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HOUSE BILL No. 1161

AM116104 has been incorporated into introduced printing.

Synopsis: Local government matters.

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Introduced

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 7.1-2-4-21 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. Removal from
3 Office. **An appointed member appointed by the board of county**
4 **commissioners of a county that does not contain a consolidated city**
5 **serves at the pleasure of the board of county commissioners.** An
6 appointed member of a local board, **other than a member appointed**
7 **by the board of county commissioners of a county that does not**
8 **contain a consolidated city,** may be removed from office only for
9 good cause. The commission shall give the member a written copy of
10 the charges against ~~him~~ **the member** and shall fix the time, which shall
11 not be less than five (5) days thereafter, when the member may appear
12 before the commission and show cause why ~~he~~ **the member** should not
13 be removed. The commission shall establish procedures for the
14 removal of an appointed member of a local board. The findings and
15 determinations of the commission in respect to a removal shall be final.
16 SECTION 2. IC 8-22-3-6, AS AMENDED BY P.L.134-2005,

2026

IN 1161—LS 6751/DI 116



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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2026]: Sec. 6. (a) The board members shall be appointed as
 3 soon as possible after the adoption of an ordinance establishing an
 4 authority under this chapter. The term of each member starts at noon
 5 on the day the authority is established, at which time the board
 6 members shall meet and organize as the board.

7 (b) Members of the board shall be appointed as follows:

8 (1) One (1) member for an initial term of one (1) year.

9 (2) One (1) for an initial term of two (2) years.

10 (3) If a third or fourth appointment is required, one (1) for an
 11 initial term of three (3) years and one (1) for an initial term of
 12 four (4) years.

13 (4) If a fifth appointment is required, one (1) for an initial term
 14 of four (4) years.

15 (5) If a sixth appointment is necessary, one (1) for an initial term
 16 of four (4) years.

17 At the expiration of the respective terms, a member or members shall
 18 be appointed to fill the vacancies caused by the expiration. The
 19 members so appointed hold office for a term of four (4) years and until
 20 their successors are appointed and qualified. If the authority was
 21 established under IC 19-6-3 (before its repeal on April 1, 1980), at the
 22 expiration of the members' terms the mayor or the board of county
 23 commissioners shall appoint a member or members to fill the vacancies
 24 caused by the expiration. The members so appointed hold office for a
 25 term of three (3) years and until their successors are appointed and
 26 qualified.

27 (c) If a vacancy occurs in the board by resignation or otherwise, a
 28 member shall be appointed for the remainder of the term.

29 (d) A board member is eligible for reappointment to successive
 30 terms.

31 (e) A board member may be impeached under the procedure
 32 provided for the impeachment of county officers. **In addition, board**
 33 **members appointed by a county executive serve at the pleasure of**
 34 **the county executive.**

35 SECTION 3. IC 8-22-3-6.1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.1. (a) Notwithstanding section 6 of this chapter, the board members of an
 37 authority established under section 1.1 of this chapter shall be
 38 appointed on or before June 15, 1985. The term of each member starts
 39 at noon on the day the authority is established, at which time the board
 40 members shall meet and organize as the board.

41 (b) Members of the board shall be appointed as follows: two (2)



1 members for an initial term of one (1) year, two (2) members for an
 2 initial term of two (2) years, and two (2) members for an initial term of
 3 three (3) years. At the expiration of the respective terms, a member or
 4 members shall be appointed to fill the vacancies caused by the
 5 expiration. The members so appointed shall hold office for a term of
 6 four (4) years and until their successors are appointed and qualified.

7 (c) If a vacancy occurs in the board by resignation or otherwise, a
 8 member shall be appointed for the remainder of the term.

9 (d) A board member is eligible for reappointment to successive
 10 terms.

11 (e) A board member may be impeached under the procedure
 12 provided for the impeachment of county officers. **In addition, board**
 13 **members appointed by a county executive serve at the pleasure of**
 14 **the county executive.**

15 SECTION 4. IC 11-12-2-2, AS AMENDED BY P.L.86-2017,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2026]: Sec. 2. (a) To qualify for financial aid under this
 18 chapter, a county must establish a community corrections advisory
 19 board by resolution of the county executive or, in a county having a
 20 consolidated city, by the city-county council. A community corrections
 21 advisory board consists of:

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



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

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

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

12 (A) One (1) member of the county fiscal body or the
 13 member's designee.

