



Adopted

Rejected

COMMITTEE REPORT

YES: 11
NO: 0

MR. SPEAKER:

Your Committee on Local Government, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 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

(2) involved in or promoting conventions, visitors, or tourism.

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

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

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

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

(f) Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary

1 expenses incurred in the performance of their respective duties.

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

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

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

29 Delete page 2.

30 Page 3, delete lines 1 through 15.

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

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

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

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

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

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

- 1 (4) Two (2) members for four (4) years.
 2 (c) Each subsequent term is for four (4) years.
 3 (d) The term of each member begins February 1 in the year of
 4 appointment at the expiration of the member's predecessor's term and
 5 continues four (4) years and until a successor is appointed and
 6 qualified. However, an interim member chosen to fill a vacancy begins
 7 tenure at the time specified in the member's certificate of appointment
 8 and serves the unexpired term of the member the interim member
 9 succeeds. **The member serves at the pleasure of the member's**
 10 **appointing authority."**

11 Page 8, between lines 11 and 12, begin a new paragraph and insert:
 12 "SECTION 8. IC 36-1-8.5-2, AS AMENDED BY P.L.238-2025,
 13 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 2. As used in this chapter, "covered person"
 15 means any of the following:

- 16 (1) A judge.
 17 (2) A law enforcement officer.
 18 (3) An address confidentiality program participant.
 19 (4) A public official.
 20 (5) The surviving spouse of a person described in subdivision (2),
 21 if the person was killed in the line of duty.
 22 (6) An employee of the department of child services.
 23 (7) A current or former probation officer.
 24 (8) A current or former community corrections officer.
 25 (9) A regular, paid firefighter or a volunteer firefighter (as defined
 26 in IC 36-8-12-2).
 27 (10) A correctional services provider.
 28 **(11) A public defender.**
 29 ~~(11)~~ **(12)** Any person who resides in the same household as a
 30 person described in this section.

31 SECTION 9. IC 36-1-8.5-4.4 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2026]: **Sec. 4.4. As used in this chapter,**
 34 **"public defender" means an individual who is any of the following:**
 35 **(1) An individual employed full time by a county as a public**
 36 **defender.**
 37 **(2) An individual who maintains a full-time equivalent**
 38 **caseload, as certified by the Indiana commission on court**

1 appointed attorneys under IC 21-13-12-16, as a contractual or
2 hourly public defender.

3 (3) The state public defender.

4 (4) A deputy of the state public defender.

5 (5) A chief public defender."

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

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

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

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

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

13 (1) a county containing a consolidated city; or

14 (2) employees:

15 (A) of a probation department;

16 (B) of a court;

17 (C) of a judicial officer (as defined in IC 35-31.5-2-177.7)

18 or other circuit officers;

19 (D) of a prosecutor's office;

20 (E) of a public defender's office;

21 (F) of a community corrections program;

22 (G) governed by a merit board established under

23 IC 36-8-3.5 or IC 36-8-10-3; or

24 (H) of the state.

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

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

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

36 **Sec. 4. An elected county officer or their designee retains**
37 **responsibility for and authority over final disciplinary decisions for**
38 **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

1 each board.

2 (e) If the executive:

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

6 (2) decreases the number of members of a board of public works
7 and safety, a board of public works, or a board of public safety
8 from five (5) to three (3) members;

9 the city shall publish notice under IC 5-3-1 of the increase or decrease
10 in members and state the total number of members appointed to the
11 board.

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

16 (b) The city executive shall appoint:

17 (1) a city civil engineer;

18 (2) a city attorney;

19 (3) a chief of the fire department;

20 (4) a chief of the police department; and

21 (5) other officers, employees, boards, and commissions required
22 by statute.

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

26 (1) the city executive; and

27 (2) two (2) or four (4) persons appointed by the executive.

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

38 (d) If the city legislative body adopts an ordinance under IC 36-4-12

to employ a city manager, the executive may appoint the city manager to a position on the board of public works and safety in place of the executive.

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

(1) serve as the chief administrative officer of; and

(2) oversee the operations of;

the police department and fire department. The city executive shall 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.

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

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

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

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

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

10 (1) Three (3) for a term of one (1) year, one (1) appointed by the
11 county legislative body and two (2) by the city executive.

