

# PROPOSED AMENDMENT

## HB 1161 # 2

### DIGEST

Local government matters. Provides that the county executive may establish the salary of the county administration subject to salary parameters established by the county fiscal body. (Currently, the bill provides that the salary parameters are established by the county legislative body.) Provides that members appointed to: (1) a commission to promote the development and growth of the convention, visitor, and tourism industry under IC 6-9-18; (2) a local alcoholic beverage board; (3) a governing board for city hospitals located in a third class city; (4) an economic development commission; (5) a redevelopment authority; (6) a planning commission; (7) a board of zoning appeals, in a county that does not include a consolidated city; serve at the pleasure of the member's appointing authority. Provides that, after June 30, 2026, before a county or municipal park and recreation board may: (1) exercise the power of eminent domain; (2) enter into a contract with a cost exceeding the lesser of \$500,000 or ten percent of the district's annual budget; (3) acquire real or personal property with a cost exceeding the lesser of \$500,000 or ten percent of the district's annual budget; or (4) approve capital improvements to park facilities or property with a cost exceeding the lesser of \$500,000 or ten percent of the district's annual budget; the park and recreation board must obtain approval by the executive of the unit that established the department of parks and recreation. Makes changes to requirements relating to the establishment of a written personnel policy for county employees. Removes provisions from the bill that provide that members of a local airport authority serve at the pleasure of the members' appointing authority.

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- 1           Page 1, delete lines 1 through 15, begin a new paragraph and insert:  
2           "SECTION 1. IC 6-9-18-5, AS AMENDED BY P.L.175-2018,  
3           SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2026]: Sec. 5. (a) If a tax is levied under section 3 of this  
5           chapter, the county executive shall create a commission to promote the  
6           development and growth of the convention, visitor, and tourism  
7           industry in the county. If two (2) or more adjoining counties desire to  
8           establish a joint commission, the counties shall enter into an agreement  
9           under IC 36-1-7.  
10          (b) The county executive shall determine the number of members,  
11          which must be an odd number, to be appointed to the commission. A  
12          simple majority of the members must be:  
13               (1) engaged in a convention, visitor, or tourism business; or  
14               (2) involved in or promoting conventions, visitors, or tourism.  
15          A member appointed to the commission under subdivision (1) or (2)  
16          need not be a resident of the county if the member is an owner or an

1 executive level employee of a convention, visitor, or tourism business  
2 that is located within the county. However, the member must be a  
3 resident of Indiana. If available and willing to serve, at least two (2) of  
4 the members must be engaged in the business of renting or furnishing  
5 rooms, lodging, or accommodations (as described in section 3 of this  
6 chapter). Not more than one (1) member may be affiliated with the  
7 same business entity. Except as otherwise provided in this subsection,  
8 each member must reside in the county. The county executive shall  
9 also determine who will make the appointments to the commission,  
10 except that the executive of the largest municipality in the county shall  
11 appoint a number of the members of the commission, which number  
12 shall be in the same ratio to the total size of the commission (rounded  
13 off to the nearest whole number) that the population of the largest  
14 municipality bears to the total population of the county.

15 (c) This subsection applies to a county in which a tax imposed under  
16 this chapter becomes effective after December 31, 1989. If a  
17 municipality other than the largest municipality in the county collects  
18 fifty percent (50%) or more of the tax revenue collected under this  
19 chapter during the three (3) month period following imposition of the  
20 tax, the executive of the municipality shall appoint the same number of  
21 members to the commission that the executive of the largest  
22 municipality in the county appoints under subsection (b).

23 (d) Except as provided in subsection (c), all terms of office of  
24 commission members begin on January 1. Initial appointments must be  
25 for staggered terms, with subsequent appointments for two (2) year  
26 terms. A member whose term expires may be reappointed to serve  
27 another term. If a vacancy occurs, the appointing authority shall  
28 appoint a qualified person to serve for the remainder of the term. If an  
29 initial appointment is not made by February 1 or a vacancy is not filled  
30 within thirty (30) days, the commission shall appoint a member by  
31 majority vote.

32 (e) A member of the commission ~~may be removed for cause by~~  
33 **serves at the pleasure of** the member's appointing authority.