14 (B) One (1) probation officer.

15 (C) One (1) juvenile probation officer.

16 (D) One (1) educational administrator.

17 (E) One (1) representative of a private correctional agency,
 18 if such an agency exists in the county.

19 (F) One (1) mental health administrator, or, if there is none
 20 available in the county, one (1) psychiatrist, psychologist,
 21 or physician.

22 (G) Four (4) lay persons, at least one (1) of whom must be
 23 a member of a minority race if a racial minority resides in
 24 the county and a member of that minority is willing to serve.

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

28 (c) Members of the advisory board appointed by the county
 29 executive or, in a county having a consolidated city, by the city-county
 30 council, shall be appointed for a term of four (4) years. **In addition,**
 31 **members appointed by the county executive of a county that does**
 32 **not contain a consolidated city under this section serve at the**
 33 **pleasure of the county executive.** The criminal defense attorney, the
 34 ex-offender, and the victim or victim advocate shall be appointed for
 35 a term of four (4) years. Other members serve only while holding the
 36 office or position held at the time of appointment. The circuit court
 37 judge may fill the position of the judge having juvenile court
 38 jurisdiction by self appointment if the circuit court judge is otherwise
 39 qualified. A vacancy occurring before the expiration of the term of
 40 office shall be filled in the same manner as original appointments for
 41 the unexpired term. Members may be reappointed.

42 (d) Two (2) or more counties, by resolution of their county



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

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

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

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

22 (f) The county executive and county fiscal body shall provide
23 necessary assistance and appropriations to the community corrections
24 advisory board established for that county. Appropriations required
25 under this subsection are limited to amounts received from the
26 following sources:

27 (1) Department grants.
28 (2) User fees.
29 (3) Other funds as contained within an approved plan.

30 Additional funds may be appropriated as determined by the county
31 executive and county fiscal body.

32 SECTION 5. IC 16-20-2-8 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) A member of a**
34 **local board of health appointed by a county executive of a county**
35 **that does not contain a consolidated city serves at the pleasure of**
36 **the county executive.**

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

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

2026

IN 1161—LS 6751/DI 116



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

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

15 (1) a city, town, or county attorney;
16 (2) a law enforcement officer;
17 (3) a judge;
18 (4) a court employee;
19 (5) an attorney who provides representation to indigent persons
20 in the county or region managed by the public defender board;
21 (6) an employee of the department of child services; or
22 (7) an employee of any individuals described in subdivisions (1)
23 through (6).

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

40 (1) chairperson; or
41 (2) other two (2) members.

42 (f) A county executive may terminate the board by giving at least

2026

IN 1161—LS 6751/DI 116



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1 ninety (90) days written notice to the judges described in subsection
 2 (a).

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

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

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

14 (1) require any created multicounty public defender's office to be
 15 administered by a joint board (as described in
 16 IC 36-1-7-3(a)(5)(B)); and
 17 (2) delegate, to an auditor of one (1) of the constituent counties
 18 comprising the multicounty public defender's office, the duty to
 19 receive, disburse, and account for all monies distributed to the
 20 multicounty public defender's office.

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

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

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

37 (e) Each member of the joint board shall serve a three (3) year
 38 term that begins on the date of the member's appointment to the joint
 39 board. **Each member serves at the pleasure of the member's
 40 appointing authority.**

41 (f) A member appointed to the joint board for the purpose of filling
 42 a vacancy shall serve a term limited to the duration of the previous



1 member's term.

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

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

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

9 (i) The joint board shall meet on a quarterly basis. The joint board
 10 may convene additional meetings upon the request of:

11 (1) the chairperson; or
 12 (2) two (2) serving members of the joint board.

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

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

29 **(11) A public defender.**

30 ~~(11)~~ (12) Any person who resides in the same household as a
 31 person described in this section.

