



January 13, 2026

HOUSE BILL No. 1161

DIGEST OF HB 1161 (Updated January 13, 2026 11:09 am - DI 116)

Citations Affected: IC 6-9; IC 7.1-2; IC 11-12; IC 16-20; IC 16-23; IC 33-40; IC 36-1; IC 36-2; IC 36-4; IC 36-7; IC 36-9; IC 36-10.

Synopsis: Local government matters. Provides that members appointed to: (1) local alcohol boards; (2) drainage boards; (3) capital improvement boards; (4) plan commissions; (5) a board of zoning appeals; (6) county building authorities; (7) county public defender boards; (8) community corrections advisory boards; (9) a commission to promote the development and growth of the convention, visitor, and tourism industry; (10) a governing board for city hospitals located in a third class city; (11) an economic development commission; (12) a redevelopment authority; (13) local boards of health; by a county executive of a county that does not contain a consolidated city, serve at the pleasure of the members appointing authority. Provides that the county executive, excluding a county containing a consolidated city, may establish the salary of a county administrator subject to: (1) salary parameters established; or (2) approval; by the county fiscal body. Provides that each county executive, excluding a county containing a consolidated city and certain employees, shall adopt and maintain a written personnel policy, employee handbook, or equivalent document establishing minimum standards for county employee conduct, performance, and workplace expectations. Provides that a member of a county or municipal park and recreation board serves at the pleasure of the member's appointing authority. Provides that a member of a city's

(Continued next page)

Effective: July 1, 2026.

Lawson, Zimmerman, Meltzer, Moed

January 5, 2026, read first time and referred to Committee on Local Government.
January 13, 2026, amended, reported — Do Pass.

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Digest Continued

board of park commissioners serves at the pleasure of the city executive. Provides that members of an area park board 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 each applicable unit that established the department of parks and recreation. Adds public defenders to the list of officials whose home addresses may be restricted from public property data base websites.

HB 1161—LS 6751/DI 116



January 13, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1161

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

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

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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.

41 (h) The commission shall meet after January 1 each year for the
42 purpose of organization. It shall elect one (1) of its members president,



1 another vice president, another secretary, and another treasurer. The
2 members elected to those offices shall perform the duties pertaining to
3 the offices. The first officers chosen shall serve from the date of their
4 election until their successors are elected and qualified. A majority of
5 the commission constitutes a quorum, and the concurrence of a
6 majority of the commission is necessary to authorize any action.

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

22 SECTION 3. IC 11-12-2-2, AS AMENDED BY P.L.86-2017,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 2. (a) To qualify for financial aid under this
25 chapter, a county must establish a community corrections advisory
26 board by resolution of the county executive or, in a county having a
27 consolidated city, by the city-county council. A community corrections
28 advisory board consists of:

- 29 (1) the county sheriff or the sheriff's designee;
- 30 (2) the prosecuting attorney or the prosecuting attorney's
31 designee;
- 32 (3) the executive of the most populous municipality in the county
33 or the executive's designee;
- 34 (4) two (2) judges having criminal jurisdiction, if available,
35 appointed by the circuit court judge or the judges' designees;
- 36 (5) one (1) judge having juvenile jurisdiction, appointed by the
37 circuit court judge;
- 38 (6) one (1) public defender or the public defender's designee, if
39 available, or one (1) attorney with a substantial criminal defense
40 practice appointed by the county executive or, in a county having
41 a consolidated city, by the city-county council;
- 42 (7) one (1) victim, or victim advocate if available, appointed by



the county executive or, in a county having a consolidated city, by the city-county council;

(8) one (1) ex-offender, if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(9) the director of the local office of the department of child services or the director's designee;

(10) a representative from a juvenile correctional facility or juvenile detention center in the county, but if no facility exists, one (1) mental health representative chosen by the judge described in subdivision (5);

(11) a representative from the Juvenile Detention Alternatives Initiative, but if no program exists, a representative from the court appointed special advocate program in the county or guardian ad litem program in the county; and

(12) the following members appointed by the county executive or, in a county having a consolidated city, by the city-county council:

- (A) One (1) member of the county fiscal body or the member's designee.
- (B) One (1) probation officer.
- (C) One (1) juvenile probation officer.
- (D) One (1) educational administrator.
- (E) One (1) representative of a private correctional agency, if such an agency exists in the county.
- (F) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.
- (G) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Designees of officials designated under subsection (a)(1) through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the designating official.

