



January 17, 2020

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## SENATE BILL No. 20

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DIGEST OF SB 20 (Updated January 16, 2020 11:39 am - DI 87)

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

**Synopsis:** County plan commissions. Allows a county agricultural extension educator (educator) serving on a county plan commission who is not a resident of the county to continue to serve on the 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 commission in a nonvoting advisory capacity. 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. Adds a provision that 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 they are appointed to replace.

**Effective:** July 1, 2020.

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### Gaskill, Niemeyer

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January 6, 2020, read first time and referred to Committee on Local Government.  
January 16, 2020, amended, reported favorably — Do Pass.

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January 17, 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.

## 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 **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.

36 (B) The county surveyor or the county surveyor's designee.

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

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

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

42 appointed by the county executive.



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

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

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

6 appointed by the county fiscal body.

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

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

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

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

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

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

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

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

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



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



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 20, 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 9, after "designee." insert "**However, the county surveyor's designee must be a resident of the county to be eligible to serve on the county plan commission.**".

Page 2, line 3, 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 4, after line 7, 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.**

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

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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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 20 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

