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# HOUSE BILL No. 1161

Proposed Changes to introduced printing by AM116105

## DIGEST OF PROPOSED AMENDMENT

Oath of office. Specifies that an officer of a political subdivision must take an oath of office as required under current law. Requires an appointing authority to notify an appointee of the oath of office requirement.

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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 5-4-1-1.3 IS ADDED TO THE INDIANA CODE  
2   AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
3   UPON PASSAGE]: Sec. 1.3. (a) This section applies only to the  
4   appointed officer of a political subdivision.

5   (b) The appointing authority must provide notice to the  
6   appointed officer as provided in IC 36-1-4.5.

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

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1 removal of an appointed member of a local board. The findings and  
 2 determinations of the commission in respect to a removal shall be final.

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

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

- 11 (1) One (1) member for an initial term of one (1) year.
- 12 (2) One (1) for an initial term of two (2) years.
- 13 (3) If a third or fourth appointment is required, one (1) for an  
   14 initial term of three (3) years and one (1) for an initial term of  
   15 four (4) years.
- 16 (4) If a fifth appointment is required, one (1) for an initial term  
   17 of four (4) years.
- 18 (5) If a sixth appointment is necessary, one (1) for an initial term  
   19 of four (4) years.

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

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

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

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

38 SECTION ~~3~~<sup>4</sup>[4]. IC 8-22-3-6.1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.1. (a)  
 40 Notwithstanding section 6 of this chapter, the board members of an  
 41 authority established under section 1.1 of this chapter shall be  
 42 appointed on or before June 15, 1985. The term of each member starts

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1 at noon on the day the authority is established, at which time the board  
 2 members shall meet and organize as the board.

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

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

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

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

18 SECTION ~~44~~[5]. IC 11-12-2-2, AS AMENDED BY  
 19 P.L.86-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To qualify for financial aid  
 21 under this chapter, a county must establish a community corrections  
 22 advisory board by resolution of the county executive or, in a county  
 23 having a consolidated city, by the city-county council. A community  
 24 corrections advisory board consists of:

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



1 city-county council;  
 2 (9) the director of the local office of the department of child  
 3 services or the director's designee;  
 4 (10) a representative from a juvenile correctional facility or  
 5 juvenile detention center in the county, but if no facility exists,  
 6 one (1) mental health representative chosen by the judge  
 7 described in subdivision (5);  
 8 (11) a representative from the Juvenile Detention Alternatives  
 9 Initiative, but if no program exists, a representative from the  
 10 court appointed special advocate program in the county or  
 11 guardian ad litem program in the county; and  
 12 (12) the following members appointed by the county executive  
 13 or, in a county having a consolidated city, by the city-county  
 14 council:  
 15 (A) One (1) member of the county fiscal body or the  
 16 member's designee.  
 17 (B) One (1) probation officer.  
 18 (C) One (1) juvenile probation officer.  
 19 (D) One (1) educational administrator.  
 20 (E) One (1) representative of a private correctional agency,  
 21 if such an agency exists in the county.  
 22 (F) One (1) mental health administrator, or, if there is none  
 23 available in the county, one (1) psychiatrist, psychologist,  
 24 or physician.  
 25 (G) Four (4) lay persons, at least one (1) of whom must be  
 26 a member of a minority race if a racial minority resides in  
 27 the county and a member of that minority is willing to serve.  
 28 (b) Designees of officials designated under subsection (a)(1)  
 29 through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the  
 30 designating official.  
 31 (c) Members of the advisory board appointed by the county  
 32 executive or, in a county having a consolidated city, by the city-county  
 33 council, shall be appointed for a term of four (4) years. **In addition,**  
 34 **members appointed by the county executive of a county that does**  
 35 **not contain a consolidated city under this section serve at the**  
 36 **pleasure of the county executive.** The criminal defense attorney, the  
 37 ex-offender, and the victim or victim advocate shall be appointed for  
 38 a term of four (4) years. Other members serve only while holding the  
 39 office or position held at the time of appointment. The circuit court  
 40 judge may fill the position of the judge having juvenile court  
 41 jurisdiction by self appointment if the circuit court judge is otherwise  
 42 qualified. A vacancy occurring before the expiration of the term of



1 office shall be filled in the same manner as original appointments for  
 2 the unexpired term. Members may be reappointed.

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

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

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

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

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

30 (1) Department grants.  
 31 (2) User fees.  
 32 (3) Other funds as contained within an approved plan.

33 Additional funds may be appropriated as determined by the county  
 34 executive and county fiscal body.

35 SECTION ~~↔~~[6]. IC 16-20-2-8 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) A member of a**  
**37 local board of health appointed by a county executive of a county**  
**38 that does not contain a consolidated city serves at the pleasure of**  
**39 the county executive.**

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

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

(5) an attorney who provides representation to indigent persons in the county or region managed by the public defender board; (6) an employee of the department of child services; or (7) an employee of any individuals described in subdivisions (1) through (6).

