

PROPOSED AMENDMENT

HB 1161 # 6

DIGEST

COMMITTEE AMENDMENT HB 1161. Provides that individuals who are appointed to certain boards, committees, or other bodies serve at the pleasure of the appointing authority as long as: (1) the officeholder who appointed the individual continues to hold the office; or (2) the board, committee, or body that appointed the individual retains all of the same members who served when the individual was appointed. Amends the bill to provide that the county executive may set (instead of establish) the salary of the county administrator subject to salary parameters established by the county fiscal body.

1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 6-9-18-5, AS AMENDED BY P.L.175-2018,
3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 5. (a) If a tax is levied under section 3 of this
5 chapter, the county executive shall create a commission to promote the
6 development and growth of the convention, visitor, and tourism
7 industry in the county. If two (2) or more adjoining counties desire to
8 establish a joint commission, the counties shall enter into an agreement
9 under IC 36-1-7.
10 (b) The county executive shall determine the number of members,
11 which must be an odd number, to be appointed to the commission. A
12 simple majority of the members must be:
13 (1) engaged in a convention, visitor, or tourism business; or
14 (2) involved in or promoting conventions, visitors, or tourism.
15 A member appointed to the commission under subdivision (1) or (2)
16 need not be a resident of the county if the member is an owner or an
17 executive level employee of a convention, visitor, or tourism business
18 that is located within the county. However, the member must be a
19 resident of Indiana. If available and willing to serve, at least two (2) of
20 the members must be engaged in the business of renting or furnishing
21 rooms, lodging, or accommodations (as described in section 3 of this
22 chapter). Not more than one (1) member may be affiliated with the
23 same business entity. Except as otherwise provided in this subsection,
24 each member must reside in the county. The county executive shall

1 also determine who will make the appointments to the commission,
2 except that the executive of the largest municipality in the county shall
3 appoint a number of the members of the commission, which number
4 shall be in the same ratio to the total size of the commission (rounded
5 off to the nearest whole number) that the population of the largest
6 municipality bears to the total population of the county.

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

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

24 (e) **An individual who is appointed** a member of the commission
25 ~~may be removed for cause by serves at the pleasure of~~ the member's
26 appointing authority **as long as:**

27 (1) **the officeholder who appointed the individual continues to**
28 **hold the same office; or**

29 (2) **the board, committee, or body that appointed the**
30 **individual retains all of the same members who served on the**
31 **board, committee, or body when the individual was appointed.**

32 **If subdivision (1) or (2) does not apply, the individual may only be**
33 **removed for cause.**

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

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

9 SECTION 2. IC 7.1-2-4-21 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. ~~Removal from~~
11 ~~Office: (a) This subsection only applies to a local board in a county~~
12 ~~that does not contain a consolidated city. An individual who is an~~
13 ~~appointed member serves at the pleasure of the member's~~
14 ~~appointing authority as long as:~~

15 (1) the city or town executive who appointed the member still
16 holds the same office; or
17 (2) the county executive or fiscal body that appointed the
18 member retains all of the same members who served on the
19 body when the individual was appointed.

20 **If subdivision (1) or (2) does not apply, the individual may only be**
21 **removed for good cause.**

22 **(b) This subsection only applies to a local board in a county that**
23 **has a consolidated city.** An appointed member of a local board may
24 be removed from office only for good cause.

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

40 (1) the county sheriff or the sheriff's designee;

(2) the prosecuting attorney or the prosecuting attorney's designee;

(3) the executive of the most populous municipality in the county or the executive's designee;

(4) two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees;

(5) one (1) judge having juvenile jurisdiction, appointed by the circuit court judge;

(6) one (1) public defender or the public defender's designee, if available, or one (1) attorney with a substantial criminal defense practice appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(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) This subsection only applies to an advisory board appointed by the county executive in a county not having a consolidated city. An individual who is appointed a member of the advisory board serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed.