(c) Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. **In addition, members appointed by the county executive of a county that does not contain a consolidated city under this section serve at the pleasure of the county executive.** The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court



1 judge may fill the position of the judge having juvenile court
2 jurisdiction by self appointment if the circuit court judge is otherwise
3 qualified. A vacancy occurring before the expiration of the term of
4 office shall be filled in the same manner as original appointments for
5 the unexpired term. Members may be reappointed.

6 (d) Two (2) or more counties, by resolution of their county
7 executives or, in a county having a consolidated city, by the city-county
8 council, may combine to apply for financial aid under this chapter. If
9 counties so combine, the counties may establish one (1) community
10 corrections advisory board to serve these counties. This board must
11 contain the representation prescribed in subsection (a), but the
12 members may come from the participating counties as determined by
13 agreement of the county executives or, in a county having a
14 consolidated city, by the city-county council.

15 (e) The members of the community corrections advisory board shall,
16 within thirty (30) days after the last initial appointment is made, meet
17 and elect one (1) member as chairman and another as vice chairman
18 and appoint a secretary-treasurer who need not be a member. A
19 majority of the members of a community corrections advisory board
20 may provide for a number of members that is:

21 (1) less than a majority of the members; and
22 (2) at least six (6);

23 to constitute a quorum for purposes of transacting business. The
24 affirmative votes of at least five (5) members, but not less than a
25 majority of the members present, are required for the board to take
26 action. A vacancy in the membership does not impair the right of a
27 quorum to transact business.

28 (f) The county executive and county fiscal body shall provide
29 necessary assistance and appropriations to the community corrections
30 advisory board established for that county. Appropriations required
31 under this subsection are limited to amounts received from the
32 following sources:

33 (1) Department grants.
34 (2) User fees.
35 (3) Other funds as contained within an approved plan.

36 Additional funds may be appropriated as determined by the county
37 executive and county fiscal body.

38 SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) A member of a**
40 **local board of health appointed by a county executive of a county**
41 **that does not contain a consolidated city serves at the pleasure of**
42 **the county executive.**



(b) In addition, any A member of a local board of health may be removed by the board member's appointing authority if the board member does any of the following:

- (1) Is absent from three (3) consecutive regular board meetings.
- (2) Is absent from four (4) regular board meetings during a calendar year.

(3) Fails to perform the statutory duties of the office.

SECTION 5. 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.**

SECTION 6. IC 33-40-7-3, AS AMENDED BY P.L.111-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A county executive may adopt an ordinance establishing a county public defender board consisting of three (3) members. The county executive shall appoint one (1) member. The judges who exercise felony or juvenile jurisdiction in the county shall appoint by majority vote one (1) member. The Indiana commission on court appointed attorneys shall appoint one (1) member who must be a resident of the county or region managing the public defender's office.

(b) The members must be persons who have demonstrated an interest in high quality legal representation for indigent persons. However, a member may not be:

(1) a city, town, or county attorney;

(2) a law enforcement officer;

(3) a judge;

(4) a court employee;

(5) an attorney who provides representation to indigent persons in



1 the county or region managed by the public defender board;
2 (6) an employee of the department of child services; or
3 (7) an employee of any individuals described in subdivisions (1)
4 through (6).

5 (c) Each member of the board serves a three (3) year term beginning
6 with the date of the member's appointment. A member appointed to fill
7 a vacancy holds office for the remainder of the previous member's
8 term. **Each member appointed by a county executive serves at the**
9 **pleasure of the county executive.** If a successor has not been
10 appointed by the end of a member's three (3) year term, the member
11 continues in office until the member's successor takes office. In the
12 case of a county public defender board established before July 1, 2019,
13 the appointment by the Indiana commission on court appointed
14 attorneys shall begin upon the first expiration of a current term of a
15 member appointed by the judges who exercise felony or juvenile
16 jurisdiction in the county.

