

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.

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.

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

24 Delete page 2.

25 Page 3, delete lines 1 through 15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (1) **a county containing a consolidated city; or**

12 (2) **employees:**

13 (A) **of a probation department;**

14 (B) **of a court;**

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

17 (D) **of a prosecutor's office;**

18 (E) **of a public defender's office;**

19 (F) **of a community corrections program;**

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

22 (H) **of the state.**

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

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

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

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

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

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

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

16 (b) The city executive shall appoint:
17 (1) a city controller;
18 (2) a city civil engineer;
19 (3) a corporation counsel;
20 (4) a chief of the fire department;
21 (5) a chief of the police department; and
22 (6) other officers, employees, boards, and commissions required
23 by statute.

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

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

36 (e) If the executive:
37 (1) increases the number of members of a board of public works
38 and safety, a board of public works, or a board of public safety
39 from three (3) to five (5) members; or
40 (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; 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.

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

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

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

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

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

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

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

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

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

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

- 40 (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.

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.

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

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

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

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

14 (d) A board member:

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

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

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

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

26 Delete pages 9 through 12.

27 Page 13, delete line 1.

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

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

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

34 **(2) contract with persons for joint use of facilities for the**
35 **operation of park and recreation programs and related services;**
36 **(3) contract with another board, a unit, or a school corporation for**
37 **the use of park and recreation facilities or services, and a**
38 **township or school corporation may contract with the board for**
39 **the use of park and recreation facilities or services;**

40 **(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.)