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

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

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

(1) less than a majority of the members; and

1 (2) at least six (6);

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

7 **(f) (g)** The county executive and county fiscal body shall provide
8 necessary assistance and appropriations to the community corrections
9 advisory board established for that county. Appropriations required
10 under this subsection are limited to amounts received from the
11 following sources:

12 (1) Department grants.

13 (2) User fees.

14 (3) Other funds as contained within an approved plan.

15 Additional funds may be appropriated as determined by the county
16 executive and county fiscal body.

17 SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) This subsection**
19 **applies to a member of a local board of health who is appointed by**
20 **the county executive. An individual who is appointed a member of**
21 **a local board of health serves at the pleasure of the county**
22 **executive as long as the county executive that appointed the**
23 **member retains all of the same members who served on the body**
24 **when the individual was appointed.**

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

28 (1) Is absent from three (3) consecutive regular board meetings.
29 (2) Is absent from four (4) regular board meetings during a
30 calendar year.
31 (3) Fails to perform the statutory duties of the office.

32 SECTION 5. 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.

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

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

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

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

25 (1) a city, town, or county attorney;
26 (2) a law enforcement officer;
27 (3) a judge;
28 (4) a court employee;
29 (5) an attorney who provides representation to indigent persons in
30 the county or region managed by the public defender board;
31 (6) an employee of the department of child services; or
32 (7) an employee of any individuals described in subdivisions (1)
33 through (6).

39 (c) (d) Each member of the board serves a three (3) year term
40 beginning with the date of the member's appointment. A member

1 appointed to fill a vacancy holds office for the remainder of the
2 previous member's term. If a successor has not been appointed by the
3 end of a member's three (3) year term, the member continues in office
4 until the member's successor takes office. In the case of a county public
5 defender board established before July 1, 2019, the appointment by the
6 Indiana commission on court appointed attorneys shall begin upon the
7 first expiration of a current term of a member appointed by the judges
8 who exercise felony or juvenile jurisdiction in the county.

9 ~~(d)~~ (e) The members shall, by a majority vote, elect one (1) member
10 to serve as chairperson.

11 ~~(e)~~ (f) Meetings shall be held at least quarterly and may be held at
12 other times during the year at the call of the:

13 (1) chairperson; or
14 (2) other two (2) members.

15 ~~(f)~~ (g) A county executive may terminate the board by giving at least
16 ninety (90) days written notice to the judges described in subsection
17 (a).

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

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

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

28 (1) require any created multicounty public defender's office to be
29 administered by a joint board (as described in
30 IC 36-1-7-3(a)(5)(B)); and
31 (2) delegate, to an auditor of one (1) of the constituent counties
32 comprising the multicounty public defender's office, the duty to
33 receive, disburse, and account for all monies distributed to the
34 multicounty public defender's office.

35 (c) Notwithstanding any guidelines and standards adopted by the
36 Indiana commission on court appointed attorneys under IC 33-40-5-4,
37 the members of a joint board shall be persons who have demonstrated
38 an interest in high quality legal representation for indigent persons.

39 (d) Notwithstanding any other law or provision, a member of the
40 joint board may not be:

- (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).

11 (e) Each member of the joint board shall serve a three (3) year term
12 that begins on the date of the member's appointment to the joint board.

18 (f) (g) A member appointed to the joint board for the purpose of
19 filling a vacancy shall serve a term limited to the duration of the
20 previous member's term.

21 **(g) (h)** If a successor has not been appointed before the end of a
22 member's three (3) year term, the current member of the joint board
23 shall continue the member's service until the member's successor:

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

26 (h) (i) The members shall, by a majority vote, elect one (1) member
27 to serve as a chairperson.

28 (f) (j) The joint board shall meet on a quarterly basis. The joint
29 board may convene additional meetings upon the request of:

30 (1) the chairperson; or
31 (2) two (2) serving members of the joint board.".