17 (d) The members shall, by a majority vote, elect one (1) member to
18 serve as chairperson.

21 (1) chairperson; or
22 (2) other two (2) members.

23 (f) A county executive may terminate the board by giving at least
24 ninety (90) days written notice to the judges described in subsection
25 (a).

26 SECTION 7. IC 33-40-7-3.5, AS AMENDED BY P.L.111-2024,
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 3.5. (a) A county executive may adopt an
29 ordinance allowing the county to enter into an interlocal agreement (as
30 described in IC 36-1-7-3) with one (1) or more counties for the purpose
31 of:

32 (1) creating a multicounty public defender's office; and
33 (2) providing legal defense services to indigent persons located in
34 the counties served by the multicounty public defender's office.

35 (b) An agreement described in subsection (a) shall:

36 (1) require any created multicounty public defender's office to be
37 administered by a joint board (as described in
38 JC 36-1-7-3(a)(5)(B)); and



- (1) a city, town, or county attorney;
- (2) a law enforcement officer;
- (3) a judge;
- (4) a court employee;
- (5) an employee of the department of child services;
- (6) an attorney who provides representation to indigent persons in one (1) or more of the counties served by the multicounty public defender's office being administered by the joint board; or
- (7) an employee of any individuals described in subdivisions (1) through (6).

21 (f) A member appointed to the joint board for the purpose of filling
22 a vacancy shall serve a term limited to the duration of the previous
23 member's term.

27 (1) has been appointed; and
28 (2) is able to begin the member's term.

33 (1) the chairperson; or
34 (2) two (2) serving members of the joint board.

35 SECTION 8. IC 36-1-8.5-2, AS AMENDED BY P.L.238-2025,
36 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 2. As used in this chapter, "covered person"
38 means any of the following:

- (1) A judge.
- (2) A law enforcement officer.
- (3) An address confidentiality program participant.
- (4) A public official.



- (5) The surviving spouse of a person described in subdivision (2), if the person was killed in the line of duty.
- (6) An employee of the department of child services.
- (7) A current or former probation officer.
- (8) A current or former community corrections officer.
- (9) A regular, paid firefighter or a volunteer firefighter (as defined in IC 36-8-12-2).
- (10) A correctional services provider.

10 (11) (12) Any person who resides in the same household as a
11 person described in this section.

12 SECTION 9. IC 36-1-8.5-4.4 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: **Sec. 4.4. As used in this chapter,**
15 **"public defender"** means an individual who is any of the following:

- (1) An individual employed full time by a county as a public defender.
- (2) An individual who maintains a full-time equivalent caseload, as certified by the Indiana commission on court appointed attorneys under IC 21-13-12-16, as a contractual or hourly public defender.
- (3) The state public defender.
- (4) A deputy of the state public defender.
- (5) A chief public defender.

21 (c) A chief public defender.

22

23 SECTION 10. IC 36-2-2-14, AS AMENDED BY P.L.127-2017,

24 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

25 JULY 1, 2026]: Sec. 14. (a) The executive may appoint a county

26 administrator to be the administrative head of the county under the

27 supervision of the executive and to hold office at the pleasure of the

28 executive. The executive may assign any office, position, or duties

29 under its control to the administrator, and may by resolution withdraw

30 any of the powers and duties assigned.

31

32

33 (b) Under the supervision of the executive and with its express
34 authorization by resolution, the administrator may:

35 (1) assist in the administration and enforcement of policies and
36 resolutions of the executive;
37 (2) supervise activities of county government subject to the
38 control of the executive;
39 (3) attend meetings of the executive;
40 (4) recommend measures for adoption to the executive;
41 (5) prepare and submit reports that the administrator considers
42 advisable or that the executive requires;



(6) keep the executive fully advised on the financial condition of the county;

(7) prepare and submit a budget for each fiscal year; and

(8) perform other duties that the executive requests by resolution.

(c) If the administrator is absent from the administrator's office due to illness, death, vacation, resignation, or removal, the president of the executive, if any, or a qualified person appointed by the executive shall act as administrator until the administrator returns to the administrator's duties or the executive appoints a new administrator.

