



February 14, 2017

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## HOUSE BILL No. 1622

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DIGEST OF HB 1622 (Updated February 14, 2017 12:12 pm - DI 87)

**Citations Affected:** IC 36-2; IC 36-3; IC 36-4; IC 36-5.

**Synopsis:** Record of county and municipality votes. Requires a county or municipality that maintains an Internet web site to post on the web site the roll call votes of the executive and fiscal body (of a county) and the legislative body (of a municipality) 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.  
February 14, 2017, amended, reported — Do Pass.

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HB 1622—LS 7270/DI 129





February 14, 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. 1622

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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 36-2-2-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) The county  
3 auditor shall attend all meetings of, and record in writing the official  
4 proceedings of, the executive.

5 (b) If a copy of the executive's proceedings has been signed and  
6 sealed by the auditor and introduced into evidence in court, that copy  
7 is presumed to be an accurate record of the executive's proceedings.

8 (c) **If the county maintains an Internet web site, the county**  
9 **auditor shall post on the county's Internet web site the roll call**  
10 **votes of the county's executive body within twenty-four (24) hours**  
11 **after the roll call vote is taken and maintain the roll call vote**  
12 **information on the Internet web site for a period of four (4) years.**

13 SECTION 2. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) At its regular meeting  
15 required by section 7(b)(1) of this chapter, the fiscal body shall elect a  
16 president and president pro tempore from its members.

17 (b) The county auditor is the clerk of the fiscal body and shall **do**

HB 1622—LS 7270/DI 129



- 1 **the following:**
- 2 (1) Preserve the fiscal body's records in ~~his~~ **the county auditor's**
- 3 office.
- 4 (2) Keep an accurate record of the fiscal body's proceedings.
- 5 (3) Record the ayes and nays on each vote appropriating money
- 6 or fixing the rate of a tax levy. ~~and~~
- 7 (4) Record the ayes and nays on other votes when requested to do
- 8 so by two (2) or more members.
- 9 **(5) If the county maintains an Internet web site, post on the**
- 10 **county's Internet web site the roll call votes of the county's**
- 11 **fiscal body within twenty-four (24) hours after the roll call**
- 12 **vote is taken and maintain the roll call vote information on**
- 13 **the Internet web site for a period of four (4) years.**
- 14 (c) The county sheriff or a county police officer shall attend the
- 15 meetings of the fiscal body, if requested by the fiscal body, and shall
- 16 execute its orders.
- 17 (d) The fiscal body may employ legal and administrative personnel
- 18 necessary to assist and advise it in the performance of its functions and
- 19 duties.
- 20 SECTION 3. IC 36-3-4-8 IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The city-county legislative
- 22 body shall appoint a clerk for a term of one (1) year. The clerk serves
- 23 at the pleasure of the legislative body and continues in office until ~~his~~
- 24 **the clerk's** successor is appointed and qualified.
- 25 (b) The clerk is the clerk of the consolidated city. ~~He~~ **The clerk**
- 26 shall:
- 27 (1) act as secretary to the legislative body;
- 28 (2) send out all notices of its meetings;
- 29 (3) keep all its records;
- 30 **(4) if the consolidated city maintains an Internet web site, post**
- 31 **on the consolidated city's Internet web site the roll call votes**
- 32 **of the consolidated city's legislative body within twenty-four**
- 33 **(24) hours after the roll call vote is taken and maintain the**
- 34 **roll call vote information on the Internet web site for a period**
- 35 **of four (4) years;**
- 36 ~~(4)~~ **(5)** present ordinances and resolutions to the executive under
- 37 section 15 of this chapter; and
- 38 ~~(5)~~ **(6)** perform other duties connected with the work of the
- 39 legislative body that are delegated to ~~him~~ **the clerk** by it.
- 40 SECTION 4. IC 36-4-6-9 IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2017]: Sec. 9. The city clerk is the clerk of the
- 42 legislative body. ~~He~~ **The clerk** shall:



- 1 (1) preserve the legislative body's records in ~~his~~ **the clerk's** office;  
 2 (2) keep an accurate record of the legislative body's proceedings;  
 3 (3) record the ayes and nays on each vote on an ordinance or  
 4 resolution;  
 5 (4) record the ayes and nays on other votes when requested to do  
 6 so by two (2) or more members;  
 7 (5) present ordinances, orders, or resolutions to the city executive  
 8 under section 15 of this chapter; ~~and~~  
 9 (6) record ordinances under section 17 of this chapter; **and**  
 10 **(7) if the city maintains an Internet web site, post on the city's**  
 11 **Internet web site the roll call votes of the city's legislative**  
 12 **body within twenty-four (24) hours after the roll call vote is**  
 13 **taken and maintain the roll call vote information on the**  
 14 **Internet web site for a period of four (4) years.**

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

- 18 (1) Receive and care for all town money and pay the money out  
 19 only on order of the town legislative body.  
 20 (2) Keep accounts showing when and from what sources the  
 21 clerk-treasurer has received town money and when and to whom  
 22 the clerk-treasurer has paid out town money.  
 23 (3) Prescribe payroll and account forms for all town offices.  
 24 (4) Prescribe the manner in which creditors, officers, and  
 25 employees shall be paid.  
 26 (5) Manage the finances and accounts of the town and make  
 27 investments of town money.  
 28 (6) Prepare for the legislative body the budget estimates of  
 29 miscellaneous revenue, financial statements, and the proposed tax  
 30 rate.  
 31 (7) Maintain custody of the town seal and the records of the  
 32 legislative body.  
 33 (8) Issue all licenses authorized by statute and collect the fees  
 34 fixed by ordinance.  
 35 (9) Serve as clerk of the legislative body by attending its meetings  
 36 and recording its proceedings.  
 37 **(10) If the town maintains an Internet web site, post on the**  
 38 **town's Internet web site the roll call votes of the town's**  
 39 **legislative body within twenty-four (24) hours after the roll**  
 40 **call vote is taken and maintain the roll call vote information**  
 41 **on the Internet web site for a period of four (4) years.**  
 42 ~~(11)~~ (11) Administer oaths, take depositions, and take



1 acknowledgment of instruments that are required by statute to be  
2 acknowledged, without charging a fee.  
3 ~~(11)~~ **(12)** Serve as clerk of the town court under IC 33-35-3-2, if  
4 the judge of the court does not serve as clerk of the court or  
5 appoint a clerk of the court under IC 33-35-3-1.  
6 ~~(12)~~ **(13)** Perform all other duties prescribed by statute.  
7 (b) A clerk-treasurer is not liable, in an individual capacity, for any  
8 act or omission occurring in connection with the performance of the  
9 requirements set forth in subsection (a), unless the act or omission  
10 constitutes gross negligence or an intentional disregard of the  
11 requirements.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1622, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-2-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) The county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive.

(b) If a copy of the executive's proceedings has been signed and sealed by the auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the executive's proceedings.

**(c) If the county maintains an Internet web site, the county auditor shall post on the county's Internet web site the roll call votes of the county's executive body within twenty-four (24) hours after the roll call vote is taken and maintain the roll call vote information on the Internet web site for a period of four (4) years.**

SECTION 2. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the fiscal body shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the fiscal body and shall **do the following:**

(1) Preserve the fiscal body's records in ~~his~~ **the county auditor's** office.

(2) Keep an accurate record of the fiscal body's proceedings.

(3) Record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy. ~~and~~

(4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.

**(5) If the county maintains an Internet web site, post on the county's Internet web site the roll call votes of the county's fiscal body within twenty-four (24) hours after the roll call vote is taken and maintain the roll call vote information on the Internet web site for a period of four (4) years.**

(c) The county sheriff or a county police officer shall attend the meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.



(d) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties."

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1622 as introduced.)

MAHAN

Committee Vote: yeas 10, nays 0.

