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HOUSE BILL No. 1161

Proposed Changes to introduced printing by AM116104

DIGEST OF PROPOSED AMENDMENT

Local government matters. Adds public defenders to the list of officials whose home addresses may be restricted from public property data base websites.

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.

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1 SECTION 2. IC 8-22-3-6, AS AMENDED BY P.L.134-2005,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 6. (a) The board members shall be appointed as
 4 soon as possible after the adoption of an ordinance establishing an
 5 authority under this chapter. The term of each member starts at noon
 6 on the day the authority is established, at which time the board
 7 members shall meet and organize as the board.

8 (b) Members of the board shall be appointed as follows:
 9 (1) One (1) member for an initial term of one (1) year.
 10 (2) One (1) for an initial term of two (2) years.
 11 (3) If a third or fourth appointment is required, one (1) for an
 12 initial term of three (3) years and one (1) for an initial term of
 13 four (4) years.
 14 (4) If a fifth appointment is required, one (1) for an initial term
 15 of four (4) years.
 16 (5) If a sixth appointment is necessary, one (1) for an initial term
 17 of four (4) years.

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

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

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

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

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

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

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

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

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

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

- (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



1 services or the director's designee;

2 (10) a representative from a juvenile correctional facility or

3 juvenile detention center in the county, but if no facility exists,

4 one (1) mental health representative chosen by the judge

5 described in subdivision (5);

6 (11) a representative from the Juvenile Detention Alternatives

7 Initiative, but if no program exists, a representative from the

8 court appointed special advocate program in the county or

9 guardian ad litem program in the county; and

10 (12) the following members appointed by the county executive

11 or, in a county having a consolidated city, by the city-county

12 council:

13 (A) One (1) member of the county fiscal body or the

14 member's designee.

15 (B) One (1) probation officer.

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

17 (D) One (1) educational administrator.

18 (E) One (1) representative of a private correctional agency,

19 if such an agency exists in the county.

20 (F) One (1) mental health administrator, or, if there is none

21 available in the county, one (1) psychiatrist, psychologist,

22 or physician.

23 (G) Four (4) lay persons, at least one (1) of whom must be

24 a member of a minority race if a racial minority resides in

25 the county and a member of that minority is willing to serve.

26 (b) Designees of officials designated under subsection (a)(1)

27 through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the

28 designating official.

29 (c) Members of the advisory board appointed by the county

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

31 council, shall be appointed for a term of four (4) years. **In addition,**

32 **members appointed by the county executive of a county that does**

33 **not contain a consolidated city under this section serve at the**

34 **pleasure of the county executive.** The criminal defense attorney, the

35 ex-offender, and the victim or victim advocate shall be appointed for

36 a term of four (4) years. Other members serve only while holding the

37 office or position held at the time of appointment. The circuit court

38 judge may fill the position of the judge having juvenile court

39 jurisdiction by self appointment if the circuit court judge is otherwise

40 qualified. A vacancy occurring before the expiration of the term of

41 office shall be filled in the same manner as original appointments for

42 the unexpired term. Members may be reappointed.



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

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

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

28 (1) Department grants.
29 (2) User fees.

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

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

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

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

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



1 calendar year.

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

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

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

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

17 (2) a law enforcement officer;

18 (3) a judge;

19 (4) a court employee;

20 (5) an attorney who provides representation to indigent persons
 21 in the county or region managed by the public defender board;

22 (6) an employee of the department of child services; or

23 (7) an employee of any individuals described in subdivisions (1)
 24 through (6).

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

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

39 (e) Meetings shall be held at least quarterly and may be held at
 40 other times during the year at the call of the:

41 (1) chairperson; or

42 (2) other two (2) members.



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

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

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

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

(2) delegate, to an auditor of one (1) of the constituent counties comprising the multicounty public defender's office, the duty to receive, disburse, and account for all monies distributed to the multicounty public defender's office.

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

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

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

29 (2) a law enforcement officer;

30 (3) a judge;

31 (4) a court employee;

32 (5) an employee of the department of child services;

33 (6) an attorney who provides representation to indigent persons
34 in one (1) or more of the counties served by the multicounty
35 public defender's office being administered by the joint board; or

42 (f) A member appointed to the joint board for the purpose of filling

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1 a vacancy shall serve a term limited to the duration of the previous
 2 member's term.