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

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

16 (e) AREA. If there is one (1) citizen member on the area plan
17 commission, the member's initial term of office is one (1) year. If there
18 are two (2) citizen members, one (1) shall be appointed for a term of
19 one (1) year and one (1) for a term of two (2) years. If there are three
20 (3) or more citizen members, one (1) shall be appointed for a term of
21 one (1) year, one (1) for a term of two (2) years, one (1) for a term of
22 three (3) years, and any remainder for a term of four (4) years. Each
23 member's term expires on the first Monday of January of the first,
24 second, third, or fourth year, respectively, after the year of the
25 member's appointment.

26 (f) ADVISORY–AREA. **A member serves on the plan**
27 **commission at the pleasure of the member's appointing authority.**
28 **The appointing authority may remove a member from the plan**
29 **commission for cause. The appointing authority must mail notice of the**
30 **removal, along with written reasons for the removal, to the member at**
31 **the member's residence address. A member who is removed may,**
32 **within thirty (30) days after receiving notice of the removal, appeal the**
33 **removal to the circuit or superior court of the county. The court may,**
34 **pending the outcome of the appeal, order the removal or stay the**
35 **removal of the member.**

36 (g) METRO. The appointing authority may remove a citizen
37 member from the metropolitan development commission. The
38 appointing authority must mail notice of the removal, along with

1 written reasons, if any, for the removal, to the member at the member's
 2 residence address. A member who is removed may not appeal the
 3 removal to a court or otherwise.

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

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

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

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

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

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

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

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

38 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

- 1 the authority inures to the benefit of a member."
- 2 Delete pages 9 through 12.
- 3 Page 13, delete line 1.
- 4 Page 14, delete lines 22 through 42, begin a new paragraph and
- 5 insert:
- 6 "SECTION 15. IC 36-10-3-11 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:
- 8 (1) **subject to subsection (d)**, enter into contracts and leases for
- 9 facilities and services;
- 10 (2) contract with persons for joint use of facilities for the
- 11 operation of park and recreation programs and related services;
- 12 (3) contract with another board, a unit, or a school corporation for
- 13 the use of park and recreation facilities or services, and a
- 14 township or school corporation may contract with the board for
- 15 the use of park and recreation facilities or services;
- 16 (4) **subject to subsection (d)**, acquire and dispose of real and
- 17 personal property, either within or outside Indiana;
- 18 (5) **subject to subsection (d)**, exercise the power of eminent
- 19 domain under statutes available to municipalities;
- 20 (6) sell, lease, or enter into a royalty contract for the natural or
- 21 mineral resources of land that it owns, the money received to be
- 22 deposited in a nonreverting capital fund of the board;
- 23 (7) engage in self-supporting activities as prescribed by section 22
- 24 of this chapter;
- 25 (8) contract for special and temporary services and for
- 26 professional assistance;
- 27 (9) delegate authority to perform ministerial acts in all cases
- 28 except where final action of the board is necessary;
- 29 (10) prepare, publish, and distribute reports and other materials
- 30 relating to activities authorized by this chapter;
- 31 (11) sue and be sued collectively by its legal name, as the
- 32 "_____ (unit's name) Park and Recreation Board", with
- 33 service of process being had upon the president of the board, but
- 34 costs may not be taxed against the board or its members in any
- 35 action;
- 36 (12) invoke any legal, equitable, or special remedy for the
- 37 enforcement of this chapter, a park or recreation ordinance, or the
- 38 board's own action taken under either; and

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

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

(c) Notwithstanding subsection (b), the board may lease buildings or grounds belonging to the unit for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under 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**

- 1 **property with a total cost exceeding the lesser of:**
- 2 **(A) five hundred thousand dollars (\$500,000); or**
- 3 **(B) ten percent (10%) of the department's annual budget;**
- 4 **the board must obtain approval by the executive of each applicable**
- 5 **unit that established the department under this chapter. The board**
- 6 **shall provide the applicable unit executive a description of the cost**
- 7 **of the service, property, or capital improvement described in**
- 8 **subdivisions (1) through (4) and a description of the manner in**
- 9 **which the cost will be paid by the board or department.".**
- 10 Delete page 15.
- 11 Page 16, delete lines 1 through 23.
- 12 Renumber all SECTIONS consecutively.
- (Reference is to HB 1161 as introduced.)

and when so amended that said bill do pass.

Representative May