

HOUSE BILL No. 1014

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4.

Synopsis: Plan commissions. Provides that, for purposes of the advisory planning law, the county surveyor's designee must be a resident of the county to serve on the county plan commission. Provides that a member appointed to a plan commission to fill a vacancy or to serve as an alternate member must meet the same requirements, including residency requirements, as a regular member of the plan commission.

Effective: July 1, 2020.

Saunders

January 6, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1014

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 36-7-4-208, AS AMENDED BY P.L.233-2015,
2 SECTION 339, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: Sec. 208. (a) ADVISORY. The county
4 plan commission consists of nine (9) members, as follows:
5 (1) One (1) member appointed by the county executive from its
6 membership.
7 (2) One (1) member appointed by the county fiscal body from its
8 membership.
9 (3) The county surveyor or the county surveyor's designee.
10 **However, the county surveyor's designee must be a resident**
11 **of the county to be eligible to serve on the county plan**
12 **commission.**
13 (4) The county agricultural extension educator. However, if the
14 county does not have a county agricultural extension educator, the
15 county extension board shall select a resident of the county who
16 is a property owner with agricultural interest to serve on the
17 commission under this subdivision for a period not to exceed one



- 1 (1) year.
 2 (5) Five (5) members appointed in accordance with one (1) of the
 3 following:
 4 (A) Four (4) citizen members, of whom no more than two (2)
 5 may be of the same political party. Each of the four (4)
 6 members must be:
 7 (i) a resident of an unincorporated area of the county; or
 8 (ii) a resident of the county who is also an owner of real
 9 property located in whole or in part in an unincorporated
 10 area of the county;
 11 appointed by the county executive. However, at least two (2)
 12 of the citizen members must be residents of the unincorporated
 13 area of the county. Also one (1) township trustee, who must be
 14 a resident of an unincorporated area of the county appointed
 15 by the county executive upon the recommendation of the
 16 township trustees whose townships are within the jurisdiction
 17 of the county plan commission.
 18 (B) Five (5) citizen members, of whom not more than three (3)
 19 may be of the same political party. Each of the five (5)
 20 members must be:
 21 (i) a resident of an unincorporated area of the county; or
 22 (ii) a resident of the county who is also an owner of real
 23 property located in whole or in part in an unincorporated
 24 area of the county;
 25 appointed by the county executive. However at least three (3)
 26 members must be residents of the unincorporated area of the
 27 county.
 28 If a county executive changes the plan commission from having
 29 members described in clause (B) to having members described in
 30 clause (A), the county executive shall appoint a township trustee
 31 to replace the first citizen member whose term expires and who
 32 belongs to the same political party as the township trustee. Each
 33 member appointed to the commission is entitled to receive
 34 compensation for mileage at the same rate and the same
 35 compensation for services as a member of a county executive, a
 36 member of a county fiscal body, a county surveyor, or an
 37 appointee of a county surveyor receives for serving on the
 38 commission, as set forth in section 222.5 of this chapter.
 39 (b) ADVISORY. The metropolitan plan commission consists of nine
 40 (9) members, as follows:
 41 (1) One (1) member appointed by the county legislative body
 42 from its membership.



- 1 (2) One (1) member appointed by the second class city legislative
 2 body from its membership.
- 3 (3) Three (3) citizen members who:
 4 (A) reside in an unincorporated area of the county; or
 5 (B) reside in the county and also own real property located in
 6 whole or in part in an unincorporated area of the county;
 7 of whom no more than two (2) may be of the same political party,
 8 appointed by the county legislative body. One (1) of these
 9 members must be actively engaged in farming.
- 10 (4) Four (4) citizen members, of whom no more than two (2) may
 11 be of the same political party, appointed by the second class city
 12 executive. One (1) of these members must be from the
 13 metropolitan school authority or community school corporation
 14 and a resident of that school district, and the other three (3)
 15 members must be residents of the second class city.
- 16 (c) AREA. When there are six (6) county representatives, they are
 17 as follows:
 18 (1) One (1) member appointed by the county executive from its
 19 membership.
 20 (2) One (1) member appointed by the county fiscal body from its
 21 membership.
 22 (3) A representative appointed by the school corporation
 23 superintendents within the jurisdiction of the area plan
 24 commission.
 25 (4) One (1) of the following appointed by the county executive:
 26 (A) The county agricultural extension educator.
 27 (B) The county surveyor or the county surveyor's designee.
 28 (5) One (1) citizen member who is:
 29 (A) a resident of the unincorporated area of the county; or
 30 (B) a resident of the county who is also an owner of real
 31 property located in whole or in part in the unincorporated area
 32 of the county;
 33 appointed by the county executive.
- 34 (6) One (1) citizen member who is:
 35 (A) a resident of the unincorporated area of the county; or
 36 (B) a resident of the county who is also an owner of real
 37 property located in whole or in part in the unincorporated area
 38 of the county;
 39 appointed by the county fiscal body.
- 40 (d) AREA. When there are five (5) county representatives, they are
 41 the representatives listed or appointed under subsection (c)(3), (c)(4),
 42 (c)(5), and (c)(6) and:



1 (1) the county surveyor or the county surveyor's designee if the
 2 county executive appoints the county agricultural extension
 3 educator under subsection (c)(4); or

4 (2) the county agricultural extension educator if the county
 5 executive appoints the county surveyor under subsection (c)(4).

6 SECTION 2. IC 36-7-4-220, AS AMENDED BY P.L.193-2017,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 220. (a) If a vacancy occurs among the plan
 9 commission members who are appointed, then the appointing authority
 10 shall appoint a member for the unexpired term of the vacating member
 11 not later than ninety (90) days after the vacancy occurs. The appointing
 12 authority may also appoint an alternate member to participate with the
 13 commission in a hearing or decision if the regular member appointed
 14 by the appointing authority has a disqualification under section 223(c)
 15 of this chapter. An alternate member has all the powers and duties of
 16 a regular member while participating in the hearing or decision. **A**
 17 **member appointed to the plan commission to fill a vacancy or to**
 18 **serve as an alternate member of the plan commission must meet**
 19 **the same requirements, including residency requirements, as a**
 20 **regular member of the plan commission.**

21 (b) If a vacancy occurs in the office of the county surveyor while the
 22 county surveyor is serving on the plan commission, then the county
 23 engineer shall participate with the plan commission during the time the
 24 office of the county surveyor is vacant. The county engineer has all the
 25 powers and duties of a regular member while participating under this
 26 subsection.

27 (c) An appointed member who misses three (3) consecutive regular
 28 meetings of the plan commission may be treated as if the member had
 29 resigned, at the discretion of the appointing authority.