32 Delete pages 2 through 7.

33 Page 8, delete lines 1 through 34.

34 Page 10, line 10, delete "establish" and insert "set".

35 Page 11, delete lines 17 through 42, begin a new paragraph and
36 insert:

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

23 (e) If the executive:

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

27 (2) decreases the number of members of a board of public works
28 and safety, a board of public works, or a board of public safety
29 from five (5) to three (3) members;

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

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

37 (b) The city executive shall appoint:

38 (1) a city civil engineer;

39 (2) a city attorney;

40 (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.

An individual who is appointed a member of the board serves at the pleasure of the executive as long as the executive who appointed the member continues to hold the office of 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 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 14. 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).

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

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

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

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

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

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

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

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

28 (1) Three (3) for a term of one (1) year, one (1) appointed by the
29 county legislative body and two (2) by the city executive.
30 (2) Two (2) for a term of two (2) years, one (1) by each appointing
31 authority.
32 (3) Two (2) for a term of three (3) years, one (1) by each
33 appointing authority.

34 (e) AREA. If there is one (1) citizen member on the area plan
35 commission, the member's initial term of office is one (1) year. If there
36 are two (2) citizen members, one (1) shall be appointed for a term of
37 one (1) year and one (1) for a term of two (2) years. If there are three
38 (3) or more citizen members, one (1) shall be appointed for a term of
39 one (1) year, one (1) for a term of two (2) years, one (1) for a term of
40 three (3) years, and any remainder for a term of four (4) years. Each

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

4 (f) ADVISORY–AREA. ~~The appointing authority may remove a~~
5 ~~member from the plan commission for cause. An individual who is~~
6 ~~appointed a member of the plan commission serves at the pleasure~~
7 ~~of the member's appointing authority as long as:~~

8 (1) **the officeholder who appointed the individual continues to**
9 **hold the office; or**
10 (2) **the board, committee, or body that appointed the**
11 **individual retains all of the same members who served on the**
12 **board, committee, or body when the individual was appointed.**
13 **If subdivision (1) or (2) does not apply, the individual may only be**
14 **removed for cause. To remove a member for cause,** the appointing
15 authority must mail notice of the removal, along with written reasons
16 for the removal, to the member at the member's residence address. A
17 member who is removed may, within thirty (30) days after receiving
18 notice of the removal, appeal the removal to the circuit or superior
19 court of the county. The court may, pending the outcome of the appeal,
20 order the removal or stay the removal of the member.

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

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

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

35 (1) One (1) for a term of one (1) year.
36 (2) One (1) for a term of two (2) years.
37 (3) One (1) for a term of three (3) years.
38 (4) Two (2) for a term of four (4) years.

39 (c) ADVISORY–AREA. Under subsection (b), each term expires
40 on the first Monday of January of the first, second, third, or fourth year,

1 respectively, after the year of the member's appointment.

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

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

10 (f) ADVISORY–AREA. **The appointing authority may remove a
11 member from the board of zoning appeals for cause. An individual
12 who is appointed a member of the board of zoning appeals serves
13 at the pleasure of the member's appointing authority as long as:**

14 **(1) the officeholder who appointed the individual continues to
15 hold the office; or**

16 **(2) the board, committee, or body that appointed the
17 individual retains all of the same members that served on the
18 board, committee, or body when the individual was appointed.**

19 **If subdivision (1) or (2) does not apply, the individual may only be
20 removed for cause. To be removed for cause, the appointing
21 authority must mail notice of the removal, along with written reasons
22 for the removal, to the member at the member's residence address. A
23 member who is removed may, within thirty (30) days after receiving
24 notice of the removal, appeal the removal to the circuit or superior
25 court of the county.**

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

29 SECTION 16. IC 36-7-12-14, AS AMENDED BY P.L.127-2017,
30 SECTION 196, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 14. **(a) An economic development
32 commissioner of an economic development commission established
33 under section 8 of this chapter may be removed from office for
34 good cause as provided in subsection (c).**

35 **(b) This subsection does not apply to an economic development
36 commission established under section 8 of this chapter. An
37 individual who is an appointed member serves at the pleasure of
38 the member's appointing authority as long as:**

39 **(1) the city or town executive who appointed the individual
40 continues to hold the office; or**