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

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

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

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

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

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

18 (1) A judge.
 19 (2) A law enforcement officer.
 20 (3) An address confidentiality program participant.
 21 (4) A public official.
 22 (5) The surviving spouse of a person described in subdivision
 23 (2), if the person was killed in the line of duty.
 24 (6) An employee of the department of child services.
 25 (7) A current or former probation officer.
 26 (8) A current or former community corrections officer.
 27 (9) A regular, paid firefighter or a volunteer firefighter (as
 28 defined in IC 36-8-12-2).
 29 (10) A correctional services provider.
 30 (11) A public defender.
 31 (11) (12) Any person who resides in the same household as a
 32 person described in this section.

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

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



1 **(3) The state public defender.**

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

3 **(5) A chief public defender.**

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

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

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

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

32 **(d) The county executive may establish the salary of the county
 33 administrator subject to salary parameters established by the
 34 county legislative body.**

35 SECTION ~~←9~~[11]. IC 36-2-21 IS ADDED TO THE INDIANA
 36 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2026]:

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

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

- 41 (1) a county containing a consolidated city; or
- 42 (2) employees of:

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- (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.

9 1 (b) The policy shall apply to all county employees, including
10 those employed by separately elected county officers.

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

21 1 (1) receive and acknowledge the applicable personnel policy;
22 and 1

27 with standards of conduct and performance.
28 Sec. 4. (a) Evaluations under the rubric may be performed:
29 1. internally by the elected county officer or their designee;

37 1 (1) one (1) commissioner or the commissioner's designee;
38 (2) the elected county officer supervising the employee; and
39 (3) one (1) additional elected county officer chosen by the
40 board of county commissioners.

41 The committee shall select the neutral evaluator by majority vote.

42 (c) Results of evaluations shall be maintained as part of the

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1 employee's personnel record in accordance with county policy.
 2

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

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

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

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

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

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

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

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

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

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

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



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1 residence address. A member who is removed may not appeal the
 2 removal to a court or otherwise.

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

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

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

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

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

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

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

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

39 SECTION 1~~←[4]~~. IC 36-9-13-18, AS AMENDED BY
 40 P.L.127-2017, SECTION 309, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee
 42 appointed by a county executive of a county that does not contain**



1 **a consolidated city serves at the pleasure of the county executive.**

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

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

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

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

17 SECTION 1~~3~~⁵, IC 36-9-27-5, AS AMENDED BY
 18 P.L.278-2019, SECTION 194, IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except in a
 20 county having a consolidated city or as provided in subsection (d), the
 21 drainage board consists of either:

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

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

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

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

42 SECTION 1~~3~~⁶, IC 36-10-3-6, AS AMENDED BY



1 P.L.127-2017, SECTION 377, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. A member ~~may be~~
 3 removed only for cause, upon specific written charges filed against the
 4 member. The charges shall be filed with and heard by the appointing
 5 authority, unless the appointing authority is bringing the charges. If the
 6 appointing authority is bringing the charges, the unit's fiscal body shall
 7 appoint a hearing officer. The person to hear the charges shall fix a date
 8 for a public hearing and give public notice at least ten (10) days in
 9 advance of the hearing. At the hearing the member is entitled to present
 10 evidence and argument and to be represented by counsel. appointed to
 11 a board under this chapter serves at the pleasure of the member's
 12 appointing authority. If a member is removed by the member's
 13 appointing authority, the appointing authority shall fill the vacancy
 14 by appointing a new member to serve at the pleasure of the
 15 appointing authority for the remainder of the removed member's
 16 term.

17 SECTION 1~~↔~~^[7] IC 36-10-3-11 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

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



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

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

28 (1) the buildings or grounds are leased to an Indiana nonprofit
29 corporation;
30 (2) the buildings or grounds are operated as a public golf course;
31 and
32 (3) the golf course remains subject to rules and regulations
33 promulgated by the board.

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

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

21 SECTION 1~~6~~8. IC 36-10-4-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
23 each year, the executive shall appoint a commissioner to fill the
24 vacancy caused by the expiration of a term. Each commissioner
25 appointed holds office for a term of four (4) years, beginning with
26 January 1 in the year of appointment. If a vacancy occurs on the board,
27 the executive shall appoint a commissioner for the remainder of the
28 term.

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

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

40 SECTION 1~~7~~9. IC 36-10-5-2, AS AMENDED BY
41 P.L.277-2019, SECTION 17, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section

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1 applies to:

2 (1) third class cities and towns, unless otherwise provided by
3 law; and

4 (2) each second class city that:

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

8 (B) has adopted all or part of this section by ordinance or
9 resolution.

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

11 (1) the municipal legislative body; or

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

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

15 (B) A recreation board.

16 (C) The municipal works board.

