



January 28, 2000

## SENATE BILL No. 168

DIGEST OF SB 168 (Updated January 27, 2000 11:15 AM - DI 87)

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

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

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### Lewis, Merritt

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January 10, 2000, read first time and referred to Committee on Governmental and Regulatory Affairs.  
January 27, 2000, amended, reported favorably — Do Pass.

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SB 168—LS 6522/DI 87+



January 28, 2000

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.

## SENATE BILL No. 168

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  
17 appointed by the county executive. ~~(6) One (1) township~~

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

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

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

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

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

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

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

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

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

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

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

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

41 (4) the county agricultural extension educator;

42 (5) one (1) citizen member who is a resident of the



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

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

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

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

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

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

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SENATE MOTION

Mr. President: I move that Senator Merritt be added as second author of Senate Bill 168.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 168, 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 2, line 11, delete "plan commission" and insert "**county executive**".

and when so amended that said bill do pass.

(Reference is to SB 168 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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