1 **(2) the county executive that appointed the individual retains**
2 **all of the same members who served on the body when the**
3 **individual was appointed.**

4 **If subdivision (1) or (2) does not apply, the individual may only be**
5 **removed for good cause.**

6 (c) An economic development commissioner may be removed from
7 office for neglect of duty, incompetency, inability to perform the
8 commissioner's duties, or any other good cause, by the executive or
9 fiscal body that selected or nominated the commissioner. The
10 commissioner removed may obtain judicial review of the removal by
11 filing a complaint in a circuit or superior court in the county, and the
12 burden of proof is upon the executive or fiscal body that removed the
13 commissioner. The cause shall be placed on the advanced calendar and
14 be tried as other civil causes are tried by the court, without a jury. The
15 court's judgment may be appealed in the same manner as any civil
16 action.

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

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

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

26 (d) A board member **for a board established in a county**
27 **containing a consolidated city** may be removed for cause by the
28 executive of the unit.

29 (e) **This subsection applies to a board established in a county**
30 **that does not contain a consolidated city. An individual who is**
31 **appointed a board member serves at the pleasure of the member's**
32 **appointing authority as long as:**

33 **(1) the city or town executive who appointed the member**
34 **continues to hold the office of city or town executive; or**
35 **(2) the county executive that appointed the individual retains**
36 **all of the same members that served on the body when the**
37 **individual was appointed.**

38 **If subdivision (1) or (2) does not apply, the individual may only be**
39 **removed for cause.**

40 (f) Each member, before entering upon the duties of office, must

1 take and subscribe an oath of office under IC 5-4-1, which shall be
 2 endorsed upon the certificate of appointment and filed with the records
 3 of the board.

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

6 SECTION 18. IC 36-9-13-18, AS AMENDED BY P.L.127-2017,
 7 SECTION 309, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) This subsection only**
 9 **applies to an individual who is appointed a trustee by a county**
 10 **executive of a county that does not contain a consolidated city. A**
 11 **trustee serves at the pleasure of the county executive as long as the**
 12 **county executive retains all of the same members who served on**
 13 **the body when the individual was appointed. If any of the members**
 14 **on the county executive changes, the trustee may only be removed**
 15 **under subsection (b).**

16 ~~(a)~~ (b) A person seeking the removal of a trustee for:

- 17 (1) neglect of duty;
- 18 (2) incompetence;
- 19 (3) inability to perform the trustee's duties; or
- 20 (4) any other good cause;

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

27 ~~(b)~~ (c) The trustees may summarily remove a director from office at
 28 any time.

29 SECTION 19. IC 36-9-27-5, AS AMENDED BY P.L.278-2019,
 30 SECTION 194, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except ~~in a county having a~~
 32 ~~consolidated city or~~ as provided in subsection ~~(d)~~, (c), the drainage
 33 board consists of either:

- 34 (1) the county executive; or
- 35 (2) three (3) or five (5) persons, at least one (1) of whom must be
 36 a member of the executive, appointed by the executive;
- 37 at the option of the executive. Appointees under subdivision (2) must
 38 be resident freeholders of the county who are knowledgeable in
 39 drainage matters. Freeholders appointed to the board serve for terms of
 40 three (3) years, with their initial appointments made so as to provide for

1 staggering of terms on an annual basis. In addition, the county surveyor
 2 serves on the board as an ex officio, nonvoting member.

3 **(b) This subsection only applies to an individual appointed as a**
 4 **member under subsection (a)(2) by a county executive of a county**
 5 **that does not contain a consolidated city. A drainage board**
 6 **member serves at the pleasure of the county executive as long as**
 7 **the county executive that appointed the individual retains all of the**
 8 **same members who served on the body when the individual was**
 9 **appointed.**

10 **(b) (c)** In a county having a consolidated city, the board of public
 11 works of the consolidated city comprises the drainage board, subject to
 12 IC 36-3-4-23.

13 **(c) (d)** In a county having a consolidated city, the department of
 14 public works of the consolidated city has all the powers, duties, and
 15 responsibilities of the county surveyor under this chapter, subject to
 16 IC 36-3-4-23.