34 (f) Members of the commission may not receive a salary. However,  
35 commission members are entitled to reimbursement for necessary  
36 expenses incurred in the performance of their respective duties.

37 (g) Each commission member, before entering the member's duties,  
38 shall take an oath of office in the usual form, to be endorsed upon the  
39 member's certificate of appointment and promptly filed with the clerk  
40 of the circuit court of the county.

(h) The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

SECTION 2. IC 7.1-2-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. Removal from Office. **For a local board in a county that does not contain a consolidated city, an appointed member serves at the pleasure of the board of member's appointing authority.** An appointed member of a local board, **other than a member appointed to a local board in a county that does not contain a consolidated city,** may be removed from office only for good cause. The commission shall give the member a written copy of the charges against ~~him~~ **the member** and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why ~~he~~ **the member** should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and determinations of the commission in respect to a removal shall be final."

Delete page 2.

Page 3, delete lines 1 through 15.

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 9. IC 16-23-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The directors shall be appointed on the third Monday of January.

(b) The initial terms of the governing board are as follows:

(1) Two (2) members for one (1) year.

(2) Two (2) members for two (2) years.

(3) One (1) member for three (3) years.

(4) Two (2) members for four (4) years.

(c) Each subsequent term is for four (4) years.

(d) The term of each member begins February 1 in the year of appointment at the expiration of the member's predecessor's term and continues four (4) years and until a successor is appointed and qualified. However, an interim member chosen to fill a vacancy begins tenure at the time specified in the member's certificate of appointment

and serves the unexpired term of the member the interim member succeeds. **The member serves at the pleasure of the member's appointing authority."**

Page 8, line 41, delete "legislative" and insert "**fiscal**".

Page 8, delete line 42, begin a new paragraph and insert:

"SECTION 15. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

**Chapter 21. County Personnel Policy and Evaluation Standards**

**Sec. 1. This chapter does not apply to:**

(1) a county containing a consolidated city; or

(2) employees:

(A) of a probation department;

(B) of a court;

(C) of a judicial officer (as defined in IC 35-31.5-2-177.7) or other circuit officers;

(D) of a prosecutor's office;

(E) of a public defender's office;

(F) of a community corrections program;

(G) governed by a merit board established under IC 36-8-3.5 or IC 36-8-10-3; or

(H) of the state.

**Sec. 2. (a) Each county executive, in coordination with the county fiscal body if applicable, shall adopt and maintain a written personnel policy, employee handbook, or equivalent document establishing minimum standards for county employee conduct and applicable county policies.**

**(b) A county executive, a county fiscal body, and county officers shall require all county employees, including existing employees, to sign an acknowledgment of receipt of the adopted personnel policy or employee handbook as a condition of employment.**

**Sec. 3. Results of evaluations shall be maintained as part of the employee's personnel record in accordance with county policy.**

**Sec. 4. An elected county officer or their designee retains responsibility for and authority over final disciplinary decisions for employees under the officer's supervision, unless otherwise permitted or required by state law.**

**Sec. 5. Nothing in this chapter shall be construed to diminish or infringe upon the statutory authority, autonomy, or constitutional duties of:**

- (1) a county executive;
- (2) a county fiscal body;
- (3) an elected county officer (as defined in IC 36-2-2.9-3);
- (4) a judicial officer (as defined in IC 35-31.5-2-177.7), other circuit officers, or employees of a judicial or circuit officer;
- (5) a prosecutor's office;
- (6) a public defender's office;
- (7) a community corrections advisory board established under IC 11-12-2-2; or
- (8) a merit board established under IC 36-8-3.5 or IC 36-8-10-3.

SECTION 16. IC 36-4-9-6, AS AMENDED BY P.L.141-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) This section applies only to second class cities.

(b) The city executive shall appoint:

- (1) a city controller;
- (2) a city civil engineer;
- (3) a corporation counsel;
- (4) a chief of the fire department;
- (5) a chief of the police department; and
- (6) other officers, employees, boards, and commissions required by statute.

(c) The board of public works and safety may be composed of three (3) members or five (5) members appointed by the executive. **A member serves at the pleasure of the executive.** A member may hold other appointive positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The executive shall appoint a clerk for the board.