(d) The county executive may establish the salary of the county administrator subject to salary parameters established by the county fiscal body.

SECTION 11. 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



1 employees under the officer's supervision, unless otherwise
 2 permitted or required by state law.

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

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

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

21 (b) The city executive shall appoint:

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

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

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

41 (e) If the executive:

- 42 (1) increases 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 three (3) to five (5) members; or
3 (2) decreases 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 five (5) to three (3) members;
6 the city shall publish notice under IC 5-3-1 of the increase or decrease
7 in members and state the total number of members appointed to the
8 board.

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

13 (b) The city executive shall appoint:
14 (1) a city civil engineer;
15 (2) a city attorney;
16 (3) a chief of the fire department;
17 (4) a chief of the police department; and
18 (5) other officers, employees, boards, and commissions required
19 by statute.
20 (c) The board of public works and safety consists of three (3) or five
21 (5) members (as determined by the city executive). The members of the
22 board of public works and safety are:
23 (1) the city executive; and
24 (2) two (2) or four (4) persons appointed by the executive.

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

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

39 (e) The city executive may appoint a public safety director to:
40 (1) serve as the chief administrative officer of; and
41 (2) oversee the operations of;
42 the police department and fire department. The city executive shall



1 determine the qualifications of the public safety director.

2 SECTION 14. IC 36-7-4-218, AS AMENDED BY P.L.127-2017,
3 SECTION 171, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 218. (a) When an initial term of
5 office of a citizen member expires, each new appointment of a citizen
6 member is:

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

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

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

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

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

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

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

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

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

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



31 SECTION 15. IC 36-7-4-906, AS AMENDED BY P.L.127-2017,
32 SECTION 175, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2026]: Sec. 906. (a) ADVISORY-AREA.
34 When an initial term of office expires, each new appointment is for a
35 term of four (4) years.

39 (1) One (1) for a term of one (1) year.
40 (2) One (1) for a term of two (2) years.
41 (3) One (1) for a term of three (3) years
42 (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 16. 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



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board is
2 composed of three (3) members, who must be residents of the unit
3 appointed by the executive of the unit.

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

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

9 (d) A board member:

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

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

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

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

21 SECTION 18. IC 36-9-13-18, AS AMENDED BY P.L.127-2017,
22 SECTION 309, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee appointed by a
24 county executive of a county that does not contain a consolidated
25 city serves at the pleasure of the county executive.**

26 **(a) (b) This subsection does not apply to a trustee appointed by
27 a county executive of a county that does not contain a consolidated
28 city.** A person seeking the removal of a trustee for:

29 (1) neglect of duty;
30 (2) incompetence;
31 (3) inability to perform the trustee's duties; or
32 (4) any other good cause;

33 may file a complaint in the circuit or superior court for the county in
34 which the building authority is located. The complaint must set forth
35 the charges preferred. The action shall be placed on the court's
36 advanced calendar, and the court shall try the action in the same
37 manner as other civil cases, without a jury. If the charges are sustained,
38 the court shall declare the trustee's office vacant.

39 **(b) (c) The trustees may summarily remove a director from office at
40 any time.**

41 SECTION 19. IC 36-9-27-5, AS AMENDED BY P.L.278-2019,
42 SECTION 194, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except in a county having a
 2 consolidated city or as provided in subsection (d), the drainage board
 3 consists of either:

4 (1) the county executive; or
 5 (2) three (3) or five (5) persons, at least one (1) of whom must be
 6 a member of the executive, appointed by the executive;
 7 at the option of the executive. Appointees under subdivision (2) must
 8 be resident freeholders of the county who are knowledgeable in
 9 drainage matters. Freeholders appointed to the board serve for terms of
 10 three (3) years, with their initial appointments made so as to provide for
 11 staggering of terms on an annual basis. In addition, the county surveyor
 12 serves on the board as an ex officio, nonvoting member. **If a member**
 13 **is appointed by a county executive of a county that does not contain**
 14 **a consolidated city under subdivision (2) who is not a member of**
 15 **the executive, the member serves at the pleasure of the county**
 16 **executive.**

17 (b) In a county having a consolidated city, the board of public works
 18 of the consolidated city comprises the drainage board, subject to
 19 IC 36-3-4-23.