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

36 (1) **An individual employed full time by a county as a public**
 37 **defender.**
 38 (2) **An individual who maintains a full-time equivalent**
 39 **caseload, as certified by the Indiana commission on court**
 40 **appointed attorneys under IC 21-13-12-16, as a contractual**
 41 **or hourly public defender.**
 42 (3) **The state public defender.**



3 SECTION 10. IC 36-2-2-14, AS AMENDED BY P.L.127-2017,
4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 14. (a) The executive may appoint a county
6 administrator to be the administrative head of the county under the
7 supervision of the executive and to hold office at the pleasure of the
8 executive. The executive may assign any office, position, or duties
9 under its control to the administrator, and may by resolution withdraw
10 any of the powers and duties assigned.

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

13 (1) assist in the administration and enforcement of policies and
14 resolutions of the executive;
15 (2) supervise activities of county government subject to the
16 control of the executive;
17 (3) attend meetings of the executive;
18 (4) recommend measures for adoption to the executive;
19 (5) prepare and submit reports that the administrator considers
20 advisable or that the executive requires;
21 (6) keep the executive fully advised on the financial condition of
22 the county;
23 (7) prepare and submit a budget for each fiscal year; and
24 (8) perform other duties that the executive requests by
25 resolution.

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

Sec. 1. This chapter does not apply to:

(1) a county containing a consolidated city; or

41 (2) employees of:

42 (A) a probation department;



- (B) a court;
- (C) a prosecutor's office; or
- (D) the state.

Sec. 2. (a) Each county executive shall adopt and maintain a written personnel policy, employee handbook, or equivalent document establishing minimum standards for county employee conduct, performance, and workplace expectations.

(b) The policy shall apply to all county employees, including those employed by separately elected county officers.

(c) A county executive may require all county employees, including existing employees, to sign an acknowledgment of receipt of the adopted personnel policy or employee handbook.

(d) If an employee refuses to sign the acknowledgment described in subsection (c), the county executive may treat the refusal as noncompliance with mandatory employment requirements and may take appropriate employment action, including termination, subject to applicable county procedures.

Sec. 3. (a) Each elected county officer shall ensure that employees under the county officer's supervision:

- (1) receive and acknowledge the applicable personnel policy; and
- (2) adhere to the policy's provisions regarding conduct and job performance.

(b) A county executive may establish a uniform evaluation rubric derived from the personnel policy to measure compliance with standards of conduct and performance.

Sec. 4. (a) Evaluations under the rubric may be performed:

- (1) internally by the elected county officer or their designee; or
- (2) by a neutral evaluator mutually agreed upon by the board of county commissioners and the elected county officer.

(b) If a mutually agreed upon neutral evaluator cannot be selected, the board of county commissioners may convene a three (3) member selection committee consisting of:

- (1) one (1) commissioner or the commissioner's designee;
- (2) the elected county officer supervising the employee; and
- (3) one (1) additional elected county officer chosen by the board of county commissioners.

The committee shall select the neutral evaluator by majority vote.

(c) Results of evaluations shall be maintained as part of the employee's personnel record in accordance with county policy.

2026

IN 1161—LS 6751/DI 116



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1 **Sec. 5. (a) A county legislative body may by ordinance**
 2 **establish procedures for handling verified complaints alleging**
 3 **violations of the personnel policy adopted under this chapter.**

4 **(b) Procedures adopted under this section may include**
 5 **corrective or disciplinary recommendations based on the**
 6 **evaluation rubric and personnel policy.**

7 **(c) An elected county officer retains authority over final**
 8 **disciplinary decisions for employees under the officer's**
 9 **supervision, unless otherwise permitted or required by state law.**

10 **Sec. 6. Nothing in this chapter shall be construed to diminish**
 11 **or infringe upon the statutory authority, autonomy, or**
 12 **constitutional duties of any elected county officer.**

13 SECTION 12. IC 36-7-4-218, AS AMENDED BY P.L.127-2017,
 14 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2026]: Sec. 218. (a) When an initial term of
 16 office of a citizen member expires, each new appointment of a citizen
 17 member is:

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

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

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

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

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

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

- 42 (1) One (1) for a term of one (1) year.



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

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

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

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

38 (g) METRO. The appointing authority may remove a citizen
39 member from the metropolitan development commission. The
40 appointing authority must mail notice of the removal, along with
41 written reasons, if any, for the removal, to the member at the member's
42 residence address. A member who is removed may not appeal the

2026

IN 1161—LS 6751/DI 116



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1 removal to a court or otherwise.

