



February 18, 2020

ENGROSSED HOUSE BILL No. 1014

DIGEST OF HB 1014 (Updated February 13, 2020 1:23 pm - DI 129)

Citations Affected: IC 36-7.

Synopsis: Plan commissions. Allows a county agricultural extension educator (educator) serving on a county plan commission or an area plan commission who is not a resident of the county to continue to serve on the county plan commission or area plan commission until: (1) October 1, 2020; or (2) the date set forth in a county legislative body ordinance that is after October 1, 2020, and not later than October 1, 2021. Provides that an educator who is not a resident of the county shall serve the county plan commission or area plan commission in a nonvoting advisory capacity. Provides that the county surveyor's designee must be a resident of the county to serve on the county plan commission or area plan commission. Requires a person appointed to a plan commission to fill a vacancy or to serve as an alternate member to meet the same requirements as the member the person is appointed to replace.

Effective: July 1, 2020.

Saunders, Cherry, Klinker

(SENATE SPONSOR — GASKILL)

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

January 9, 2020, reported — Do Pass.

January 13, 2020, read second time, ordered engrossed. Engrossed.

January 14, 2020, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Local Government.

February 17, 2020, amended, reported favorably — Do Pass.

EH 1014—LS 6197/DI 129



February 18, 2020

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.

ENGROSSED 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, **the**
14 **county agricultural extension educator must be a resident of**
15 **the county to serve under this subdivision. If:**
16 (A) the county does not have a county agricultural extension
17 educator; or

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1 **(B) the county agricultural extension educator is not a**
 2 **resident of the county;**
 3 the county extension board shall select a resident of the county
 4 who is a property owner with agricultural interest to serve on the
 5 commission under this subdivision for a period not to exceed one
 6 (1) year. **In addition to the county resident selected by the**
 7 **county extension board to serve as a member of the**
 8 **commission, the county agricultural extension educator who**
 9 **is not a resident of the county shall serve the commission in a**
 10 **nonvoting advisory capacity.**
 11 (5) Five (5) members appointed in accordance with one (1) of the
 12 following:
 13 (A) Four (4) citizen members, of whom no more than two (2)
 14 may be of the same political party. Each of the four (4)
 15 members must be:
 16 (i) a resident of an unincorporated area of the county; or
 17 (ii) a resident of the county who is also an owner of real
 18 property located in whole or in part in an unincorporated
 19 area of the county;
 20 appointed by the county executive. However, at least two (2)
 21 of the citizen members must be residents of the unincorporated
 22 area of the county. Also one (1) township trustee, who must be
 23 a resident of an unincorporated area of the county appointed
 24 by the county executive upon the recommendation of the
 25 township trustees whose townships are within the jurisdiction
 26 of the county plan commission.
 27 (B) Five (5) citizen members, of whom not more than three (3)
 28 may be of the same political party. Each of the five (5)
 29 members must be:
 30 (i) a resident of an unincorporated area of the county; or
 31 (ii) a resident of the county who is also an owner of real
 32 property located in whole or in part in an unincorporated
 33 area of the county;
 34 appointed by the county executive. However at least three (3)
 35 members must be residents of the unincorporated area of the
 36 county.
 37 If a county executive changes the plan commission from having
 38 members described in clause (B) to having members described in
 39 clause (A), the county executive shall appoint a township trustee
 40 to replace the first citizen member whose term expires and who
 41 belongs to the same political party as the township trustee. Each
 42 member appointed to the commission is entitled to receive



1 compensation for mileage at the same rate and the same
 2 compensation for services as a member of a county executive, a
 3 member of a county fiscal body, a county surveyor, or an
 4 appointee of a county surveyor receives for serving on the
 5 commission, as set forth in section 222.5 of this chapter.

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

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

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

12 (3) Three (3) citizen members who:

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

14 (B) reside in the county and also own real property located in
 15 whole or in part in an unincorporated area of the county;
 16 of whom no more than two (2) may be of the same political party,
 17 appointed by the county legislative body. One (1) of these
 18 members must be actively engaged in farming.

