



March 24, 2017

ENGROSSED HOUSE BILL No. 1622

DIGEST OF HB 1622 (Updated March 22, 2017 2:42 pm - DI 87)

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

Synopsis: Record of county and city votes. Requires a county having a population of more than 100,000 or a second class city 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 three business days after the vote is taken and to maintain the roll call vote information on the web site for four years.

Effective: July 1, 2017.

Speedy, Moed, Austin

(SENATE SPONSORS — SANDLIN, FREEMAN)

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

February 14, 2017, amended, reported — Do Pass.

February 16, 2017, read second time, ordered engrossed.

February 17, 2017, engrossed.

February 20, 2017, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 23, 2017, read first time and referred to Committee on Local Government.

March 23, 2017, amended, reported favorably — Do Pass.

EH 1622—LS 7270/DI 129



March 24, 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.

ENGROSSED 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 36-2-2-11 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) **This subsection applies only to a county having a population**
9 **of more than one hundred thousand (100,000). If the county**
10 **maintains an Internet web site, the county auditor shall post on the**
11 **county's Internet web site the roll call votes of the county's**
12 **executive body not later than three (3) business days after the roll**
13 **call vote is taken and maintain the roll call vote information on the**
14 **Internet web site for a period of four (4) years.**

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

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1 president and president pro tempore from its members.

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

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

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

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

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

11 **(5) This subdivision applies only to a county having a**
12 **population of more than one hundred thousand (100,000). If**
13 **the county maintains an Internet web site, post on the**
14 **county's Internet web site the roll call votes of the county's**
15 **fiscal body not later than three (3) business days after the roll**
16 **call vote is taken and maintain the roll call vote information**
17 **on the Internet web site for a period of four (4) years.**

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

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

24 SECTION 3. IC 36-3-4-8 IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The city-county legislative
26 body shall appoint a clerk for a term of one (1) year. The clerk serves
27 at the pleasure of the legislative body and continues in office until ~~his~~
28 **the clerk's** successor is appointed and qualified.

29 (b) The clerk is the clerk of the consolidated city. ~~He~~ **The clerk**
30 shall:

31 (1) act as secretary to the legislative body;

32 (2) send out all notices of its meetings;

33 (3) keep all its records;

34 **(4) if the consolidated city maintains an Internet web site, post**
35 **on the consolidated city's Internet web site the roll call votes**
36 **of the consolidated city's legislative body not later than three**
37 **(3) business days after the roll call vote is taken and maintain**
38 **the roll call vote information on the Internet web site for a**
39 **period of four (4) years;**

40 ~~(4)~~ **(5)** present ordinances and resolutions to the executive under
41 section 15 of this chapter; and

42 ~~(5)~~ **(6)** perform other duties connected with the work of the



- 1 legislative body that are delegated to ~~him~~ **the clerk** by it.
- 2 SECTION 4. IC 36-4-6-9 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2017]: Sec. 9. The city clerk is the clerk of the
- 4 legislative body. ~~He~~ **The city clerk shall do the following:**
- 5 (1) Preserve the legislative body's records in ~~his~~ **the clerk's**
- 6 office.
- 7 (2) Keep an accurate record of the legislative body's proceedings.
- 8 (3) Record the ayes and nays on each vote on an ordinance or
- 9 resolution.
- 10 (4) Record the ayes and nays on other votes when requested to do
- 11 so by two (2) or more members.
- 12 (5) Present ordinances, orders, or resolutions to the city executive
- 13 under section 15 of this chapter. ~~and~~
- 14 (6) Record ordinances under section 17 of this chapter.
- 15 **(7) This subdivision applies only to a second class city. If the**
- 16 **city maintains an Internet web site, post on the city's Internet**
- 17 **web site the roll call votes of the city's legislative body not**
- 18 **later than three (3) business days 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.**



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.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1622, 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 8, after "(c)" insert "**This subsection applies only to a county having a population of more than one hundred thousand (100,000).**".

Page 1, line 10, delete "within twenty-four (24) hours" and insert "**not later than three (3) business days**".

Page 2, line 9, after "(5)" insert "**This subdivision applies only to a county having a population of more than one hundred thousand (100,000).**".

Page 2, line 11, delete "within twenty-four (24) hours" and insert "**not later than three (3) business days**".

Page 2, line 32, delete "within twenty-four" and insert "**not later than three (3) business days**".

Page 2, line 33, delete "(24) hours".

Page 2, line 42, after "The" insert "**city**".

Page 2, line 42, delete ":" and insert "**do the following**".

Page 3, line 1, delete "preserve" and insert "Preserve".

Page 3, line 1, delete ";" and insert ".".

Page 3, line 2, delete "keep" and insert "Keep".

Page 3, line 2, delete ";" and insert ".".

Page 3, line 3, delete "record" and insert "Record".

Page 3, line 4, delete ";" and insert ".".

Page 3, line 5, delete "record" and insert "Record".

Page 3, line 6, delete ";" and insert ".".



Page 3, line 7, delete "present" and insert "Present".

Page 3, line 8, delete ";" and insert ".".

Page 3, line 9, delete "record" and insert "Record".

Page 3, line 9, delete "; and" and insert ".".

Page 3, line 10, delete "if" and insert "**This subdivision applies only to a second class city. If**".

Page 3, line 12, delete "within twenty-four (24) hours" and insert "**not later than three (3) business days**".

Page 3, delete lines 15 through 42.

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1622 as printed February 14, 2017.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.