2 SECTION 13. IC 36-7-4-906, AS AMENDED BY P.L.127-2017,
 3 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2026]: Sec. 906. (a) ADVISORY-AREA.
 5 When an initial term of office expires, each new appointment is for a
 6 term of four (4) years.

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

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

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

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

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

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

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

38 SECTION 14. IC 36-9-13-18, AS AMENDED BY P.L.127-2017,
 39 SECTION 309, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee appointed by a**
 41 **county executive of a county that does not contain a consolidated**
 42 **city serves at the pleasure of the county executive.**



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

4 (1) neglect of duty;
 5 (2) incompetence;
 6 (3) inability to perform the trustee's duties; or
 7 (4) any other good cause;

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

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

16 SECTION 15. IC 36-9-27-5, AS AMENDED BY P.L.278-2019,
 17 SECTION 194, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except in a county having a
 19 consolidated city or as provided in subsection (d), the drainage board
 20 consists of either:

21 (1) the county executive; or
 22 (2) three (3) or five (5) persons, at least one (1) of whom must be
 23 a member of the executive, appointed by the executive;

24 at the option of the executive. Appointees under subdivision (2) must
 25 be resident freeholders of the county who are knowledgeable in
 26 drainage matters. Freeholders appointed to the board serve for terms of
 27 three (3) years, with their initial appointments made so as to provide for
 28 staggering of terms on an annual basis. In addition, the county surveyor
 29 serves on the board as an ex officio, nonvoting member. **If a member**
 30 **is appointed by a county executive of a county that does not contain**
 31 **a consolidated city under subdivision (2) who is not a member of**
 32 **the executive, the member serves at the pleasure of the county**
 33 **executive.**

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

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

41 SECTION 16. IC 36-10-3-6, AS AMENDED BY P.L.127-2017,
 42 SECTION 377, IS AMENDED TO READ AS FOLLOWS



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1 [EFFECTIVE JULY 1, 2026]: Sec. 6. A member ~~may be removed only~~
 2 for cause, upon specific written charges filed against the member. The
 3 charges shall be filed with and heard by the appointing authority;
 4 unless the appointing authority is bringing the charges. If the
 5 appointing authority is bringing the charges, the unit's fiscal body shall
 6 appoint a hearing officer. The person to hear the charges shall fix a date
 7 for a public hearing and give public notice at least ten (10) days in
 8 advance of the hearing. At the hearing the member is entitled to present
 9 evidence and argument and to be represented by counsel. ~~appointed to~~
 10 **a board under this chapter serves at the pleasure of the member's**
 11 **appointing authority. If a member is removed by the member's**
 12 **appointing authority, the appointing authority shall fill the vacancy**
 13 **by appointing a new member to serve at the pleasure of the**
 14 **appointing authority for the remainder of the removed member's**
 15 **term.**

16 SECTION 17. IC 36-10-3-11 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

- 18 (1) **subject to subsection (d)**, enter into contracts and leases for
 19 facilities and services;
- 20 (2) contract with persons for joint use of facilities for the
 21 operation of park and recreation programs and related services;
- 22 (3) contract with another board, a unit, or a school corporation
 23 for the use of park and recreation facilities or services, and a
 24 township or school corporation may contract with the board for
 25 the use of park and recreation facilities or services;
- 26 (4) **subject to subsection (d)**, acquire and dispose of real and
 27 personal property, either within or outside Indiana;
- 28 (5) **subject to subsection (d)**, exercise the power of eminent
 29 domain under statutes available to municipalities;
- 30 (6) sell, lease, or enter into a royalty contract for the natural or
 31 mineral resources of land that it owns, the money received to be
 32 deposited in a nonreverting capital fund of the board;
- 33 (7) engage in self-supporting activities as prescribed by section
 34 22 of this chapter;
- 35 (8) contract for special and temporary services and for
 36 professional assistance;
- 37 (9) delegate authority to perform ministerial acts in all cases
 38 except where final action of the board is necessary;
- 39 (10) prepare, publish, and distribute reports and other materials
 40 relating to activities authorized by this chapter;
- 41 (11) sue and be sued collectively by its legal name, as the
 42 "_____ (unit's name) Park and Recreation Board", with