(d) If the board of public works and board of public safety are established as separate boards, each board may be composed of three (3) members or five (5) members who are appointed by the executive. A member may hold other appointive positions in city government during the member's tenure. The executive shall appoint a clerk for each board.

(e) If the executive:

- (1) increases the number of members of a board of public works and safety, a board of public works, or a board of public safety from three (3) to five (5) members; or
- (2) decreases the number of members of a board of public works

1 and safety, a board of public works, or a board of public safety  
 2 from five (5) to three (3) members;  
 3 the city shall publish notice under IC 5-3-1 of the increase or decrease  
 4 in members and state the total number of members appointed to the  
 5 board.

6 SECTION 17. IC 36-4-9-8, AS AMENDED BY P.L.33-2010,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2026]: Sec. 8. (a) This section applies only to third class  
 9 cities.

10 (b) The city executive shall appoint:

- 11 (1) a city civil engineer;
- 12 (2) a city attorney;
- 13 (3) a chief of the fire department;
- 14 (4) a chief of the police department; and
- 15 (5) other officers, employees, boards, and commissions required  
 16 by statute.

17 (c) The board of public works and safety consists of three (3) or five  
 18 (5) members (as determined by the city executive). The members of the  
 19 board of public works and safety are:

- 20 (1) the city executive; and
- 21 (2) two (2) or four (4) persons appointed by the executive.

22 **A member appointed by the executive serves at the pleasure of the**  
 23 **executive.** If the executive increases the number of board members  
 24 from three (3) to five (5) members or decreases the number of board  
 25 members from five (5) to three (3) members, the city shall publish  
 26 notice under IC 5-3-1 of the increase or decrease in members and state  
 27 the total number of members appointed to the board. IC 36-4-4-2  
 28 notwithstanding, a member may hold other appointive or elective  
 29 positions in city government during the member's tenure. IC 36-4-11-2  
 30 applies to board member appointments under this section. The city  
 31 clerk is the clerk of the board.

32 (d) If the city legislative body adopts an ordinance under IC 36-4-12  
 33 to employ a city manager, the executive may appoint the city manager  
 34 to a position on the board of public works and safety in place of the  
 35 executive.

36 (e) The city executive may appoint a public safety director to:

- 37 (1) serve as the chief administrative officer of; and
- 38 (2) oversee the operations of;

39 the police department and fire department. The city executive shall  
 40 determine the qualifications of the public safety director.

SECTION 18. IC 36-7-4-218, AS AMENDED BY P.L.127-2017,  
SECTION 171, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2026]: Sec. 218. (a) When an initial term of  
office of a citizen member expires, each new appointment of a citizen  
member is:

- (1) for a term of four (4) years (in the case of a municipal, county,  
or area plan commission);
- (2) for a term of three (3) years (in the case of a metropolitan plan  
commission); or
- (3) for a term of one (1), two (2), or three (3) years, as designated  
by the appointing authority (in the case of the metropolitan  
development commission).

A member serves until the member's successor is appointed and  
qualified. A member is eligible for reappointment.

(b) ADVISORY. Upon the establishment of a nine (9) member  
municipal plan commission, the citizen members shall initially be  
appointed for the following terms of office:

- (1) One (1) for a term of two (2) years.
- (2) Two (2) for a term of three (3) years.
- (3) Two (2) for a term of four (4) years.

Upon the establishment of a seven (7) member municipal plan  
commission, two (2) citizen members shall initially be appointed for a  
term of three (3) years and two (2) shall initially be appointed for a  
term of four (4) years. Each member's term expires on the first Monday  
of January of the second, third, or fourth year, respectively, after the  
year of the member's appointment.

(c) ADVISORY. Upon the establishment of a county plan  
commission, the citizen members shall initially be appointed for the  
following terms of office:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for a term of four (4) years.

Each member's term expires on the first Monday of January of the first,  
second, third, or fourth year, respectively, after the year of the  
member's appointment.

(d) ADVISORY. Upon the establishment of a metropolitan plan  
commission, the citizen members shall initially be appointed for the  
following terms of office:

- (1) Three (3) for a term of one (1) year, one (1) appointed by the

1 county legislative body and two (2) by the city executive.

