



February 15, 2002

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# ENGROSSED SENATE BILL No. 260

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DIGEST OF SB 260 (Updated February 13, 2002 11:35 AM - DI 94)

**Citations Affected:** IC 36-6.

**Synopsis:** Township officials. Provides that a person may be appointed to perform the township trustee's duties when the trustee is incapable of performing the executive's function because the trustee is absent. Provides that the salary of an elected or appointed township official may not be reduced below the salary of the first year of the term immediately preceding the current term.

**Effective:** July 1, 2002.

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(HOUSE SPONSORS — AGUILERA, STEVENSON, CHERRY)

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January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 17, 2002, reported favorably — Do Pass.

January 22, 2002, read second time, ordered engrossed.

January 23, 2002, engrossed.

January 24, 2002, read third time, passed. Yeas 49, nays 0.

### HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Local Government.

February 14, 2002, reported — Do Pass.

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ES 260—LS 6879/DI 87+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## ENGROSSED SENATE BILL No. 260

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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 36-6-4-18 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. (a) Within thirty  
3 (30) days after taking office, the executive shall designate a person who  
4 shall perform the executive's duties whenever the executive **is**  
5 **incapable of performing the executive's functions because the**  
6 **executive:**  
7 (1) is absent from the township; or ~~is incapable of performing the~~  
8 ~~executive's functions if the executive~~  
9 (2) becomes incapacitated.  
10 The executive shall give notice of the designation to the chairman of  
11 the township legislative body, the county sheriff, and any other persons  
12 that the executive chooses. The designee shall have all the powers of  
13 the executive. The executive is responsible for all acts of the designee.  
14 The executive may change the designee under this section at any time.  
15 (b) The designee shall perform the executive's duties until:  
16 (1) the executive is no longer absent from the township; or  
17 (2) an acting executive is appointed by the county executive under

ES 260—LS 6879/DI 87+



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1 section 16 of this chapter.

2 SECTION 2. IC 36-6-6-10 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) This section  
4 does not apply to the appropriation of money to pay a deputy, an  
5 employee, or a technical adviser that assists a township assessor with  
6 assessment duties or to an elected township assessor.

7 (b) The township legislative body shall fix the:

8 (1) salaries;

9 (2) wages;

10 (3) rates of hourly pay; and

11 (4) remuneration other than statutory allowances;

12 of all officers and employees of the township.

13 (c) ~~The township legislative body may not reduce a salary below the~~  
14 ~~amount fixed for that salary for the year 1980. Subject to subsection~~  
15 **(d), the township legislative body may reduce the salary of an**  
16 **elected or appointed official. However, the official is entitled to a**  
17 **salary that is not less than the salary fixed for the first year of the**  
18 **term of office that immediately preceded the current term of office.**

19 (d) Except as provided in subsection (e), the township legislative  
20 body may not alter the salaries of elected or appointed officers during  
21 the fiscal year for which they are fixed, but it may add or eliminate any  
22 other position and change the salary of any other employee, if the  
23 necessary funds and appropriations are available.

24 (e) In a township that does not elect a township assessor under  
25 IC 36-6-5-1, the township legislative body may appropriate available  
26 township funds to supplement the salaries of elected or appointed  
27 officers to compensate them for performing assessing duties. However,  
28 in any calendar year no officer or employee may receive a salary and  
29 additional salary supplements which exceed the salary fixed for that  
30 officer or employee under subsection (b).

31 (f) If a change in the mileage allowance paid to state officers and  
32 employees is established by July 1 of any year, that change shall be  
33 included in the compensation fixed for the township executive and  
34 assessor under this section, to take effect January 1 of the next year.  
35 However, the township legislative body may by ordinance provide for  
36 the change in the sum per mile to take effect before January 1 of the  
37 next year.

38 (g) The township legislative body may not reduce the salary of the  
39 township executive without the consent of the township executive  
40 during the term of office of the township executive as set forth in  
41 IC 36-6-4-2.

42 (h) This subsection applies when a township executive dies or

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1 resigns from office. The person filling the vacancy of the township  
2 executive shall receive at least the same salary the previous township  
3 executive received for the remainder of the unexpired term of office of  
4 the township executive (as set forth in IC 36-6-4-2), unless the person  
5 consents to a reduction in salary.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 260 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 260, 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.

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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