1 service of process being had upon the president of the board, but
 2 costs may not be taxed against the board or its members in any
 3 action;

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

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

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

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

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

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

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

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

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

37 (2) enter into a contract under subsection (a)(1) with a total
 38 cost exceeding one hundred thousand dollars (\$100,000);

39 (3) acquire real or personal property under subsection (a)(4)
 40 with a total cost exceeding one hundred thousand dollars
 41 (\$100,000); or

42 (4) approve capital improvements to park facilities or



1 **property with a total cost exceeding one hundred thousand**
 2 **dollars (\$100,000);**

3 **the board must obtain approval by the executive of the unit that**
 4 **established the department under this chapter. However, in the**
 5 **case in which a joint department of parks and recreation is**
 6 **established under section 29 of this chapter, the joint department**
 7 **of parks and recreation must obtain approval by the county**
 8 **executive if each unit that participates in the joint department of**
 9 **parks and recreation is located in the same county. If the units that**
 10 **establish the joint department of parks and recreation are located**
 11 **in two (2) or more counties, the expenses described in subdivisions**
 12 **(1) through (4) must be approved by the county executive in the**
 13 **county in which the district has the most assessed valuation of**
 14 **property for purposes of calculating property tax under IC 6-1.1.**
 15 **The board shall provide the applicable county executive a**
 16 **description of the cost of the service, property, or capital**
 17 **improvement described in subdivisions (1) through (4) as well as a**
 18 **description of the manner in which the cost will be paid by the**
 19 **board or department.**

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

28 (b) A commissioner may not be removed from office except upon
 29 charges preferred in writing before the executive, with a hearing held
 30 on them. If the executive is bringing the charges, the fiscal body shall
 31 appoint a hearing officer. The only permissible reasons for removal are
 32 as follows: **serves at the pleasure of the executive. If a commissioner**
 33 **is removed by the executive, the commissioner appointed to replace**
 34 **the removed commissioner serves at the pleasure of the executive**
 35 **for the remainder of the removed commissioner's term.**

36 (1) Inefficiency.
 37 (2) Neglect of duty.
 38 (3) Malfeasance in office.

39 SECTION 19. IC 36-10-5-2, AS AMENDED BY P.L.277-2019,
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 2. (a) This section applies to:

42 (1) third class cities and towns, unless otherwise provided by



law; and

(2) each second class city that:

(A) adopted second class city status by ordinance under IC 36-4-1-1.1, as a result of the 2010 federal decennial

census; and
(B) has adopted all or part of this section by ordinance or resolution.

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

(1) the municipal legislative body; or

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

(A) The governing body of the school corporation.

(B) A recreation board.

(C) The municipal works board.

(D) Any other appropriate board or commission.

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

(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 terms of four (4) years.

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

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

(e) If a municipality decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights, or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located

2026

IN 1161—LS 6751/DI 116



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1 within the corporate boundaries of the municipality. Before the park
 2 authority condemns the property, it shall assess the damages to the
 3 owners of the property at a meeting of the authority. Additional
 4 condemnation proceedings are the same as those provided for the
 5 taking of property to open streets.

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

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

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

27 (i) Any nonreverting fund that was created under IC 19-7-6 (before
 28 its repeal on September 1, 1981) continues until abolished by ordinance
 29 of the municipal legislative body. The legislative body may include in
 30 the park authority's annual budget an item and an appropriation for the
 31 specific purposes of a nonreverting capital fund. Money put in the fund
 32 may not be withdrawn except for the purposes for which the fund was
 33 created, unless the legislative body repeals the ordinance creating the
 34 fund. The repeal may not be made under suspension of the rules.
 35 Money procured from fees shall be deposited at least once each month
 36 with the municipal fiscal officer. The fiscal officer shall deposit the
 37 money either in a special nonreverting operating fund or in the
 38 nonreverting capital fund as directed by the park authority. The
 39 legislative body may provide by ordinance that expenditures may be
 40 made from the special nonreverting operating fund without
 41 appropriation. Money from fees procured from golf courses, swimming
 42 pools, skating rinks, or other similar facilities requiring major

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1 expenditures for management and maintenance may not be deposited
2 in this fund. Money from either fund shall be disbursed only on
3 approved claims that are allowed and signed in the same manner as
4 other claims of the municipality are allowed and signed.

