

HOUSE BILL No. 1078

DIGEST OF INTRODUCED BILL

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

Synopsis: County plan commission membership. Allows the county commissioners to appoint five citizen members to the county plan commission instead of four citizen members and a township trustee. Legalizes the acts of a county plan commission that did not have a township trustee appointed to its membership on October 1, 1999.

Effective: Upon passage; September 30, 1999 (retroactive).

Cherry, Grubb, Leuck

January 10, 2000, read first time and referred to Committee on Local Government.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1078

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.216-1999,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 208. (a) ADVISORY. The county plan
4 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 a qualified deputy surveyor appointed
10 by the surveyor.
11 (4) The county agricultural extension educator.
12 (5) **Five (5) members appointed in accordance with one (1) of**
13 **the following:**
14 (A) Four (4) citizen members, of whom no more than two (2)
15 may be of the same political party and all four (4) of whom
16 must be residents of unincorporated areas of the county

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1 appointed by the county executive. ~~(6)~~ One (1) township
 2 trustee, who must be a resident of an unincorporated area of
 3 the county, appointed by the county executive upon the
 4 recommendation of the township trustees whose townships are
 5 within the jurisdiction of the county plan commission.

6 **(B) Five (5) citizen members, of whom not more than three**
 7 **(3) may be of the same political party and all five (5) of**
 8 **whom must be residents of unincorporated areas of the**
 9 **county appointed by the county executive.**

10 **If a county executive changes the plan commission from a plan**
 11 **commission with the members in clause (B) to a plan commission**
 12 **with the members in clause (A), the plan commission shall appoint**
 13 **the township trustee to replace the first citizen member whose term**
 14 **expires and who belongs to the same political party as the township**
 15 **trustee.**

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

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

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

22 (3) Three (3) citizen members who are residents of
 23 unincorporated areas of the county, of whom no more than two (2)
 24 may be of the same political party, appointed by the county
 25 legislative body. One (1) of these members must be actively
 26 engaged in farming.

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

33 (c) AREA. When there are six (6) county representatives, they are:

34 (1) one (1) member appointed by the county executive from its
 35 membership;

36 (2) one (1) member appointed by the county fiscal body from its
 37 membership;

38 (3) the county superintendent of schools, or if that office does not
 39 exist, a representative appointed by the school corporation
 40 superintendents within the jurisdiction of the area plan
 41 commission;

42 (4) the county agricultural extension educator;



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1 (5) one (1) citizen member who is a resident of the
 2 unincorporated area of the county, appointed by the county
 3 executive; and
 4 (6) one (1) citizen member who is a resident of the
 5 unincorporated area of the county, appointed by the county fiscal
 6 body.

7 When there are five (5) county representatives, they are the
 8 representatives listed in subdivisions (3), (4), (5), and (6) of this
 9 subsection and the county surveyor.

10 (d) AREA. The appointing authority may appoint an alternate
 11 member to participate on a commission established under section 204
 12 of this chapter in a hearing or decision if the regular member it has
 13 appointed is unavailable. An alternate member shall have all of the
 14 powers and duties of a regular member while participating on the
 15 commission.

16 SECTION 2. [EFFECTIVE SEPTEMBER 30, 1999
 17 (RETROACTIVE)] **(a) This SECTION applies to a county plan
 18 commission that did not have a township trustee appointed to the
 19 plan commission as a member in accordance with IC 36-7-4-208(5)
 20 on or after October 1, 1999.**

21 **(b) The acts of the plan commission taken after September 30,
 22 1999, and before the effective date of IC 36-7-4-208, as amended by
 23 this act, are legalized.**

24 SECTION 3. **An emergency is declared for this act.**

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