

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1050**

Citations Affected: IC 36-7-4.

Synopsis: Planning and zoning matters. Eliminates two members of the Indianapolis metropolitan development commission, including a member appointed by the mayor and a member who represents township legislative bodies. Provides that certain members of certain county plan commissions, metropolitan plan commissions, area plan commissions, and boards of zoning appeals either: (1) reside in an unincorporated area; or (2) reside in the county and own real property located in an unincorporated area. (Current law requires that certain members reside in an unincorporated area.) Repeals a provision allowing a township in Marion County to require that a plan commission hold a public hearing within the township before an amendment to a zoning map may be made. **(This conference committee report: (1) Provides that not more than two citizen members who are members of a county plan commission may reside in the county and own property in the unincorporated area of the county. (2) Allows a citizen member who is a member of an advisory metropolitan plan commission to reside in the county and own real property in the unincorporated area of the county. (3) Provides that citizen members appointed to an area plan commission may be residents of the county and also owners of real property in the unincorporated area of the county. (4) Removes a provision that requires the county commissioners (rather than the area plan commission) to appoint the executive director of the planning department in a county that does not contain a second class city.)**

Effective: July 1, 2004.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1050 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 36-7-4-207 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 207. (a) ADVISORY.
- 4 In a city having a park board and a city civil engineer, the city plan
- 5 commission consists of nine (9) members, as follows:
- 6 (1) One (1) member appointed by the city legislative body from its
- 7 membership.
- 8 (2) One (1) member appointed by the park board from its
- 9 membership.
- 10 (3) One (1) member or designated representative appointed by the
- 11 city works board.
- 12 (4) The city civil engineer or a qualified assistant appointed by the
- 13 city civil engineer.
- 14 (5) Five (5) citizen members, of whom no more than three (3) may
- 15 be of the same political party, appointed by the city executive.
- 16 (b) ADVISORY. If a city lacks either a park board or a city civil
- 17 engineer, or both, subsection (a) does not apply. In such a city or in
- 18 any town, the municipal plan commission consists of seven (7)
- 19 members, as follows:
- 20 (1) The municipal legislative body shall appoint three (3) persons,
- 21 who must be elected or appointed municipal officials or employees

1 in the municipal government, as members.

2 (2) The municipal executive shall appoint four (4) citizen members,
3 of whom no more than two (2) may be of the same political party.

4 (c) AREA. To provide equitable representation of rural and urban
5 populations, representation on the area plan commission is determined
6 as follows:

7 (1) Seven (7) representatives from each city having a population of
8 more than one hundred five thousand (105,000).

9 (2) Six (6) representatives from each city having a population of
10 not less than seventy thousand (70,000) nor more than one hundred
11 five thousand (105,000).

12 (3) Five (5) representatives from each city having a population of
13 not less than thirty-five thousand (35,000) but less than seventy
14 thousand (70,000).

15 (4) Four (4) representatives from each city having a population of
16 not less than twenty thousand (20,000) but less than thirty-five
17 thousand (35,000).

18 (5) Three (3) representatives from each city having a population of
19 not less than ten thousand (10,000) but less than twenty thousand
20 (20,000).

21 (6) Two (2) representatives from each city having a population of
22 less than ten thousand (10,000).

23 (7) One (1) representative from each town having a population of
24 more than two thousand one hundred (2,100), and one (1)
25 representative from each town having a population of two thousand
26 one hundred (2,100) or less that had a representative before
27 January 1, 1979.

28 (8) Such representatives from towns having a population of not
29 more than two thousand one hundred (2,100) as are provided for
30 in section 210 of this chapter.

31 (9) Six (6) county representatives if the total number of municipal
32 representatives in the county is an odd number, or five (5) county
33 representatives if the total number of municipal representatives is
34 an even number.

35 (d) METRO. The metropolitan development commission consists of
36 ~~eleven (11)~~ **nine (9)** citizen members, as follows:

37 (1) ~~Five (5)~~ **Four (4)** members, of whom no more than ~~three (3)~~
38 **two (2)** may be of the same political party, appointed by the
39 executive of the consolidated city.

40 (2) Three (3) members, of whom no more than two (2) may be of
41 the same political party, appointed by the legislative body of the
42 consolidated city.

43 (3) Two (2) members, who must be of different political parties,
44 appointed by the board of commissioners of the county.

45 ~~(4) One (1) member who represents the township legislative~~
46 ~~bodies. The procedure for the township legislative bodies for~~
47 ~~appointing the member shall be established by an ordinance adopted~~
48 ~~by the legislative body of the consolidated city.~~

49 ~~by an ordinance adopted by the legislative body of the consolidated~~
50 ~~city.~~

1 SECTION 2. IC 36-7-4-208, AS AMENDED BY P.L.173-2003,
 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2004]: 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 the county surveyor's designee.