5 SECTION 20. IC 36-10-5-5, AS AMENDED BY P.L.104-2022,
6 SECTION 220, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a
8 municipality that:

9 (1) has a population of more than twenty-five thousand (25,000);
10 and
11 (2) is located in a county having a population of more than three
12 hundred thousand (300,000) and less than three hundred fifty
13 thousand (350,000).

14 (b) A municipal board consists of four (4) members appointed by
15 the executive of the municipality. **Members serve at the pleasure of**
16 **the executive of the municipality.** A member shall be appointed on
17 the basis of the member's interest in and knowledge of parks and
18 recreation. The members may include the executive of the municipality
19 and one (1) or more members of the municipal fiscal body. The
20 ordinance creating a municipal board governed by this section may
21 provide for one (1) or two (2) ex officio members.

22 SECTION 21. IC 36-10-6-2, AS AMENDED BY P.L.127-2017,
23 SECTION 385, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all
25 counties.

2026

IN 1161—LS 6751/DI 116



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8 (f) Within thirty (30) days after the establishment of the district,
9 the legislative body of each county joining shall appoint members to
10 the area park board. Each county may appoint one (1) member to the
11 board. In addition, each county may appoint an additional member for
12 each fifty thousand (50,000) residents or fraction thereof of that
13 county's population. Each member must be a resident of the county
14 from which the member is appointed, and at least one (1) member from
15 each county must be an elected official of that county. Members serve
16 for terms of four (4) years and may be reappointed. A **member serves**
17 **at the pleasure of the member's appointing authority.** Vacancies
18 shall be filled by the appointing authority for the unexpired term of the
19 vacating member.

2026

IN 1161—LS 6751/DI 116



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1 kept as other public funds are deposited and kept, and interest earned
 2 on the money shall be credited to the area park fund. Money may be
 3 paid out by the treasurer only upon the written order of the board.

4 (j) A county may withdraw from a district only upon a two-thirds
 5 (2/3) vote of its legislative body. If a county decides to withdraw from
 6 a district, the date of withdrawal must be effective on January 1 of a
 7 year at least one (1) year after the date upon which the county voted to
 8 withdraw.

9 SECTION 22. IC 36-10-8-4, AS AMENDED BY P.L.229-2011,
 10 SECTION 267, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is composed of
 12 seven (7) members.

13 (b) The county executive shall determine in the creating ordinance
 14 which units within the county shall make appointments to the board. In
 15 addition, the creating ordinance must provide that no more than four
 16 (4) of the members be affiliated with the same political party. The
 17 creating ordinance must also provide staggered terms for the
 18 appointments.

19 (c) Notwithstanding subsection (b), if a board was created under
 20 IC 18-7-18 (before its repeal on February 24, 1982), three (3) members
 21 shall be appointed by the executive of the second class city and three
 22 (3) members shall be appointed by the executive of the county. Those
 23 members shall select the seventh member, who serves as president.
 24 One (1) of the members appointed by the city executive must be
 25 engaged in the hospitality industry in the city. No more than two (2) of
 26 the members appointed by the city executive may be affiliated with the
 27 same political party and no more than two (2) of the members
 28 appointed by the county executive may be affiliated with the same
 29 political party. In addition, each member must have been a resident of
 30 the county for at least one (1) year immediately preceding the member's
 31 appointment. Initial terms of the members are as follows:

32 (1) One (1) of the members appointed by each appointing
 33 authority for a term ending January 15 of the year following the
 34 appointment.

35 (2) Two (2) of the members appointed by each appointing
 36 authority for a term ending January 15 of the second year
 37 following the appointment.

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

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



1 has expired.

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

5 (f) A board member, **other than a board member appointed by**
6 **the county executive**, may be removed for cause by the appointing
7 authority who appointed the member. **A member appointed by the**
8 **county executive serves at the pleasure of the county executive.**

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

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

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