



**H.B. 544**

123rd General Assembly  
(As Introduced)

Rep. Peterson

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**BILL SUMMARY**

- Authorizes a regional or county planning commission to send certain notices by electronic mail.
- Requires regional or county planning commissions to send notice to all townships at least 30 days before a public hearing on the adoption or amendment of its rules.
- Changes the composition of county planning commissions.
- Extends the period of time over which property owners may pay special assessments for county road improvements from 10 to 20 years.

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**CONTENT AND OPERATION**

**County and regional planning commissions**

**Background law**

County and regional planning commissions carryout a wide range of planning activities and review and approve plats for their county or region. These commissions can adopt rules governing plats and the subdivision of land. The purpose of those rules is to secure and provide for the proper arrangement of streets or highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting equipment, recreation, light, and air, and for the avoidance of congestion of population. Those rules also may require the county department of health to review and comment on a plat and require proof of compliance with any applicable zoning resolutions as a basis for plat approval. (Sec. 711.10.)

### *Changes proposed by the bill*

A county or regional planning commission's rules are adopted or amended only after the conduct of a public hearing. The bill requires that notice of a rule adoption or amendment hearing be sent to *all townships* in the county or region by regular or electronic mail at least 30 days before the hearing. The bill also permits a county or regional planning commission to provide notice of meetings scheduled to consider the approval of submitted plats by *electronic mail*, or as under current law by regular mail, to the clerk of the board of township trustees of the township in which the proposed plat is located. (Sec. 711.10.)

### *County planning commission members*

#### *Existing law*

Currently, county planning commissions consist of eight members appointed by the board of county commissioners plus the board members themselves. This results in a total membership of 11 on a county planning commission. Appointments to the commission by the board generally must be made as follows (sec. 713.22(A)):

(1) *Municipal corporations*: If the population of the portion of any city in the county exceeds 50% of the total population of the county, then at least three of the appointed members must be selected from persons nominated by the planning commission of that city. Otherwise, three members must be appointed from municipal corporations in the county.

(2) *Townships*: Three members from the unincorporated area of the county must be selected from persons nominated by the townships in the county. If there are one or more *limited home rule government townships* in the county, then at least one of the three township appointees must be selected from persons nominated by a limited home rule government township.

(3) *Public members*: Two citizens must be selected in the board's discretion from residents of the county, and one of them must reside in the unincorporated area of the county and represent townships and the other must reside in the incorporated area of the county and represent municipal corporations.

An *exception* to those appointment procedures exists if a county contains two or less townships with unincorporated territory. In that case, there are eight citizen members on the county planning commission, who generally are appointed by the board of county commissioners in their discretion, plus the commissioner themselves. However, if the population of the portion of any city located in the county exceeds 50% of the total population of the county, then at least three of

those appointed members must be selected from persons nominated by that city's planning commission. (Sec. 713.22(B).)<sup>1</sup>

**Changes proposed by the bill**

**Appointment scenarios.** The bill continues the requirement that a county planning commission consist of 11 total members: *eight appointed members* plus the three members of a board of county commissioners. However, it changes who the appointed members represent, as follows (sec. 713.22(A)(1), (2), (3), and (4)):

(1) *If the population of the portion of any city located in the county exceeds 50% of the total population of the county, **three** appointees must be selected by the board from persons nominated by the planning commission of that city. If the county also contains *three or more townships* with unincorporated territory, then the board generally must appoint **three** members from the unincorporated territory from persons recommended by the townships; but, if any of those townships is a limited home rule government township (hereafter, "home rule township"), the board must appoint one of those three township representatives from persons recommended by a home rule township. The remaining **two** members must be selected at the board's discretion from county residents, and one of them must reside in the unincorporated territory of the county and represent townships and the other of them must reside in the incorporated territory of the county and represent municipal corporations. (Sec. 713.22(A)(2), first paragraph.)*

In this same scenario as regards the "more than 50% of the county population" city, if there are *two or less townships* in the county, then the board of county commissioners generally will have discretion to appoint **five** of the members from residents of the county. But, if one or both of the townships are home rule townships, the board must select one of those five members from persons recommended by one of the home rule townships.<sup>2</sup> (Sec. 713.22(A)(2), second paragraph.)

(2) *If a county does not contain the portion of any city with at least 50% of the county's total population but does contain *one or more home rule townships*, **one** of the eight appointees must be a resident of a home rule township selected in the board's discretion from persons recommended by a home rule township. **One** appointee must be a resident of the municipal corporation with the largest*

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<sup>1</sup> *The existing law relative to county planning commission members was recently enacted by Am. Sub. H.B. 187 of the 123rd General Assembly (effective September 20, 1999).*

<sup>2</sup> *As under the previous paragraph, the other three appointed members must be selected by the board from persons nominated by the city's planning commission.*

population contained within the portion of the municipal corporation in the county, selected in the board's discretion from persons recommended by the municipal corporation. The **six** remaining members must be appointed at the board's discretion from persons residing in the county. (Sec. 713.22(A)(3).)

On the other hand, if a county does not contain the portion of any city with at least 50% of the county's total population and if there are *no home rule townships* in the county, the board in its discretion must appoint any **eight** residents of the county to the county planning commission. (Sec. 713.22(A)(4).)

**Implementation provisions.** These changes to the composition of a county planning commission are to be implemented so that any member serving on a commission on the bill's effective date serves out the member's term of office, even if the membership would not meet the bill's new representation requirements. As new members are appointed to a commission, those members will be required to meet the new representation requirements as soon as possible without interfering with any member's term of office.<sup>3</sup> (Section 2.)

### **County road improvements**

#### **Existing law**

Currently, a county is authorized to improve its county roads, including the construction or reconstruction of necessary bridges and culverts. These improvements can be paid for by a variety of methods, such as tax levies or special assessments upon real estate abutting or within one-half to two miles of an improvement (depending upon the specific situation). (Secs. 5555.06 and 5555.41, not in the bill.)

If assessments are made for a county road improvement, the principal of those assessments must be paid in not more than *20 semiannual installments* extending over a period of not more than *ten years*. In addition, if bonds are issued to pay the compensation, damages, and expenses incident to the improvement, the principal sum of the assessments must be payable in the number of semiannual installments that will provide a fund for the redemption of those bonds. The "assessments . . . [must] bear interest from the date of and at the same rate as the bonds, and the interest . . . [must] be collected in like manner as the principal of . . . [the] assessments." (Sec. 5555.46.)

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<sup>3</sup> A technical amendment will be necessary to convert section 713.22's current divisions (C), (D), and (E) into, respectively, divisions (B), (C), and (D) and to substitute the term "commission" for "board" in Section 2 of the bill.

**Changes proposed by the bill**

The bill changes the maximum number of permissible semiannual assessment installments from 20 to 40 and, correspondingly, increases the maximum period over which the installment payments may be made from ten years to 20 years (sec. 5555.46).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-13-00	pp. 1515-1516

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