2 (2) Two (2) for a term of two (2) years, one (1) by each appointing  
3 authority.

4 (3) Two (2) for a term of three (3) years, one (1) by each  
5 appointing authority.

6 (e) AREA. If there is one (1) citizen member on the area plan  
7 commission, the member's initial term of office is one (1) year. If there  
8 are two (2) citizen members, one (1) shall be appointed for a term of  
9 one (1) year and one (1) for a term of two (2) years. If there are three  
10 (3) or more citizen members, one (1) shall be appointed for a term of  
11 one (1) year, one (1) for a term of two (2) years, one (1) for a term of  
12 three (3) years, and any remainder for a term of four (4) years. Each  
13 member's term expires on the first Monday of January of the first,  
14 second, third, or fourth year, respectively, after the year of the  
15 member's appointment.

16 (f) **ADVISORY–AREA. A member serves on the plan**  
17 **commission at the pleasure of the member's appointing authority.**  
18 ~~The appointing authority may remove a member from the plan~~  
19 ~~commission for cause. The appointing authority must mail notice of the~~  
20 ~~removal, along with written reasons for the removal, to the member at~~  
21 ~~the member's residence address. A member who is removed may,~~  
22 ~~within thirty (30) days after receiving notice of the removal, appeal the~~  
23 ~~removal to the circuit or superior court of the county. The court may,~~  
24 ~~pending the outcome of the appeal, order the removal or stay the~~  
25 ~~removal of the member.~~

26 (g) METRO. The appointing authority may remove a citizen  
27 member from the metropolitan development commission. The  
28 appointing authority must mail notice of the removal, along with  
29 written reasons, if any, for the removal, to the member at the member's  
30 residence address. A member who is removed may not appeal the  
31 removal to a court or otherwise.

32 SECTION 19. IC 36-7-4-906, AS AMENDED BY P.L.127-2017,  
33 SECTION 175, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2026]: Sec. 906. (a) ADVISORY–AREA.  
35 When an initial term of office expires, each new appointment is for a  
36 term of four (4) years.

37 (b) ADVISORY–AREA. Upon the establishment of a division of  
38 the board of zoning appeals, the members shall initially be appointed  
39 as provided in the zoning ordinance for the following terms of office:

40 (1) One (1) for a term of one (1) year.



(2) One (1) for a term of two (2) years.

(3) One (1) for a term of three (3) years.

(4) Two (2) for a term of four (4) years.

(c) ADVISORY–AREA. Under subsection (b), each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.

(d) METRO. Each appointment of a member of a division of a board of zoning appeals is for a term of one (1) year.

(e) METRO. The appointing authority may remove a member from the metropolitan board of zoning appeals. The appointing authority must mail notice of the removal, along with written reasons, if any, for the removal, to the member at the member's residence address. A member who is removed may not appeal the removal to a court or otherwise.

(f) ADVISORY–AREA. **A member of the board of zoning appeals serves at the pleasure of the member's appointing authority.** ~~The appointing authority may remove a member from the board of zoning appeals for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at the member's residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county.~~

(g) A member of a board of zoning appeals serves until the member's successor is appointed and qualified. A member is eligible for reappointment.

SECTION 20. IC 36-7-12-14, AS AMENDED BY P.L.127-2017, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. **(a) This subsection applies to an economic development commission established under section 8 of this chapter.** An economic development commissioner may be removed from office for neglect of duty, incompetency, inability to perform the commissioner's duties, or any other good cause, by the executive or fiscal body that selected or nominated the commissioner. The commissioner removed may obtain judicial review of the removal by filing a complaint in a circuit or superior court in the county, and the burden of proof is upon the executive or fiscal body that removed the commissioner. The cause shall be placed on the advanced calendar and be tried as other civil causes are tried by the court, without a jury. The court's judgment may be appealed in the same manner as any civil action.

(b) **This subsection does not apply to an economic development commission established under section 8 of this chapter. An economic development commissioner serves at the pleasure of the member's appointing authority.**

SECTION 17. IC 36-7-14.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board is composed of three (3) members, who must be residents of the unit appointed by the executive of the unit.

(b) A member is entitled to serve a three (3) year term. A member may be reappointed to subsequent terms.