17 SECTION 20. IC 36-9-27.4-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this
 19 chapter, "drainage board" means the following:

20 (1) Except as provided in subdivision (2):

21 (A) the county board of commissioners, as provided in
 22 IC 36-9-27-5(a)(1); or
 23 (B) the drainage board appointed by the board of
 24 commissioners under IC 36-9-27-5(a)(2).

25 (2) In a county having a consolidated city, the board of public
 26 works of the consolidated city, as provided in ~~IC 36-9-27-5(b)~~.

27 **IC 36-9-27-5(c).**

28 SECTION 21. IC 36-10-3-6, AS AMENDED BY P.L.127-2017,
 29 SECTION 377, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]: Sec. 6. **An individual who is appointed**
 31 **a member serves at the pleasure of the member's appointing**
 32 **authority as long as:**

33 **(1) the officeholder who appointed the individual continues to**
 34 **hold the office; or**

35 **(2) the board, committee, or body that appointed the**
 36 **individual retains all of the same members who served on the**
 37 **board, committee, or body when the individual was appointed.**

38 **If subdivision (1) or (2) does not apply, the A member may be**
 39 **removed only for cause, upon specific written charges filed against the**
 40 **member. The charges shall be filed with and heard by the appointing**

1 authority, unless the appointing authority is bringing the charges. If the
2 appointing authority is bringing the charges, the unit's fiscal body shall
3 appoint a hearing officer. The person to hear the charges shall fix a date
4 for a public hearing and give public notice at least ten (10) days in
5 advance of the hearing. At the hearing the member is entitled to present
6 evidence and argument and to be represented by counsel.".

7 Delete pages 12 through 16.

8 Page 17, delete lines 1 through 40.

9 Page 19, delete lines 37 through 42, begin a new paragraph and
10 insert:

11 "SECTION 23. IC 36-10-4-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
13 each year, the executive shall appoint a commissioner to fill the
14 vacancy caused by the expiration of a term. Each commissioner
15 appointed holds office for a term of four (4) years, beginning with
16 January 1 in the year of appointment. If a vacancy occurs on the board,
17 the executive shall appoint a commissioner for the remainder of the
18 term.

19 (b) A **commissioner serves at the pleasure of the executive as**
20 **long as the executive who appointed the commissioner continues to**
21 **hold the office of executive. If the executive who appointed the**
22 **commissioner no longer holds the office of executive, the**
23 **commissioner may not be removed from office except upon charges**
24 **preferred in writing before the executive, with a hearing held on them.**
25 **If the executive is bringing the charges, the fiscal body shall appoint a**
26 **hearing officer. The only permissible reasons for removal are as**
27 **follows:**

- 28 (1) Inefficiency.
- 29 (2) Neglect of duty.
- 30 (3) Malfeasance in office.

31 SECTION 24. IC 36-10-5-2, AS AMENDED BY P.L.277-2019,
32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 2. (a) This section applies to:

- 34 (1) third class cities and towns, unless otherwise provided by law;
35 and
- 36 (2) each second class city that:
 - 37 (A) adopted second class city status by ordinance under
38 IC 36-4-1-1.1, as a result of the 2010 federal decennial census;
39 and
 - 40 (B) has adopted all or part of this section by ordinance or

1 resolution.

2 (b) As used in this section, "park authority" means:

3 (1) the municipal legislative body; or

4 (2) any of the following designated by the legislative body as the
5 park authority:

6 (A) The governing body of the school corporation.

7 (B) A recreation board.

8 (C) The municipal works board.

9 (D) Any other appropriate board or commission.

10 (c) If a recreation board is established under subsection (b)(2)(B),
11 it must consist of five (5) resident freeholders appointed by the city
12 executive or the town legislative body. At least one (1) member must
13 be a member of the governing body of the school corporation and no
14 members may serve on the municipal legislative body. All members
15 must be qualified by an interest in and knowledge of the social and
16 educational value of recreation. The members serve without
17 compensation. The members shall be appointed for four (4) year terms
18 from January 1 of the year of their appointment or until their successors
19 are appointed. The initial terms of board members, however, are as
20 follows:

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

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

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

24 (4) Two (2) for terms of four (4) years.