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

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

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

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

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

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

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

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

- (1) a city, town, or county attorney;
- (2) a law enforcement officer;
- (3) a judge;
- (4) a court employee;

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

35 (6) an attorney who provides representation to indigent persons  
36 in one (1) or more of the counties served by the multicounty  
37 public defender's office being administered by the joint board; or  
38 (7) an employee of any individuals described in subdivisions (1)  
39 through (6).

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1 **appointing authority.**

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

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

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

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

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

14 (1) the chairperson; or  
 15 (2) two (2) serving members of the joint board.

16 [ SECTION 9. IC 36-1-4.5 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]:

19 **Chapter 4.5. Appointed Officer Oath of Office**

20 **Sec. 1. This chapter applies to a person:**

21 (1) appointed to an office of a political subdivision; and  
 22 (2) required to take an oath of office under IC 5-4-1,  
 23 including a person appointed to serve on a board, committee,  
 24 commission, council, or body of a political subdivision.

25 **Sec. 2. This chapter shall be construed to supplement:**

26 (1) IC 5-4-1; and  
 27 (2) any other statute applicable to an officer of a political  
 28 subdivision regarding an oath of office under IC 5-4-1.

29 **Sec. 3. An appointing authority shall notify an individual of the**  
 30 **individual's appointment in writing. The notification shall include**  
 31 **the following:**

32 (1) The individual's certificate of appointment.  
 33 (2) A form for endorsement of the oath of office. Unless  
 34 contrary to another statute, endorsement of the oath of office  
 35 may be on the certificate of appointment.  
 36 (3) A statement that IC 5-4-1 requires the individual to do  
 37 the following not later than thirty (30) days after the  
 38 individual's term begins:

39 (A) Sign an oath of office before a person authorized to  
 40 administer the oath of office in accordance with Indiana  
 41 law.

42 (B) File the oath of office with the appropriate county



clerk.

**(4) A statement that under IC 5-4-1, the failure of the individual to file the oath of office within the time specified may result in the office becoming vacant.**

**(5) Any other additional requirement, if any, regarding an oath of office that is imposed under a statute applicable to the specific office.**

**Sec. 4. The individual shall file a copy of the oath with the appointing authority.**

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

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

(1) assist in the administration and enforcement of policies and resolutions of the executive;

(2) supervise activities of county government subject to the control of the executive;

(3) attend meetings of the executive;

(4) recommend measures for adoption to the executive:

(5) prepare and submit reports that the administrator considers advisable or that the executive requires;

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

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

(7) prepare and furnish budget requests to the Board, and  
(8) perform other duties that the executive requests by resolution.

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

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

41 SECTION ~~44~~11. IC 36-2-21 IS ADDED TO THE INDIANA  
42 CODE AS A NEW CHAPTER TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]:  
 2       **Chapter 21. County Personnel Policy and Evaluation**  
 3       **Standards**

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

- 5       **(1) a county containing a consolidated city; or**
- 6       **(2) employees of:**
  - 7       **(A) a probation department;**
  - 8       **(B) a court;**
  - 9       **(C) a prosecutor's office; or**
  - 10       **(D) the state.**

11       **Sec. 2. (a) Each county executive shall adopt and maintain a**  
 12       **written personnel policy, employee handbook, or equivalent**  
 13       **document establishing minimum standards for county employee**  
 14       **conduct, performance, and workplace expectations.**<sup>1</sup>

15       **1 (b) The policy shall apply to all county employees, including**  
 16       **those employed by separately elected county officers.**

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

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

25       **Sec. 3. (a) Each elected county officer shall ensure that**  
 26       **employees under the county officer's supervision:**<sup>1</sup>

27       **1 (1) receive and acknowledge the applicable personnel policy;**  
 28       **and**<sup>1</sup>

29       **1 (2) adhere to the policy's provisions regarding conduct and**  
 30       **job performance.**

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

34       **Sec. 4. (a) Evaluations under the rubric may be performed:**<sup>1</sup>

35       **1 (1) internally by the elected county officer or their designee;**  
 36       **or**<sup>1</sup>

37       **1 (2) by a neutral evaluator mutually agreed upon by the**  
 38       **board of county commissioners and the elected county**  
 39       **officer.**

40       **(b) If a mutually agreed upon neutral evaluator cannot be**  
 41       **selected, the board of county commissioners may convene a three**

42       **(3) member selection committee consisting of:**<sup>1</sup>



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

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

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

25 (1) for a term of four (4) years (in the case of a municipal,  
26 county, or area plan commission);  
27 (2) for a term of three (3) years (in the case of a metropolitan  
28 plan commission); or  
29 (3) for a term of one (1), two (2), or three (3) years, as designated  
30 by the appointing authority (in the case of the metropolitan  
31 development commission).