17 (D) Any other appropriate board or commission.

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

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

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

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

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

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

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

38 (e) If a municipality decides, by ordinance, to establish, lay out, or
39 improve a public park or grounds, or to make an extension of a park or
40 grounds, it may locate the park or grounds, including appurtenances,
41 and it may lay out and open the public ways necessary for the
42 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) 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) The legislative body of the municipality may also levy a tax on
 15 all taxable property in the municipality to pay for park property and for
 16 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 (h) If the park authority of a city decides to lease any buildings or
 25 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 (i) Any nonreverting fund that was created under IC 19-7-6 (before
 30 its repeal on September 1, 1981) continues until abolished by ordinance
 31 of the municipal legislative body. The legislative body may include in
 32 the park authority's annual budget an item and an appropriation for the
 33 specific purposes of a nonreverting capital fund. Money put in the fund
 34 may not be withdrawn except for the purposes for which the fund was
 35 created, unless the legislative body repeals the ordinance creating the
 36 fund. The repeal may not be made under suspension of the rules.
 37 Money procured from fees shall be deposited at least once each month
 38 with the municipal fiscal officer. The fiscal officer shall deposit the
 39 money either in a special nonreverting operating fund or in the
 40 nonreverting capital fund as directed by the park authority. The
 41 legislative body may provide by ordinance that expenditures may be
 42 made from the special nonreverting operating fund without



1 appropriation. Money from fees procured from golf courses, swimming
2 pools, skating rinks, or other similar facilities requiring major
3 expenditures for management and maintenance may not be deposited
4 in this fund. Money from either fund shall be disbursed only on
5 approved claims that are allowed and signed in the same manner as
6 other claims of the municipality are allowed and signed.

7 SECTION ~~18~~[20]. IC 36-10-5-5, AS AMENDED BY
8 P.L.104-2022, SECTION 220, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section
10 applies to a municipality that:

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

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

SECTION ~~19~~[21]. IC 36-10-6-2, AS AMENDED BY P.L.127-2017, SECTION 385, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all counties.

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

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

(d) Two (2) or more counties may establish an area park district for the purposes of establishing, owning, maintaining, and controlling one (1) or more public parks for the use and benefit of the residents of those counties. To establish a district, the legislative body of each county desiring to join shall adopt substantially identical ordinances indicating this intention. Before the ordinances take effect, they must be published in their respective counties in accordance with IC 5-3-1. Within ten (10) days after the publication of the ordinance, the auditor of each county shall file a certified copy of the ordinance with the auditor of each of the other counties involved. When the ordinances have been adopted and filed by all the counties joining, the district is

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1 considered established. All of the territory of the counties joining
 2 comprises the district.

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

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

22 (g) The board shall meet within thirty (30) days after the
 23 appointment of all members. Notice of the meeting shall be given by
 24 the auditor of the county that passed the first ordinance to establish the
 25 district. At the meeting the board shall elect one (1) of its members
 26 chair and one (1) secretary and shall adopt rules of order that it
 27 considers necessary. The board shall then meet at times and places that
 28 it determines. Members serve on the board without compensation.
 29 However, all members except the elected official members are entitled
 30 to receive a per diem and mileage for time spent in the performance of
 31 their duties.

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

35 (i) The board may levy a tax for the establishment, purchase,
 36 maintenance, and control of the parks established and controlled by the
 37 board, but the tax may not exceed one and sixty-seven hundredths cents
 38 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of
 39 property in the district. When the board determines the rate of the levy,
 40 the board shall certify it to each county auditor. The levy shall then be
 41 placed upon the tax duplicate of each county in the district, and the tax
 42 shall be collected in the same manner as other taxes are collected. All



1 money received for the district shall be paid into the treasury of the
 2 county with the greatest population. The money shall be deposited and
 3 kept as other public funds are deposited and kept, and interest earned
 4 on the money shall be credited to the area park fund. Money may be
 5 paid out by the treasurer only upon the written order of the board.

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

11 SECTION 2~~0~~². IC 36-10-8-4, AS AMENDED BY
 12 P.L.229-2011, SECTION 267, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is
 14 composed of seven (7) members.

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

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

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

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

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

42 (d) Subsequent terms of members are for two (2) years. All terms



1 begin on January 15. A member serves until a successor is appointed
2 and qualified. A member may be reappointed after the member's term
3 has expired.

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

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

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

18 (h) A member may not receive a salary, but is entitled to
19 reimbursement for any expenses necessarily incurred in the
20 performance of the member's duties.[\[\]](#)

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