25 A vacancy shall be filled by the appointing authority for the remainder
26 of the unexpired term.

27 **(d) A member serves at the pleasure of the member's appointing
28 authority as long as:**

29 (1) the city executive who appointed the member continues to
30 hold the office of city executive; or

31 (2) the town legislative body that appointed the individual
32 retains all of the same members that served on the body when
33 the individual was appointed.

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

36 (e) (f) If a municipality decides, by ordinance, to establish, lay out,
37 or improve a public park or grounds, or to make an extension of a park
38 or grounds, it may locate the park or grounds, including appurtenances,
39 and it may lay out and open the public ways necessary for the
40 improvement. If it is necessary to acquire land, water rights, or

1 easements, or a pool, lake, or natural stream of water, the park authority
2 may condemn that property and take possession of it if it is located
3 within the corporate boundaries of the municipality. Before the park
4 authority condemns the property, it shall assess the damages to the
5 owners of the property at a meeting of the authority. Additional
6 condemnation proceedings are the same as those provided for the
7 taking of property to open streets.

8 **(f) (g)** The park authority may adopt rules concerning the laying out,
9 improvement, preservation, ornamentation, and management of parks.
10 The park authority shall allow monuments or buildings for libraries,
11 works of art, or historical collections to be erected in a park, as long as
12 they are under the control of the persons in charge of the park and no
13 inclosure separates them from the rest of the park.

14 **(g) (h)** The legislative body of the municipality may also levy a tax
15 on all taxable property in the municipality to pay for park property and
16 for its improvement. The legislative body may also borrow money and
17 issue the bonds of the municipality at any rate of interest payable
18 annually or semiannually and may sell them for at least par value. The
19 money derived from the sale of bonds may be used only for the
20 purchase or improvement of parks. The legislative body shall annually
21 levy a tax sufficient to pay the interest on the debt on all taxable
22 property in the municipality to create a sinking fund for the liquidation
23 of the principal of the debt.

24 **(f) (i)** If the park authority of a city decides to lease any buildings
25 or grounds belonging to the city and located in a public park when they
26 are not required for public use, the proceeds shall be deposited with the
27 city fiscal officer to the credit of park funds and devoted to the
28 improvement of public parks.

29 **(f) (j)** Any nonreverting fund that was created under IC 19-7-6
30 (before its repeal on September 1, 1981) continues until abolished by
31 ordinance of the municipal legislative body. The legislative body may
32 include in the park authority's annual budget an item and an
33 appropriation for the specific purposes of a nonreverting capital fund.
34 Money put in the fund may not be withdrawn except for the purposes
35 for which the fund was created, unless the legislative body repeals the
36 ordinance creating the fund. The repeal may not be made under
37 suspension of the rules. Money procured from fees shall be deposited
38 at least once each month with the municipal fiscal officer. The fiscal
39 officer shall deposit the money either in a special nonreverting
40 operating fund or in the nonreverting capital fund as directed by the

1 park authority. The legislative body may provide by ordinance that
2 expenditures may be made from the special nonreverting operating
3 fund without appropriation. Money from fees procured from golf
4 courses, swimming pools, skating rinks, or other similar facilities
5 requiring major expenditures for management and maintenance may
6 not be deposited in this fund. Money from either fund shall be
7 disbursed only on approved claims that are allowed and signed in the
8 same manner as other claims of the municipality are allowed and
9 signed.

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

14 (1) has a population of more than twenty-five thousand (25,000);
15 and

16 (2) is located in a county having a population of more than three
17 hundred thousand (300,000) and less than three hundred fifty
18 thousand (350,000).