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

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

Upon the establishment of a seven (7) member municipal plan commission, two (2) citizen members shall initially be appointed for a term of three (3) years and two (2) shall initially be appointed for a



1 term of four (4) years. Each member's term expires on the first Monday  
 2 of January of the second, third, or fourth year, respectively, after the  
 3 year of the member's appointment.

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

- 7     (1) One (1) for a term of one (1) year.
- 8     (2) One (1) for a term of two (2) years.
- 9     (3) One (1) for a term of three (3) years.
- 10    (4) Two (2) for a term of four (4) years.

11 Each member's term expires on the first Monday of January of the first,  
 12 second, third, or fourth year, respectively, after the year of the  
 13 member's appointment.

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

- 17    (1) Three (3) for a term of one (1) year, one (1) appointed by the  
 18 county legislative body and two (2) by the city executive.
- 19    (2) Two (2) for a term of two (2) years, one (1) by each  
 20 appointing authority.
- 21    (3) Two (2) for a term of three (3) years, one (1) by each  
 22 appointing authority.

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

33 (f) ADVISORY-AREA. **A member of a plan commission  
 34 appointed by a county executive serves at the pleasure of the  
 35 county executive.** The appointing authority, **other than a county  
 36 executive,** may remove a member **appointed by the applicable  
 37 appointing authority** from the plan commission for cause. The  
 38 appointing authority **that removes a member for cause** must mail  
 39 notice of the removal, along with written reasons for the removal, to the  
 40 member at the member's residence address. A member who is removed  
 41 may, within thirty (30) days after receiving notice of the removal,  
 42 appeal the removal to the circuit or superior court of the county. The



1       court may, pending the outcome of the appeal, order the removal or  
 2       stay the removal of the member.

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

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

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

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

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

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

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

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

42      (g) A member of a board of zoning appeals serves until the



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

3 SECTION 1~~2~~4. IC 36-9-13-18, AS AMENDED BY  
 4 P.L.127-2017, SECTION 309, IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee  
 6 appointed by a county executive of a county that does not contain  
 7 a consolidated city serves at the pleasure of the county executive.**

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

11 (1) neglect of duty;  
 12 (2) incompetence;  
 13 (3) inability to perform the trustee's duties; or  
 14 (4) any other good cause;

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

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

23 SECTION 1~~2~~5. IC 36-9-27-5, AS AMENDED BY  
 24 P.L.278-2019, SECTION 194, IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except in a  
 26 county having a consolidated city or as provided in subsection (d), the  
 27 drainage board consists of either:

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

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

41 (b) In a county having a consolidated city, the board of public  
 42 works of the consolidated city comprises the drainage board, subject to



1 IC 36-3-4-23.

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

6 SECTION 1 ~~4~~<sup>6</sup>. IC 36-10-3-6, AS AMENDED BY  
 7 P.L.127-2017, SECTION 377, IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. A member may be  
 9 removed only for cause, upon specific written charges filed against the  
 10 member. The charges shall be filed with and heard by the appointing  
 11 authority, unless the appointing authority is bringing the charges. If the  
 12 appointing authority is bringing the charges, the unit's fiscal body shall  
 13 appoint a hearing officer. The person to hear the charges shall fix a date  
 14 for a public hearing and give public notice at least ten (10) days in  
 15 advance of the hearing. At the hearing the member is entitled to present  
 16 evidence and argument and to be represented by counsel. appointed to  
 17 a board under this chapter serves at the pleasure of the member's  
 18 appointing authority. If a member is removed by the member's  
 19 appointing authority, the appointing authority shall fill the vacancy  
 20 by appointing a new member to serve at the pleasure of the  
 21 appointing authority for the remainder of the removed member's  
 22 term.

23 SECTION 1 ~~5~~<sup>7</sup>. IC 36-10-3-11 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

- 25 (1) **subject to subsection (d)**, enter into contracts and leases for  
 26 facilities and services;
- 27 (2) contract with persons for joint use of facilities for the  
 28 operation of park and recreation programs and related services;
- 29 (3) contract with another board, a unit, or a school corporation  
 30 for the use of park and recreation facilities or services, and a  
 31 township or school corporation may contract with the board for  
 32 the use of park and recreation facilities or services;
- 33 (4) **subject to subsection (d)**, acquire and dispose of real and  
 34 personal property, either within or outside Indiana;
- 35 (5) **subject to subsection (d)**, exercise the power of eminent  
 36 domain under statutes available to municipalities;
- 37 (6) sell, lease, or enter into a royalty contract for the natural or  
 38 mineral resources of land that it owns, the money received to be  
 39 deposited in a nonreverting capital fund of the board;
- 40 (7) engage in self-supporting activities as prescribed by section  
 41 22 of this chapter;
- 42 (8) contract for special and temporary services and for

