

# HOUSE BILL No. 1622

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-3-4-8; IC 36-4-6-9; IC 36-5-6-6.

**Synopsis:** Record of city and town council votes. Requires the clerk of a city or town that maintains an Internet web site to post on the web site the roll call votes of the legislative body within 24 hours after the vote is taken and to maintain the roll call vote information on the web site for four years.

**Effective:** July 1, 2017.

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## Speedy

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January 23, 2017, read first time and referred to Committee on Government and Regulatory Reform.

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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. 1622

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 36-3-4-8 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The city-county legislative  
3 body shall appoint a clerk for a term of one (1) year. The clerk serves  
4 at the pleasure of the legislative body and continues in office until ~~his~~  
5 **the clerk's** successor is appointed and qualified.  
6 (b) The clerk is the clerk of the consolidated city. ~~He~~ **The clerk**  
7 shall:  
8 (1) act as secretary to the legislative body;  
9 (2) send out all notices of its meetings;  
10 (3) keep all its records;  
11 **(4) if the consolidated city maintains an Internet web site,**  
12 **post on the consolidated city's Internet web site the roll call**  
13 **votes of the consolidated city's legislative body within**  
14 **twenty-four (24) hours after the roll call vote is taken and**  
15 **maintain the roll call vote information on the Internet web**  
16 **site for a period of four (4) years;**  
17 ~~(4)~~ **(5)** present ordinances and resolutions to the executive under



1 section 15 of this chapter; and

2 ~~(5)~~ **(6)** perform other duties connected with the work of the  
3 legislative body that are delegated to ~~him~~ **the clerk** by it.

4 SECTION 2. IC 36-4-6-9 IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2017]: Sec. 9. The city clerk is the clerk of the  
6 legislative body. ~~He~~ **The clerk** shall:

7 (1) preserve the legislative body's records in ~~his~~ **the clerk's** office;

8 (2) keep an accurate record of the legislative body's proceedings;

9 (3) record the ayes and nays on each vote on an ordinance or  
10 resolution;

11 (4) record the ayes and nays on other votes when requested to do  
12 so by two (2) or more members;

13 (5) present ordinances, orders, or resolutions to the city executive  
14 under section 15 of this chapter; ~~and~~

15 (6) record ordinances under section 17 of this chapter; ~~and~~

16 **(7) if the city maintains an Internet web site, post on the city's**  
17 **Internet web site the roll call votes of the city's legislative**  
18 **body within twenty-four (24) hours after the roll call vote is**  
19 **taken and maintain the roll call vote information on the**  
20 **Internet web site for a period of four (4) years.**

21 SECTION 3. IC 36-5-6-6 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The clerk-treasurer shall do  
23 the following:

24 (1) Receive and care for all town money and pay the money out  
25 only on order of the town legislative body.

26 (2) Keep accounts showing when and from what sources the  
27 clerk-treasurer has received town money and when and to whom  
28 the clerk-treasurer has paid out town money.

29 (3) Prescribe payroll and account forms for all town offices.

30 (4) Prescribe the manner in which creditors, officers, and  
31 employees shall be paid.

32 (5) Manage the finances and accounts of the town and make  
33 investments of town money.

34 (6) Prepare for the legislative body the budget estimates of  
35 miscellaneous revenue, financial statements, and the proposed tax  
36 rate.

37 (7) Maintain custody of the town seal and the records of the  
38 legislative body.

39 (8) Issue all licenses authorized by statute and collect the fees  
40 fixed by ordinance.

41 (9) Serve as clerk of the legislative body by attending its meetings  
42 and recording its proceedings.



- 1           **(10) If the town maintains an Internet web site, post on the**  
2           **town's Internet web site the roll call votes of the town's**  
3           **legislative body within twenty-four (24) hours after the roll**  
4           **call vote is taken and maintain the roll call vote information**  
5           **on the Internet web site for a period of four (4) years.**  
6           ~~(10)~~ **(11)** Administer oaths, take depositions, and take  
7           acknowledgment of instruments that are required by statute to be  
8           acknowledged, without charging a fee.  
9           ~~(11)~~ **(12)** Serve as clerk of the town court under IC 33-35-3-2, if  
10          the judge of the court does not serve as clerk of the court or  
11          appoint a clerk of the court under IC 33-35-3-1.  
12          ~~(12)~~ **(13)** Perform all other duties prescribed by statute.  
13          (b) A clerk-treasurer is not liable, in an individual capacity, for any  
14          act or omission occurring in connection with the performance of the  
15          requirements set forth in subsection (a), unless the act or omission  
16          constitutes gross negligence or an intentional disregard of the  
17          requirements.