19 (b) A municipal board consists of four (4) members appointed by
20 the executive of the municipality. A member shall be appointed on the
21 basis of the member's interest in and knowledge of parks and
22 recreation. The members may include the executive of the municipality
23 and one (1) or more members of the municipal fiscal body. The
24 ordinance creating a municipal board governed by this section may
25 provide for one (1) or two (2) ex officio members.

26 **(c) An individual who is appointed a municipal board member
27 serves at the pleasure of the executive who appointed the
28 individual, as long as the executive continues to hold the office of
29 executive.**

30 SECTION 26. IC 36-10-6-2, AS AMENDED BY P.L.127-2017,
31 SECTION 385, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all
33 counties.

34 (b) As used in this section, "board" refers to an area park board
35 established under this chapter.

36 (c) As used in this section, "district" refers to an area park district
37 established under this chapter.

38 (d) Two (2) or more counties may establish an area park district for
39 the purposes of establishing, owning, maintaining, and controlling one
40 (1) or more public parks for the use and benefit of the residents of those

1 counties. To establish a district, the legislative body of each county
2 desiring to join shall adopt substantially identical ordinances indicating
3 this intention. Before the ordinances take effect, they must be published
4 in their respective counties in accordance with IC 5-3-1. Within ten
5 (10) days after the publication of the ordinance, the auditor of each
6 county shall file a certified copy of the ordinance with the auditor of
7 each of the other counties involved. When the ordinances have been
8 adopted and filed by all the counties joining, the district is considered
9 established. All of the territory of the counties joining comprises the
10 district.

11 (e) Within ten (10) days after the publication of the ordinance, any
12 registered voter may notify the legislative body of the voter's intent to
13 file a remonstrance petition. Within sixty (60) days after this notice,
14 petitions for and against the county's joining in the proposed district
15 may be filed with the legislative body. The petitions must be signed
16 and acknowledged by registered voters of the county. The petition that
17 contains the greater number of signatures prevails.

18 (f) Within thirty (30) days after the establishment of the district, the
19 legislative body of each county joining shall appoint members to the
20 area park board. Each county may appoint one (1) member to the
21 board. In addition, each county may appoint an additional member for
22 each fifty thousand (50,000) residents or fraction thereof of that
23 county's population. Each member must be a resident of the county
24 from which the member is appointed, and at least one (1) member from
25 each county must be an elected official of that county. Members serve
26 for terms of four (4) years and may be reappointed. **An individual who**
27 **is appointed a member serves at the pleasure of the county**
28 **legislative body as long as the county legislative body retains the**
29 **same members who served on the body when the individual was**
30 **appointed.** Vacancies shall be filled by the appointing authority for the
31 unexpired term of the vacating member.

32 (g) The board shall meet within thirty (30) days after the
33 appointment of all members. Notice of the meeting shall be given by
34 the auditor of the county that passed the first ordinance to establish the
35 district. At the meeting the board shall elect one (1) of its members
36 chair and one (1) secretary and shall adopt rules of order that it
37 considers necessary. The board shall then meet at times and places that
38 it determines. Members serve on the board without compensation.
39 However, all members except the elected official members are entitled
40 to receive a per diem and mileage for time spent in the performance of

1 their duties.

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

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

18 (j) A county may withdraw from a district only upon a two-thirds
19 (2/3) vote of its legislative body. If a county decides to withdraw from
20 a district, the date of withdrawal must be effective on January 1 of a
21 year at least one (1) year after the date upon which the county voted to
22 withdraw.

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

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

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

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

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

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

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

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

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

21 (f) **An individual who is appointed a member serves at the
22 pleasure of the member's appointing authority as long as:**

23 (1) **the officeholder who appointed the individual continues to
24 hold the office; or**

25 (2) **the board, committee, or body that appointed the
26 individual retains all of the same members that served on the
27 board, committee, or body when the individual was appointed.**

28 **If subdivision (1) or (2) does not apply, A the board member may be
29 removed for cause by the appointing authority. who appointed the
30 member:**

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

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

- 1 Delete pages 20 through 25.
- 2 Rerunber all SECTIONS consecutively.
(Reference is to HB 1161 as printed January 13, 2026.)