(c) If a vacancy occurs on the board, the executive of the unit shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) A board member:

**(1) for a board established in a county containing a consolidated city,** may be removed for cause by the executive of the unit; **and**

**(2) for a board established in a county that does not contain a consolidated city, serves at the pleasure of the executive.**

(e) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

(f) A member may not receive a salary, and no profit or money of the authority inures to the benefit of a member."

Delete pages 9 through 12.

Page 13, delete line 1.

Page 14, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 15. IC 36-10-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

(1) **subject to subsection (d),** enter into contracts and leases for facilities and services;

(2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;

(3) contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;

(4) **subject to subsection (d),** acquire and dispose of real and

1 personal property, either within or outside Indiana;

2 (5) **subject to subsection (d)**, exercise the power of eminent  
3 domain under statutes available to municipalities;

4 (6) sell, lease, or enter into a royalty contract for the natural or  
5 mineral resources of land that it owns, the money received to be  
6 deposited in a nonreverting capital fund of the board;

7 (7) engage in self-supporting activities as prescribed by section 22  
8 of this chapter;

9 (8) contract for special and temporary services and for  
10 professional assistance;

11 (9) delegate authority to perform ministerial acts in all cases  
12 except where final action of the board is necessary;

13 (10) prepare, publish, and distribute reports and other materials  
14 relating to activities authorized by this chapter;

15 (11) sue and be sued collectively by its legal name, as the  
16 "\_\_\_\_\_ (unit's name) Park and Recreation Board", with  
17 service of process being had upon the president of the board, but  
18 costs may not be taxed against the board or its members in any  
19 action;

20 (12) invoke any legal, equitable, or special remedy for the  
21 enforcement of this chapter, a park or recreation ordinance, or the  
22 board's own action taken under either; and

23 (13) release and transfer, by resolution, a part of the area over  
24 which it has jurisdiction for park and recreational purposes to  
25 park authorities of another unit for park and recreational purposes  
26 upon petition of the park or recreation board of the acquiring unit.

27 (b) The board may also lease any buildings or grounds belonging to  
28 the unit and located within a park to a person for a period not to exceed  
29 fifty (50) years. The lease may authorize the lessee to provide upon the  
30 premises educational, research, veterinary, or other proper facilities for  
31 the exhibition of wild or domestic animals in wildlife parks, dining  
32 facilities, swimming facilities, golf courses, skating facilities, dancing  
33 facilities, amusement rides generally found in amusement parks, or  
34 other recreational facilities. A lease may be made for more than one (1)  
35 year only to the highest and best bidder, after notice that the lease will  
36 be made has been given by publication in accordance with IC 5-3-1.

37 (c) Notwithstanding subsection (b), the board may lease buildings  
38 or grounds belonging to the unit for a period of more than one (1) year  
39 without soliciting the highest and best bidder or providing notice under  
40 IC 5-3-1 if:

(1) the buildings or grounds are leased to an Indiana nonprofit corporation;

(2) the buildings or grounds are operated as a public golf course; and

(3) the golf course remains subject to rules and regulations promulgated by the board.

**(d) This subsection applies after June 30, 2026. Except as otherwise provided by this subsection, before the board may:**

**(1) exercise the power of eminent domain under subsection (a)(5);**

**(2) enter into a contract under subsection (a)(1) with a total cost exceeding the lesser of:**

**(A) five hundred thousand dollars (\$500,000); or**

**(B) ten percent (10%) of the department's annual budget;**

**(3) acquire real or personal property under subsection (a)(4) with a total cost exceeding the lesser of:**

**(A) five hundred thousand dollars (\$500,000); or**

**(B) ten percent (10%) of the department's annual budget;**

**or**

**(4) approve capital improvements to park facilities or property with a total cost exceeding the lesser of:**

**(A) five hundred thousand dollars (\$500,000); or**

**(B) ten percent (10%) of the department's annual budget;**

**the board must obtain approval by the executive of each applicable unit that established the department under this chapter. The board shall provide the applicable unit executive a description of the cost of the service, property, or capital improvement described in subdivisions (1) through (4) and a description of the manner in which the cost will be paid by the board or department."**

Delete page 15.

Page 16, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to HB 1161 as introduced.)