

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 ENROLLED ACT No. 1622

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

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) This subsection applies only to a county having a population of more than one hundred thousand (100,000) that 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 not later than three (3) business days after the following:

(1) The date the roll call vote is taken if the county's software is able to generate a roll call vote.

(2) If the county's software is not able to generate a roll call vote, the date the county executive body is first able to approve the minutes of the meeting at which the roll call vote was taken.

The county auditor shall 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, AS AMENDED BY SEA 505-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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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 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) This subdivision applies only to a county having a population of more than one hundred thousand (100,000) that maintains an Internet web site. The county auditor shall post on the county's Internet web site the roll call votes of the county fiscal body not later than three (3) business days after the following:

(A) The date the roll call vote is taken if the county's software is able to generate a roll call vote.

(B) If the county's software is not able to generate a roll call vote, the date the county fiscal body is first able to approve the minutes of the meeting at which the roll call vote was taken.

The county auditor shall 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.

SECTION 3. IC 36-3-4-8, AS AMENDED BY SEA 505-2017, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The city-county legislative body shall appoint a clerk for a term of one (1) year. The clerk serves at the pleasure of the legislative body and continues in office until the clerk's successor is appointed and qualified.

(b) The clerk is the clerk of the consolidated city. The clerk shall **do the following:**

(1) Act as secretary to the legislative body.



- (2) Send out all notices of its meetings.
- (3) Keep all its records.
- (4) If the consolidated city maintains an Internet web site, post on the consolidated city's Internet web site the roll call votes of the consolidated city's legislative body not later than three (3) business days after the following:**
 - (A) The date the roll call vote is taken if the consolidated city's software is able to generate a roll call vote.**
 - (B) If the consolidated city's software is not able to generate a roll call vote, the date the city-county legislative body is first able to approve the minutes of the meeting at which the roll call vote was taken.**

The clerk shall maintain the roll call vote information on the Internet web site for a period of four (4) years.

- ~~(4)~~ **(5)** Present ordinances and resolutions to the executive under section 15 of this chapter. ~~and~~
- ~~(5)~~ **(6)** Perform other duties connected with the work of the legislative body that are delegated to the clerk by ~~it~~: **the legislative body.**

SECTION 4. IC 36-4-6-9, AS AMENDED BY SEA 505-2017, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. The city clerk is the clerk of the legislative body. The city clerk shall **do the following:**

- (1) Preserve the legislative body's records in the clerk's office.
- (2) Keep an accurate record of the legislative body's proceedings.
- (3) Record the ayes and nays on each vote on an ordinance or resolution.
- (4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.
- (5) Present ordinances, orders, or resolutions to the city executive under section 15 of this chapter. ~~and~~
- (6) Record ordinances under section 17 of this chapter.
- (7) This subdivision applies only to a second class city that maintains an Internet web site. The city clerk shall post on the city's Internet web site the roll call votes of the legislative body not later than three (3) business days after the following:**
 - (A) The date the roll call vote is taken if the city's software is able to generate a roll call vote.**
 - (B) If the city's software is not able to generate a roll call vote, the date the legislative body is first able to approve the minutes of the meeting at which the roll call vote was taken.**



The city clerk shall maintain the roll call vote information on the Internet web site for a period of four (4) years.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

