



Reprinted  
February 8, 2013

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## HOUSE BILL No. 1276

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DIGEST OF HB 1276 (Updated February 7, 2013 10:39 am - DI 87)

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

**Synopsis:** Township board meetings. Requires a township board to meet in February (instead of January) to approve the annual report of the township trustee. Allows a township board to reduce the salaries of the township board members by a vote of a majority of the members (instead of by a unanimous vote of the members).

**Effective:** July 1, 2013.

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**Niemeyer, Pryor**

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January 14, 2013, read first time and referred to Committee on Local Government.  
February 4, 2013, reported — Do Pass.  
February 7, 2013, read second time, amended, ordered engrossed.

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HB 1276—LS 7445/DI 87+



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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## HOUSE BILL No. 1276

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 36-6-6-9 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The legislative body shall  
3 meet on or before the third Tuesday after the first Monday in ~~January~~  
4 **February** of each year. At this meeting it shall consider and approve,  
5 in whole or in part, the annual report of the executive presented under  
6 IC 36-6-4-12.  
7 (b) The legislative body may send for persons, books, and papers  
8 necessary in the examination of the report. A member may administer  
9 oaths necessary in the examination of the report.  
10 (c) Any sum in the control of the executive that remains unexpended  
11 and is subject to no liability shall be credited in favor of the fund for  
12 which it was appropriated.  
13 (d) Any fund expended, in whole or in part, for a purpose for which  
14 it was not appropriated shall be considered unexpended and in the  
15 control of the executive, who is liable on ~~his~~ **the executive's** bond for  
16 such an expenditure.  
17 (e) When its examination of the report is completed, the legislative

HB 1276—LS 7445/DI 87+



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1 body shall take action on the report, specifying the parts of the report  
2 that are altered or disallowed. The report remains under the control of  
3 the legislative body and in custody of its chairman, who shall keep it  
4 open to inspection by taxpayers of the township.

5 SECTION 2. IC 36-6-6-10, AS AMENDED BY P.L.146-2008,  
6 SECTION 713, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) This section does not apply  
8 to the appropriation of money to pay a deputy or an employee of a  
9 township assessor with assessment duties or to an elected township  
10 assessor.

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

- 12 (1) salaries;
- 13 (2) wages;
- 14 (3) rates of hourly pay; and
- 15 (4) remuneration other than statutory allowances;

16 of all officers and employees of the township.  
17 (c) Subject to subsection (d), the township legislative body may  
18 reduce the salary of an elected or appointed official. However, except  
19 as provided in subsection (h), the official is entitled to a salary that is  
20 not less than the salary fixed for the first year of the term of office that  
21 immediately preceded the current term of office.

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

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

34 (f) The township legislative body may not reduce the salary of the  
35 township executive without the consent of the township executive  
36 during the term of office of the township executive as set forth in  
37 IC 36-6-4-2.

38 (g) This subsection applies when a township executive dies or  
39 resigns from office. The person filling the vacancy of the township  
40 executive shall receive at least the same salary the previous township  
41 executive received for the remainder of the unexpired term of office of  
42 the township executive (as set forth in IC 36-6-4-2), unless the person

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1 consents to a reduction in salary.  
2 (h) In a year in which there is not an election of members to the  
3 township legislative body, the township legislative body may ~~by~~  
4 ~~unanimous~~ vote ~~to~~ reduce the salaries of the members of the township  
5 legislative body by any amount.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1276, 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.

NEESE, Chair

Committee Vote: yeas 11, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1276 be amended to read as follows:

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 2. IC 36-6-6-10, AS AMENDED BY P.L.146-2008, SECTION 713, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy or an employee of a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, except as provided in subsection (h), the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

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

(e) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year.

**HB 1276—LS 7445/DI 87+**



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However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

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

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

(h) In a year in which there is not an election of members to the township legislative body, the township legislative body may ~~by unanimous vote~~ **to** reduce the salaries of the members of the township legislative body by any amount."

Renumber all SECTIONS consecutively.

(Reference is to HB 1276 as printed February 5, 2013.)

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