20 (c) In a county having a consolidated city, the department of public
 21 works of the consolidated city has all the powers, duties, and
 22 responsibilities of the county surveyor under this chapter, subject to
 23 IC 36-3-4-23.

24 SECTION 20. IC 36-10-3-6, AS AMENDED BY P.L.127-2017,
 25 SECTION 377, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2026]: Sec. 6. A member ~~may be removed only~~
 27 for cause, upon specific written charges filed against the member. The
 28 charges shall be filed with and heard by the appointing authority,
 29 unless the appointing authority is bringing the charges. If the
 30 appointing authority is bringing the charges, the unit's fiscal body shall
 31 appoint a hearing officer. The person to hear the charges shall fix a date
 32 for a public hearing and give public notice at least ten (10) days in
 33 advance of the hearing. At the hearing the member is entitled to present
 34 evidence and argument and to be represented by counsel. **appointed to**
 35 **a board under this chapter serves at the pleasure of the member's**
 36 **appointing authority. If a member is removed by the member's**
 37 **appointing authority, the appointing authority shall fill the vacancy**
 38 **by appointing a new member to serve at the pleasure of the**
 39 **appointing authority for the remainder of the removed member's**
 40 **term.**

41 SECTION 21. IC 36-10-3-11 IS AMENDED TO READ AS
 42 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 personal property, either within or outside Indiana;

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

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

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

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

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

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

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

(12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the 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



1 other recreational facilities. A lease may be made for more than one (1)
 2 year only to the highest and best bidder, after notice that the lease will
 3 be made has been given by publication in accordance with IC 5-3-1.

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

8 (1) the buildings or grounds are leased to an Indiana nonprofit
 9 corporation;
 10 (2) the buildings or grounds are operated as a public golf course;
 11 and
 12 (3) the golf course remains subject to rules and regulations
 13 promulgated by the board.

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

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

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

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

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

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

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

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

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

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

30 (B) **ten percent (10%) of the department's annual budget;**
 31 **the board must obtain approval by the executive of each applicable
 32 unit that established the department under this chapter. The board
 33 shall provide the applicable unit executive a description of the cost
 34 of the service, property, or capital improvement described in
 35 subdivisions (1) through (4) and a description of the manner in
 36 which the cost will be paid by the board or department.**

37 SECTION 22. IC 36-10-4-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
 39 each year, the executive shall appoint a commissioner to fill the
 40 vacancy caused by the expiration of a term. Each commissioner
 41 appointed holds office for a term of four (4) years, beginning with
 42 January 1 in the year of appointment. If a vacancy occurs on the board,



1 the executive shall appoint a commissioner for the remainder of the
 2 term.

3 (b) A commissioner ~~may not be removed from office except upon~~
 4 ~~charges preferred in writing before the executive, with a hearing held~~
 5 ~~on them. If the executive is bringing the charges, the fiscal body shall~~
 6 ~~appoint a hearing officer. The only permissible reasons for removal are~~
 7 ~~as follows: serves at the pleasure of the executive. If a commissioner~~
 8 ~~is removed by the executive, the commissioner appointed to replace~~
 9 ~~the removed commissioner serves at the pleasure of the executive~~
 10 ~~for the remainder of the removed commissioner's term.~~

11 (1) ~~Inefficiency.~~
 12 (2) ~~Neglect of duty.~~
 13 (3) ~~Malfeasance in office.~~

14 SECTION 23. IC 36-10-5-2, AS AMENDED BY P.L.277-2019,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 2. (a) This section applies to:

17 (1) third class cities and towns, unless otherwise provided by law;
 18 and
 19 (2) each second class city that:
 20 (A) adopted second class city status by ordinance under
 21 IC 36-4-1-1.1, as a result of the 2010 federal decennial census;
 22 and
 23 (B) has adopted all or part of this section by ordinance or
 24 resolution.

