



February 15, 2019

SENATE BILL No. 118

DIGEST OF SB 118 (Updated February 14, 2019 10:28 am - DI 87)

Citations Affected: IC 36-2.

Synopsis: County council and commissioner salaries. Allows the president of the county executive and the president of the county fiscal body in a county other than Marion County to receive a salary that is more than that of the other members as compensation for extra services performed as president. Provides that a president may not receive additional compensation that exceeds 25% of the salaries of the body's other members. Legalizes and validates any action taken by the bodies or members of the bodies before July 1, 2019, regarding the fixing or receipt of a president's salary that includes compensation for extra services.

Effective: July 1, 2019.

Bohacek, Rogers, Niezgodski

January 3, 2019, read first time and referred to Committee on Local Government.
February 14, 2019, amended, reported favorably — Do Pass.

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February 15, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 118

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 36-2-5-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 4.5. (a) All members of the county fiscal body shall**
4 **receive salaries in the same amount, unless the salary ordinance**
5 **fixes the salary of the county fiscal body president in a greater**
6 **amount as compensation for performing extra services as**
7 **president. The president of the county fiscal body may not receive**
8 **additional compensation that exceeds twenty-five percent (25%) of**
9 **the compensation of the other members.**
10 (b) All members of the county executive shall receive salaries in
11 the same amount, unless the salary ordinance fixes the salary of the
12 president of the county executive in a greater amount as
13 compensation for performing extra services as president. The
14 president of the county executive may not receive additional
15 compensation that exceeds twenty-five percent (25%) of the
16 compensation of the other members.
17 (c) Any action taken by a county fiscal body, county executive,

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1 **or the members of these bodies before July 1, 2019, with regard to**
 2 **the fixing or receipt of a salary in accordance with this section is**
 3 **legalized and validated.**

4 SECTION 2. IC 36-2-6-8, AS AMENDED BY P.L.146-2008,
 5 SECTION 689, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The county executive or a
 7 court may not make an allowance to a county officer for **the following:**

8 (1) Services rendered in a criminal action.

9 (2) Services rendered in a civil action. ~~or~~

10 (3) Extra services rendered in the county officer's capacity as a
 11 county officer. **However, this subdivision does not prohibit**
 12 **payment of a salary authorized under IC 36-2-5-4.5.**

13 (b) The county executive may make an allowance to the clerk of the
 14 circuit court, county auditor, county treasurer, county sheriff, township
 15 assessor (if any), or county assessor, or to any of those officers'
 16 employees, only if:

17 (1) the allowance is specifically required by law; or

18 (2) the county executive finds, on the record, that the allowance
 19 is necessary in the public interest.

20 (c) A member of the county executive who recklessly violates
 21 subsection (b) commits a Class C misdemeanor and forfeits the
 22 member's office.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 118, 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, line 7, after "president." insert "**The president of the county fiscal body may not receive additional compensation that exceeds twenty-five percent (25%) of the compensation of the other members.**".

Page 1, line 11, after "president." insert "**The president of the county executive may not receive additional compensation that exceeds twenty-five percent (25%) of the compensation of the other members.**".

and when so amended that said bill do pass.

(Reference is to SB 118 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 1.

