



January 27, 2017

HOUSE BILL No. 1116

DIGEST OF HB 1116 (Updated January 26, 2017 9:00 am - DI 84)

Citations Affected: IC 36-2; IC 36-4; IC 36-5.

Synopsis: County, city, and town officer salary waivers. Allows an elected officer of a county, city, or town to waive all or part of the officer's compensation. (Current law allows a town officer to waive all of the officer's compensation.)

Effective: July 1, 2017.

Lehman, GiaQuinta

January 5, 2017, read first time and referred to Committee on Local Government.
January 26, 2017, reported — Do Pass.

HB 1116—LS 6800/DI 87



January 27, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1116

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 36-2-5-3.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
3 **1, 2017]: Sec. 3.2. (a) As used in this section, "compensation"**
4 **means the total of all money paid to an elected county officer for**
5 **performing duties as a county officer, regardless of the source of**
6 **funds from which the money is paid. The term includes all**
7 **employee benefits paid to a county officer, including life insurance,**
8 **health insurance, disability insurance, retirement benefits, and**
9 **pension benefits.**
10 (b) A county officer may waive all or part of the officer's
11 compensation for any year by filing a notice that satisfies the
12 following:
13 (1) The notice is in writing.
14 (2) The notice states in substance all of the following:
15 (A) The position held by the county officer.
16 (B) The calendar year covered by the notice.
17 (C) That the county officer waives all or part of the

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- 1 officer's compensation under this section. If the officer
 2 waives less than all of the officer's compensation, the notice
 3 must specify the funds and benefits that are waived.
- 4 **(D) That the county officer understands that the notice is**
 5 **irrevocable beginning January 1 of the year covered by the**
 6 **notice.**
- 7 **(3) The notice is signed by the county officer who wants to**
 8 **waive compensation.**
- 9 **(c) A county officer who wants to waive compensation under**
 10 **this section must file the notice with the fiscal officer of the county**
 11 **before January 1 of the year covered by the notice.**
- 12 **(d) A notice filed under this section is irrevocable beginning**
 13 **January 1 of the year covered by the notice.**
- 14 **(e) A county officer who files a notice under this section:**
- 15 **(1) is not entitled to the compensation waived for duties**
 16 **performed in the year covered by the notice; and**
- 17 **(2) may not be paid the compensation waived for duties**
 18 **performed in the year covered by the notice.**
- 19 SECTION 2. IC 36-4-8-8.2 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2017]: **Sec. 8.2. (a) As used in this section, "compensation"**
 22 **means the total of all money paid to an elected city officer for**
 23 **performing duties as a city officer, regardless of the source of funds**
 24 **from which the money is paid. The term includes all employee**
 25 **benefits paid to a city officer, including life insurance, health**
 26 **insurance, disability insurance, retirement benefits, and pension**
 27 **benefits.**
- 28 **(b) A city officer may waive all or part of the officer's**
 29 **compensation for any year by filing a notice that satisfies the**
 30 **following:**
- 31 **(1) The notice is in writing.**
- 32 **(2) The notice states in substance all of the following:**
- 33 **(A) The position held by the city officer.**
- 34 **(B) The calendar year covered by the notice.**
- 35 **(C) That the city officer waives all or part of the officer's**
 36 **compensation under this section. If the officer waives less**
 37 **than all of the officer's compensation, the notice must**
 38 **specify the funds and benefits that are waived.**
- 39 **(D) That the city officer understands that the notice is**
 40 **irrevocable beginning January 1 of the year covered by the**
 41 **notice.**
- 42 **(3) The notice is signed by the city officer who wants to waive**



- 1 **compensation.**
- 2 **(c) A city officer who wants to waive compensation under this**
- 3 **section must file the notice with the fiscal officer of the city before**
- 4 **January 1 of the year covered by the notice.**
- 5 **(d) A notice filed under this section is irrevocable beginning**
- 6 **January 1 of the year covered by the notice.**
- 7 **(e) A city officer who files a notice under this section:**
- 8 **(1) is not entitled to the compensation waived for duties**
- 9 **performed in the year covered by the notice; and**
- 10 **(2) may not be paid the compensation waived for duties**
- 11 **performed in the year covered by the notice.**
- 12 SECTION 3. IC 36-5-3-6 IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) As used in this section,
- 14 "compensation" means the total of all money paid to an elected town
- 15 officer for performing duties as a town officer, regardless of the source
- 16 of funds from which the money is paid. The term includes all employee
- 17 benefits paid to a town officer, including life insurance, health
- 18 insurance, disability insurance, retirement benefits, and pension
- 19 benefits.
- 20 (b) A town officer may waive **all or part of** the officer's
- 21 compensation for any year by filing a notice that satisfies the following:
- 22 (1) The notice is in writing.
- 23 (2) The notice states in substance all of the following:
- 24 (A) The position held by the town officer.
- 25 (B) The calendar year covered by the notice.
- 26 (C) That the town officer waives **all or part of the officer's**
- 27 **compensation under this section. If the officer waives less**
- 28 **than all of the officer's compensation, the notice must**
- 29 **specify the funds and benefits that are waived.**
- 30 (D) That the town officer understands that the notice is
- 31 irrevocable beginning January 1 of the year covered by the
- 32 notice.
- 33 (3) The notice is signed by the town officer who wants to waive
- 34 compensation.
- 35 (c) A town officer who wants to waive compensation under this
- 36 section must file the notice with the town clerk-treasurer before
- 37 January 1 of the year covered by the notice.
- 38 (d) A notice filed under this section is irrevocable beginning
- 39 January 1 of the year covered by the notice.
- 40 (e) A town officer who files a notice under this section:
- 41 (1) is not entitled to **the compensation waived** for duties
- 42 performed in the year covered by the notice; and



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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1116 as introduced.)

ZENT

Committee Vote: Yeas 12, Nays 1