25 (b) As used in this section, "park authority" means:
 26 (1) the municipal legislative body; or
 27 (2) any of the following designated by the legislative body as the
 28 park authority:
 29 (A) The governing body of the school corporation.
 30 (B) A recreation board.
 31 (C) The municipal works board.
 32 (D) Any other appropriate board or commission.

33 (c) If a recreation board is established under subsection (b)(2)(B),
 34 it must consist of five (5) resident freeholders appointed by the city
 35 executive or the town legislative body. At least one (1) member must
 36 be a member of the governing body of the school corporation and no
 37 members may serve on the municipal legislative body. All members
 38 must be qualified by an interest in and knowledge of the social and
 39 educational value of recreation. The members serve without
 40 compensation. The members shall be appointed for four (4) year terms
 41 from January 1 of the year of their appointment or until their successors
 42 are appointed. The initial terms of board members, however, are as



1 follows:

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

6 **A member serves at the pleasure of the member's appointing**
7 **authority.** A vacancy shall be filled by the appointing authority for the
8 remainder of the unexpired term.

9 (d) The park authority shall manage all public parks, including
10 approaches, that belong to the municipality.

11 (e) If a municipality decides, by ordinance, to establish, lay out, or
12 improve a public park or grounds, or to make an extension of a park or
13 grounds, it may locate the park or grounds, including appurtenances,
14 and it may lay out and open the public ways necessary for the
15 improvement. If it is necessary to acquire land, water rights, or
16 easements, or a pool, lake, or natural stream of water, the park authority
17 may condemn that property and take possession of it if it is located
18 within the corporate boundaries of the municipality. Before the park
19 authority condemns the property, it shall assess the damages to the
20 owners of the property at a meeting of the authority. Additional
21 condemnation proceedings are the same as those provided for the
22 taking of property to open streets.

23 (f) The park authority may adopt rules concerning the laying out,
24 improvement, preservation, ornamentation, and management of parks.
25 The park authority shall allow monuments or buildings for libraries,
26 works of art, or historical collections to be erected in a park, as long as
27 they are under the control of the persons in charge of the park and no
28 inclosure separates them from the rest of the park.

29 (g) The legislative body of the municipality may also levy a tax on
30 all taxable property in the municipality to pay for park property and for
31 its improvement. The legislative body may also borrow money and
32 issue the bonds of the municipality at any rate of interest payable
33 annually or semiannually and may sell them for at least par value. The
34 money derived from the sale of bonds may be used only for the
35 purchase or improvement of parks. The legislative body shall annually
36 levy a tax sufficient to pay the interest on the debt on all taxable
37 property in the municipality to create a sinking fund for the liquidation
38 of the principal of the debt.

39 (h) If the park authority of a city decides to lease any buildings or
40 grounds belonging to the city and located in a public park when they
41 are not required for public use, the proceeds shall be deposited with the
42 city fiscal officer to the credit of park funds and devoted to the



1 improvement of public parks.

2 (i) Any nonreverting fund that was created under IC 19-7-6 (before
3 its repeal on September 1, 1981) continues until abolished by ordinance
4 of the municipal legislative body. The legislative body may include in
5 the park authority's annual budget an item and an appropriation for the
6 specific purposes of a nonreverting capital fund. Money put in the fund
7 may not be withdrawn except for the purposes for which the fund was
8 created, unless the legislative body repeals the ordinance creating the
9 fund. The repeal may not be made under suspension of the rules.
10 Money procured from fees shall be deposited at least once each month
11 with the municipal fiscal officer. The fiscal officer shall deposit the
12 money either in a special nonreverting operating fund or in the
13 nonreverting capital fund as directed by the park authority. The
14 legislative body may provide by ordinance that expenditures may be
15 made from the special nonreverting operating fund without
16 appropriation. Money from fees procured from golf courses, swimming
17 pools, skating rinks, or other similar facilities requiring major
18 expenditures for management and maintenance may not be deposited
19 in this fund. Money from either fund shall be disbursed only on
20 approved claims that are allowed and signed in the same manner as
21 other claims of the municipality are allowed and signed.

