

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.

SENATE ENROLLED ACT No. 20

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 36-7-4-208, AS AMENDED BY P.L.233-2015, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 208. (a) ADVISORY. The county plan commission consists of nine (9) members, as follows:

- (1) One (1) member appointed by the county executive from its membership.
- (2) One (1) member appointed by the county fiscal body from its membership.
- (3) The county surveyor or the county surveyor's designee. **However, the county surveyor's designee must be a resident of the county to be eligible to serve on the county plan commission.**
- (4) The county agricultural extension educator. However, **the county agricultural extension educator must be a resident of the county to serve under this subdivision.** If:
 - (A) the county does not have a county agricultural extension educator; or
 - (B) **the county agricultural extension educator is not a resident of the county;**

the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one

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(1) year. **In addition to the county resident selected by the county extension board to serve as a member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.**

(5) Five (5) members appointed in accordance with one (1) of the following:

(A) Four (4) citizen members, of whom no more than two (2) may be of the same political party. Each of the four (4) members must be:

- (i) a resident of an unincorporated area of the county; or
- (ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However, at least two (2) of the citizen members must be residents of the unincorporated area of the county. Also one (1) township trustee, who must be a resident of an unincorporated area of the county appointed by the county executive upon the recommendation of the township trustees whose townships are within the jurisdiction of the county plan commission.

(B) Five (5) citizen members, of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:

- (i) a resident of an unincorporated area of the county; or
- (ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However at least three (3) members must be residents of the unincorporated area of the county.

If a county executive changes the plan commission from having members described in clause (B) to having members described in clause (A), the county executive shall appoint a township trustee to replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.



(b) **ADVISORY.** The metropolitan plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county legislative body from its membership.

(2) One (1) member appointed by the second class city legislative body from its membership.

(3) Three (3) citizen members who:

(A) reside in an unincorporated area of the county; or

(B) reside in the county and also own real property located in whole or in part in an unincorporated area of the county;

of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.

(4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) **AREA.** When there are six (6) county representatives, they are as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) A representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.

(4) One (1) of the following appointed by the county executive:

(A) The county agricultural extension educator. **However, the county agricultural extension educator must be a resident of the county to be eligible to serve on the area plan commission. If:**

(i) the county does not have a county agricultural extension educator; or

(ii) the county agricultural extension educator is not a resident of the county;

the county executive shall select a resident of the county who is a property owner with agricultural interest to serve on the area plan commission under this clause for a period not to exceed one (1) year. In addition to the county resident selected by the county executive to serve as a



member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.

(B) The county surveyor or the county surveyor's designee. **However, the county surveyor's designee must be a resident of the county to be eligible to serve on the area plan commission.**

(5) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county executive.

(6) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

(1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator **or resident of the county who is a property owner with agricultural interest, as applicable**, under subsection (c)(4); or

(2) the county agricultural extension educator **or resident of the county who is a property owner with agricultural interest, as applicable**, if the county executive appoints the county surveyor under subsection (c)(4).

(e) **ADVISORY. Notwithstanding subsection (a)(4), a county agricultural extension educator who is a member of the county plan commission on July 1, 2020, and is not a resident of the county may continue to serve as a member of the commission until:**

(1) **October 1, 2020; or**

(2) **the date set forth in an ordinance adopted by the county legislative body that is after October 1, 2020, and not later than October 1, 2021.**

This subsection expires January 1, 2022.

(f) AREA. **Notwithstanding subsection (c)(4), a county agricultural extension educator who is a member of the area plan**



commission on July 1, 2020, and is not a resident of the county may continue to serve as a member of the commission until:

(1) October 1, 2020; or

(2) the date set forth in an ordinance adopted by the county legislative body that is after October 1, 2020, and not later than October 1, 2021.

This subsection expires January 1, 2022.

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

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

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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