

## SENATE BILL No. 20

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4-208.

**Synopsis:** County plan commission membership. Provides that, for purposes of the advisory planning law, the county agricultural extension educator (extension educator) must be a resident of the county to serve on the county plan commission (plan commission). Adds a provision specifying how to fill the extension educator's position on the plan commission if the extension educator is not a resident of the county.

**Effective:** July 1, 2020.

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## Gaskill

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

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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 BILL No. 20

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 (4) The county agricultural extension educator. However, **the**  
11 **county agricultural extension educator must be a resident of**  
12 **the county to serve under this subdivision. If:**  
13 (A) the county does not have a county agricultural extension  
14 educator; or  
15 (B) **the county agricultural extension educator is not a**  
16 **resident of the county;**  
17 the county extension board shall select a resident of the county



1 who is a property owner with agricultural interest to serve on the  
 2 commission under this subdivision for a period not to exceed one  
 3 (1) year.

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

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

9 (i) a resident of an unincorporated area of the county; or

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

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

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

23 (i) a resident of an unincorporated area of the county; or

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

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

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

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



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



1 the representatives listed or appointed under subsection (c)(3), (c)(4),  
2 (c)(5), and (c)(6) and:  
3 (1) the county surveyor or the county surveyor's designee if the  
4 county executive appoints the county agricultural extension  
5 educator under subsection (c)(4); or  
6 (2) the county agricultural extension educator if the county  
7 executive appoints the county surveyor under subsection (c)(4).