22 SECTION 24. IC 36-10-5-5, AS AMENDED BY P.L.104-2022,
23 SECTION 220, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a
25 municipality that:

26 (1) has a population of more than twenty-five thousand (25,000);
27 and
28 (2) is located in a county having a population of more than three
29 hundred thousand (300,000) and less than three hundred fifty
30 thousand (350,000).

31 (b) A municipal board consists of four (4) members appointed by
32 the executive of the municipality. **Members serve at the pleasure of**
33 **the executive of the municipality.** A member shall be appointed on
34 the basis of the member's interest in and knowledge of parks and
35 recreation. The members may include the executive of the municipality
36 and one (1) or more members of the municipal fiscal body. The
37 ordinance creating a municipal board governed by this section may
38 provide for one (1) or two (2) ex officio members.

39 SECTION 25. IC 36-10-6-2, AS AMENDED BY P.L.127-2017,
40 SECTION 385, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all
42 counties.



25 (f) Within thirty (30) days after the establishment of the district, the
26 legislative body of each county joining shall appoint members to the
27 area park board. Each county may appoint one (1) member to the
28 board. In addition, each county may appoint an additional member for
29 each fifty thousand (50,000) residents or fraction thereof of that
30 county's population. Each member must be a resident of the county
31 from which the member is appointed, and at least one (1) member from
32 each county must be an elected official of that county. Members serve
33 for terms of four (4) years and may be reappointed. **A member serves**
34 **at the pleasure of the member's appointing authority.** Vacancies
35 shall be filled by the appointing authority for the unexpired term of the
36 vacating member.

37 (g) The board shall meet within thirty (30) days after the
38 appointment of all members. Notice of the meeting shall be given by
39 the auditor of the county that passed the first ordinance to establish the
40 district. At the meeting the board shall elect one (1) of its members
41 chair and one (1) secretary and shall adopt rules of order that it
42 considers necessary. The board shall then meet at times and places that



1 it determines. Members serve on the board without compensation.
2 However, all members except the elected official members are entitled
3 to receive a per diem and mileage for time spent in the performance of
4 their duties.

5 (h) Except as provided in subsection (i), the board has all of the
6 powers of a board under IC 36-10-3 except the power of eminent
7 domain.

8 (i) The board may levy a tax for the establishment, purchase,
9 maintenance, and control of the parks established and controlled by the
10 board, but the tax may not exceed one and sixty-seven hundredths cents
11 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of
12 property in the district. When the board determines the rate of the levy,
13 the board shall certify it to each county auditor. The levy shall then be
14 placed upon the tax duplicate of each county in the district, and the tax
15 shall be collected in the same manner as other taxes are collected. All
16 money received for the district shall be paid into the treasury of the
17 county with the greatest population. The money shall be deposited and
18 kept as other public funds are deposited and kept, and interest earned
19 on the money shall be credited to the area park fund. Money may be
20 paid out by the treasurer only upon the written order of the board.

21 (j) A county may withdraw from a district only upon a two-thirds
22 (2/3) vote of its legislative body. If a county decides to withdraw from
23 a district, the date of withdrawal must be effective on January 1 of a
24 year at least one (1) year after the date upon which the county voted to
25 withdraw.

26 SECTION 26. IC 36-10-8-4, AS AMENDED BY P.L.229-2011,
27 SECTION 267, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is composed of
29 seven (7) members.

30 (b) The county executive shall determine in the creating ordinance
31 which units within the county shall make appointments to the board. In
32 addition, the creating ordinance must provide that no more than four
33 (4) of the members be affiliated with the same political party. The
34 creating ordinance must also provide staggered terms for the
35 appointments.

36 (c) Notwithstanding subsection (b), if a board was created under
37 IC 18-7-18 (before its repeal on February 24, 1982), three (3) members
38 shall be appointed by the executive of the second class city and three
39 (3) members shall be appointed by the executive of the county. Those
40 members shall select the seventh member, who serves as president.
41 One (1) of the members appointed by the city executive must be
42 engaged in the hospitality industry in the city. No more than two (2) of



1 the members appointed by the city executive may be affiliated with the
2 same political party and no more than two (2) of the members
3 appointed by the county executive may be affiliated with the same
4 political party. In addition, each member must have been a resident of
5 the county for at least one (1) year immediately preceding the member's
6 appointment. Initial terms of the members are as follows:

7 (1) One (1) of the members appointed by each appointing
8 authority for a term ending January 15 of the year following the
9 appointment.

