

HOUSE BILL No. 1395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-8-10; IC 36-7-4-220.

Synopsis: Appointments to local boards. Provides that the determination of the political affiliation of a potential appointee to a local board who has never voted in a primary election is made by the certification of the county chairman of the political party with which the potential appointee is affiliated. Provides that if after the expiration of the term of an appointed member of a local board, the vacancy is not filled by the appointing authority within 60 days after the expiration of the term, the county chairman of the political party of the member whose term has expired shall make the appointment. Requires a person to be appointed for the remaining unexpired term of a vacating plan commission member not later than 60 days after the vacancy occurs.

Effective: July 1, 2017.

Ellington

January 17, 2017, read first time and referred to Committee on Local Government.



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 BILL No. 1395

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 36-1-8-10 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) As used in this
- 3 section, "board" means an administration, an agency, an authority, a
- 4 board, a bureau, a commission, a committee, a council, a department,
- 5 a division, an institution, an office, a service, or another similarly
- 6 designated body of a political subdivision.
- 7 (b) Whenever a law or political subdivision's resolution requires that
- 8 an appointment to a board be conditioned upon the political affiliation
- 9 of the appointee, or that the membership of a board not exceed a stated
- 10 number of members from the same political party, at the time of an
- 11 appointment, one (1) of the following must apply to the appointee:
- 12 (1) The most recent primary election in which the appointee voted
- 13 was a primary election held by the party with which the appointee
- 14 claims affiliation.
- 15 (2) If the appointee has never voted in a primary election, the
- 16 appointee ~~claims a party affiliation~~.
- 17 (3) ~~The appointee~~ is certified as a member of that party by the



1 party's county chairman for the county in which the appointee
2 resides.

3 (c) Notwithstanding any other law, if the term of an appointed
4 member of a board expires and the appointing authority does not make
5 an appointment to fill the vacancy, **both of the following apply:**

6 (1) The member may continue to serve on the board for only sixty
7 (60) days after the expiration date of the member's term.

8 (2) **The county chairman of the political party of the member**
9 **whose term has expired shall make the appointment.**

10 SECTION 2. IC 36-7-4-220, AS AMENDED BY P.L.126-2011,
11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2017]: Sec. 220. (a) If a vacancy occurs among the plan
13 commission members who are appointed, then the appointing authority
14 shall appoint a member for the unexpired term of the vacating member
15 **not later than sixty (60) days after the vacancy occurs.** The
16 appointing authority may also appoint an alternate member to
17 participate with the commission in a hearing or decision if the regular
18 member appointed by the appointing authority has a disqualification
19 under section 223(c) of this chapter. An alternate member has all the
20 powers and duties of a regular member while participating in the
21 hearing or decision.

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

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

