members of the police or fire department, the safety board may fix their compensation, subject to change by ordinance.

(e) The safety board, subject to ordinance, may also fix the number of members of the police and fire departments and the number of appointees for other purposes and may, subject to law, adopt rules for the appointment of members of the departments and for their government.

(f) The safety board shall divide the city into police precincts and fire districts.

(g) The police chief has exclusive control of the police department, and the fire chief has exclusive control of the fire department, subject to the rules and orders of the safety board. In time of emergency, the police chief and the fire chief are, for the time being, subordinate to the city executive and shall obey the city executive's orders and directions, notwithstanding any law or rule to the contrary.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 107, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10. (a) As used in this section, "compensation" means the total of all money paid to a member of the city fiscal body for performing duties as a member of the city fiscal body, regardless of the source of funds from which the money is paid. The term includes all employee benefits paid to a member, including life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**

(b) A member of the city fiscal body may waive the officer's compensation for any year by filing a notice that satisfies the following:

(1) The notice is in writing.

(2) The notice states in substance all of the following:

(A) That the individual is a member of the city fiscal body.

(B) The calendar year covered by the notice.

(C) That the member waives compensation under this section.

(D) That the member understands that the notice is irrevocable beginning January 1 of the year covered by the notice.

(3) The notice is signed by the member of the city fiscal body who wants to waive compensation.

(c) A member of the city fiscal body who wants to waive compensation under this section must file the notice with the city fiscal officer before January 1 of the year covered by the notice.

(d) A notice filed under this section is irrevocable beginning January 1 of the year covered by the notice.

(e) A member of the city fiscal body who files a notice under this section:

(1) is not entitled to compensation for duties performed in the year covered by the notice; and

(2) may not be paid compensation for duties performed in the year covered by the notice.".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

C o p y

"SECTION 3. IC 36-4-7-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. (a) As used in this section, "compensation" means the total of all money paid to a member of the city fiscal body for performing duties as a member of the city fiscal body, regardless of the source of funds from which the money is paid. The term includes all employee benefits paid to a member, including life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**

(b) A member of the city fiscal body may waive the officer's compensation for any year by filing a notice that satisfies the following:

(1) The notice is in writing.

(2) The notice states in substance all of the following:

(A) That the individual is a member of the city fiscal body.

(B) The calendar year covered by the notice.

(C) That the member waives compensation under this section.

(D) That the member understands that the notice is irrevocable beginning January 1 of the year covered by the notice.

(3) The notice is signed by the member of the city fiscal body who wants to waive compensation.

(c) A member of the city fiscal body who wants to waive compensation under this section must file the notice with the city fiscal officer before January 1 of the year covered by the notice.

(d) A notice filed under this section is irrevocable beginning January 1 of the year covered by the notice.

(e) A member of the city fiscal body who files a notice under this section:

(1) is not entitled to compensation for duties performed in the year covered by the notice; and

(2) may not be paid compensation for duties performed in the year covered by the notice.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 107 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

C o p y

SENATE MOTION

Madam President: I move that Senate Bill 107 be amended to read as follows:

Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 17.
Page 2, delete lines 33 through 42.
Page 3, delete lines 1 through 24.
Renumber all SECTIONS consecutively.

(Reference is to SB 107 as printed January 27, 2012.)

LAWSON C

C o p y