10 (2) Two (2) of the members appointed by each appointing
11 authority for a term ending January 15 of the second year
12 following the appointment.

13 (3) The seventh member serves for a term ending January 15 of
14 the second year following the appointment.

15 (d) Subsequent terms of members are for two (2) years. All terms
16 begin on January 15. A member serves until a successor is appointed
17 and qualified. A member may be reappointed after the member's term
18 has expired.

19 (e) If a vacancy occurs on the board, the appointing authority shall
20 appoint a new member. That member serves for the remainder of the
21 vacated term.

22 (f) A board member, **other than a board member appointed by**
23 **the county executive**, may be removed for cause by the appointing
24 authority who appointed the member. **A member appointed by the**
25 **county executive serves at the pleasure of the county executive.**

26 (g) Each member, before entering upon the member's duties, shall
27 take and subscribe an oath of office in the usual form. The oath shall
28 be endorsed upon the member's certificate of appointment. The
29 certificate shall be promptly filed with the records of the board.
30 However, if the board was created under IC 18-7-18 (before its repeal
31 on February 24, 1982), the certificate shall be filed with the clerk of the
32 circuit court of the county in which the board is created.

33 (h) A member may not receive a salary, but is entitled to
34 reimbursement for any expenses necessarily incurred in the
35 performance of the member's duties.



COMMITTEE REPORT

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:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 6-9-18-5, AS AMENDED BY P.L.175-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If a tax is levied under section 3 of this chapter, the county executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

(b) The county executive shall determine the number of members, which must be an odd number, to be appointed to the commission. A simple majority of the members must be:

- (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 expenses incurred in the performance of their respective duties.

(g) Each commission member, before entering the member's duties, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment and promptly filed with the clerk 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, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 8. IC 36-1-8.5-2, AS AMENDED BY P.L.238-2025, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter, "covered person" means any of the following:

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

SECTION 9. IC 36-1-8.5-4.4 IS ADDED TO THE INDIANA



CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.4. As used in this chapter, "public defender" means an individual who is any of the following:

- (1) An individual employed full time by a county as a public defender.
- (2) An individual who maintains a full-time equivalent caseload, as certified by the Indiana commission on court appointed attorneys under IC 21-13-12-16, as a contractual or hourly public defender.
- (3) The state public defender.
- (4) A deputy of the state public defender.
- (5) A chief public defender.".

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 and safety, a board of public works, or a board of public safety from five (5) to three (3) members;

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

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

(b) The city executive shall appoint:

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

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

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

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

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

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

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

(e) AREA. If there is one (1) citizen member on the area plan commission, the member's initial term of office is one (1) year. If there are two (2) citizen members, one (1) shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. If there are three (3) or more citizen members, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and any remainder 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.

(f) ADVISORY-AREA. A member serves on the plan commission at the pleasure of the member's appointing authority. The appointing authority may remove a member from the plan commission 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. The court may, pending the outcome of the appeal, order the removal or stay the removal of the member.

(g) METRO. The appointing authority may remove a citizen member from the metropolitan development commission. 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.

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

(b) ADVISORY-AREA. Upon the establishment of a division of the board of zoning appeals, the members shall initially be appointed as provided in the zoning ordinance 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.
- (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 personal property, either within or outside Indiana;

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

(6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be



deposited in a nonreverting capital fund of the board;

- (7) engage in self-supporting activities as prescribed by section 22 of this chapter;
- (8) contract for special and temporary services and for professional assistance;
- (9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;
- (10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;
- (11) sue and be sued collectively by its legal name, as the "_____ (unit's name) Park and Recreation Board", with service of process being had upon the president of the board, but costs may not be taxed against the board or its members in any action;
- (12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the 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 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.

and when so amended that said bill do pass.

(Reference is to HB 1161 as introduced.)

MAY

Committee Vote: yeas 11, nays 0.