10 (4) The county agricultural extension educator. However, if the
 11 county does not have a county agricultural extension educator, the
 12 county extension board shall select a resident of the county who is
 13 a property owner with agricultural interest to serve on the
 14 commission under this subdivision for a period not to exceed one
 15 (1) year.

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

18 (A) Four (4) citizen members, of whom no more than two (2)
 19 may be of the same political party. ~~and all~~ **Each of the four (4)**
 20 ~~of whom members~~ must be:

21 ~~residents~~ **(i) a resident of an unincorporated ~~areas~~ area** of the
 22 county; **or**

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

26 appointed by the county executive. **However at least two (2) of**
 27 **the citizen members must be residents of the**
 28 **unincorporated area of the county.** Also one (1) township
 29 trustee, who must be a resident of an unincorporated area of the
 30 county appointed by the county executive upon the
 31 recommendation of the township trustees whose townships are
 32 within the jurisdiction of the county plan commission.

33 (B) Five (5) citizen members, of whom not more than three (3)
 34 may be of the same political party. ~~and all~~ **Each of the five (5) of**
 35 ~~whom members~~ must be:

36 ~~residents~~ **(i) a resident of an unincorporated ~~areas~~ area** of the
 37 county; **or**

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

41 appointed by the county executive. **However at least two (2)**
 42 **members must be residents of the unincorporated area of**
 43 **the county.**

44 If a county executive changes the plan commission from having
 45 members described in clause (B) to having members described in
 46 clause (A), the county executive shall appoint a township trustee to
 47 replace the first citizen member whose term expires and who
 48 belongs to the same political party as the township trustee. Each
 49 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 from
 9 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) are residents of reside in an unincorporated areas area of**
 14 **the county; or**

15 **(B) reside in the county and also own real property located**
 16 **in whole or in part in an unincorporated area of the county;**

17 of whom no more than two (2) may be of the same political party,
 18 appointed by the county legislative body. One (1) of these members
 19 must be actively engaged in farming.

20 (4) Four (4) citizen members, of whom no more than two (2) may
 21 be of the same political party, appointed by the second class city
 22 executive. One (1) of these members must be from the
 23 metropolitan school authority or community school corporation and
 24 a resident of that school district, and the other three (3) members
 25 must be residents of the second class city.

26 (c) AREA. When there are six (6) county representatives, they are as
 27 follows:

28 (1) One (1) member appointed by the county executive from its
 29 membership.

30 (2) One (1) member appointed by the county fiscal body from its
 31 membership.

32 (3) The county superintendent of schools, or if that office does not
 33 exist, a representative appointed by the school corporation
 34 superintendents within the jurisdiction of the area plan commission.

35 (4) One (1) of the following appointed by the county executive:

36 (A) The county agricultural extension educator.

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

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

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

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

43 appointed by the county executive.

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

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

46 **(B) a resident of the county who is also an owner of real**
 47 **property located in whole or in part in the unincorporated**
 48 **area of the county;**

49 appointed by the county fiscal body.

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

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

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

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

14 SECTION 3. IC 36-7-4-903, AS AMENDED BY P.L.216-1999,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2004]: Sec. 903. ADVISORY. (a) When a municipal plan
 17 commission exercises jurisdiction outside the incorporated area of the
 18 municipality as provided for in section 205 or 1208 of the advisory
 19 planning law, either:

20 (1) an additional division of the board of zoning appeals shall be
 21 established under section 901(b) of this chapter that will have
 22 territorial jurisdiction only in the unincorporated area and consist
 23 only of residents of the unincorporated area; or

24 (2) the municipal plan commission shall designate, as its
 25 appointment to the municipal board of zoning appeals under section
 26 902(a)(3) of this chapter, one (1) of the two (2) citizen members
 27 who were appointed under section 214 of this chapter to the plan
 28 commission to represent the unincorporated area. The citizen
 29 member must reside in the unincorporated area; ~~He;~~ **The citizen**
 30 shall be appointed for a term of four (4) years. ~~He~~ **The citizen** is
 31 entitled to participate and vote in all deliberations of the municipal
 32 board of zoning appeals.

33 (b) Notwithstanding section 902(g) of this chapter, if the zoning
 34 ordinance provides for an additional division of the board of zoning
 35 appeals under subsection (a)(1), the ordinance may also provide for the
 36 appointment of one (1) or more members of that division by elected
 37 officials of the county or township.

38 SECTION 4. IC 36-7-4-608.5 IS REPEALED [EFFECTIVE JULY 1,
 39 2004].

40 Renumber all SECTIONS consecutively.

(Reference is to EHB 1050 as reprinted February 26, 2004.)

Conference Committee Report
on
Engrossed House Bill 1050

Signed by:

Representative Hasler
Chairperson

Senator Clark

Representative Hinkle

Senator Breaux

House Conferees

Senate Conferees