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

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

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

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

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

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

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

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

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



- 1 **the county executive shall select a resident of the county**
 2 **who is a property owner with agricultural interest to serve**
 3 **on the area plan commission under this clause for a period**
 4 **not to exceed one (1) year. In addition to the county**
 5 **resident selected by the county executive to serve as a**
 6 **member of the commission, the county agricultural**
 7 **extension educator who is not a resident of the county shall**
 8 **serve the commission in a nonvoting advisory capacity.**
 9 (B) The county surveyor or the county surveyor's designee.
 10 **However, the county surveyor's designee must be a**
 11 **resident of the county to be eligible to serve on the area**
 12 **plan commission.**
- 13 (5) One (1) citizen member who is:
 14 (A) a resident of the unincorporated area of the county; or
 15 (B) a resident of the county who is also an owner of real
 16 property located in whole or in part in the unincorporated area
 17 of the county;
 18 appointed by the county executive.
- 19 (6) One (1) citizen member who is:
 20 (A) a resident of the unincorporated area of the county; or
 21 (B) a resident of the county who is also an owner of real
 22 property located in whole or in part in the unincorporated area
 23 of the county;
 24 appointed by the county fiscal body.
- 25 (d) AREA. When there are five (5) county representatives, they are
 26 the representatives listed or appointed under subsection (c)(3), (c)(4),
 27 (c)(5), and (c)(6) and:
 28 (1) the county surveyor or the county surveyor's designee if the
 29 county executive appoints the county agricultural extension
 30 educator **or resident of the county who is a property owner**
 31 **with agricultural interest, as applicable,** under subsection
 32 (c)(4); or
 33 (2) the county agricultural extension educator **or resident of the**
 34 **county who is a property owner with agricultural interest, as**
 35 **applicable,** if the county executive appoints the county surveyor
 36 under subsection (c)(4).
- 37 (e) **ADVISORY. Notwithstanding subsection (a)(4), a county**
 38 **agricultural extension educator who is a member of the county**
 39 **plan commission on July 1, 2020, and is not a resident of the county**
 40 **may continue to serve as a member of the commission until:**
 41 **(1) October 1, 2020; or**
 42 **(2) the date set forth in an ordinance adopted by the county**



1 legislative body that is after October 1, 2020, and not later
2 than October 1, 2021.

3 **This subsection expires January 1, 2022.**

4 (f) AREA. Notwithstanding subsection (c)(4), a county
5 agricultural extension educator who is a member of the area plan
6 commission on July 1, 2020, and is not a resident of the county may
7 continue to serve as a member of the commission until:

8 (1) October 1, 2020; or

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

12 **This subsection expires January 1, 2022.**

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

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

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1014 as introduced.)

ZENT

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1014, 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 13, delete "if" and insert "**the county agricultural extension educator must be a resident of the county to serve under this subdivision. If:**

(A)".

Page 1, line 14, delete "educator," and insert "educator; or

(B) the county agricultural extension educator is not a resident of the county;".

Page 1, line 14, beginning with "the" begin a new line block indented.

Page 2, line 1, after "year." insert "**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.**".

Page 3, line 26, after "educator." insert "**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."

Page 3, line 27, after "designee." insert "**However, the county surveyor's designee must be a resident of the county to be eligible to serve on the area plan commission.**".

Page 4, line 3, after "educator" insert "**or resident of the county who is a property owner with agricultural interest, as applicable,**".

Page 4, line 4, after "educator" insert "**or resident of the county who is a property owner with agricultural interest, as applicable,**".

Page 4, between lines 5 and 6, begin a new paragraph and insert:

"(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."

Page 4, delete lines 6 through 29, begin a new paragraph and insert:

"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."

and when so amended that said bill do pass.

(Reference is to HB 1014 as printed January 10, 2020.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.