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1 professional assistance;  
 2 (9) delegate authority to perform ministerial acts in all cases  
 3 except where final action of the board is necessary;  
 4 (10) prepare, publish, and distribute reports and other materials  
 5 relating to activities authorized by this chapter;  
 6 (11) sue and be sued collectively by its legal name, as the  
 7 " \_\_\_\_\_ (unit's name) Park and Recreation Board", with  
 8 service of process being had upon the president of the board, but  
 9 costs may not be taxed against the board or its members in any  
 10 action;  
 11 (12) invoke any legal, equitable, or special remedy for the  
 12 enforcement of this chapter, a park or recreation ordinance, or  
 13 the board's own action taken under either; and  
 14 (13) release and transfer, by resolution, a part of the area over  
 15 which it has jurisdiction for park and recreational purposes to  
 16 park authorities of another unit for park and recreational  
 17 purposes upon petition of the park or recreation board of the  
 18 acquiring unit.  
 19 (b) The board may also lease any buildings or grounds belonging  
 20 to the unit and located within a park to a person for a period not to  
 21 exceed fifty (50) years. The lease may authorize the lessee to provide  
 22 upon the premises educational, research, veterinary, or other proper  
 23 facilities for the exhibition of wild or domestic animals in wildlife  
 24 parks, dining facilities, swimming facilities, golf courses, skating  
 25 facilities, dancing facilities, amusement rides generally found in  
 26 amusement parks, or other recreational facilities. A lease may be made  
 27 for more than one (1) year only to the highest and best bidder, after  
 28 notice that the lease will be made has been given by publication in  
 29 accordance with IC 5-3-1.  
 30 (c) Notwithstanding subsection (b), the board may lease buildings  
 31 or grounds belonging to the unit for a period of more than one (1) year  
 32 without soliciting the highest and best bidder or providing notice under  
 33 IC 5-3-1 if:  
 34 (1) the buildings or grounds are leased to an Indiana nonprofit  
 35 corporation;  
 36 (2) the buildings or grounds are operated as a public golf course;  
 37 and  
 38 (3) the golf course remains subject to rules and regulations  
 39 promulgated by the board.  
 40 (d) **This subsection applies after June 30, 2026. Except as**  
 41 **otherwise provided by this subsection, before the board may:**  
 42 **(1) exercise the power of eminent domain under subsection**



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

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



## 1 (1) Inefficiency.

## 2 (2) Neglect of duty.

3 (3) Malfeasance in office.

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

10 (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

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

17 (1) the municipal legislative body; or

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

21 (B) A recreation board.

22 (C) The municipal works board.

23 (D) Any other appropriate board or commission.

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

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

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

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

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

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

41 remainder of the unexpired term.

42 (d) The park authority shall manage all public parks, including

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1        approaches, that belong to the municipality.

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

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

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

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

35       (i) Any nonreverting fund that was created under IC 19-7-6 (before  
 36       its repeal on September 1, 1981) continues until abolished by ordinance  
 37       of the municipal legislative body. The legislative body may include in  
 38       the park authority's annual budget an item and an appropriation for the  
 39       specific purposes of a nonreverting capital fund. Money put in the fund  
 40       may not be withdrawn except for the purposes for which the fund was  
 41       created, unless the legislative body repeals the ordinance creating the  
 42       fund. The repeal may not be made under suspension of the rules.



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

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

17 (1) has a population of more than twenty-five thousand (25,000);  
 18 and  
 19 (2) is located in a county having a population of more than three  
 20 hundred thousand (300,000) and less than three hundred fifty  
 21 thousand (350,000).

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

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

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

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

38 (d) Two (2) or more counties may establish an area park district  
 39 for the purposes of establishing, owning, maintaining, and controlling  
 40 one (1) or more public parks for the use and benefit of the residents of  
 41 those counties. To establish a district, the legislative body of each  
 42 county desiring to join shall adopt substantially identical ordinances



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

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

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

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

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

41 (i) The board may levy a tax for the establishment, purchase,  
 42 maintenance, and control of the parks established and controlled by the



1 board, but the tax may not exceed one and sixty-seven hundredths cents  
 2 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of  
 3 property in the district. When the board determines the rate of the levy,  
 4 the board shall certify it to each county auditor. The levy shall then be  
 5 placed upon the tax duplicate of each county in the district, and the tax  
 6 shall be collected in the same manner as other taxes are collected. All  
 7 money received for the district shall be paid into the treasury of the  
 8 county with the greatest population. The money shall be deposited and  
 9 kept as other public funds are deposited and kept, and interest earned  
 10 on the money shall be credited to the area park fund. Money may be  
 11 paid out by the treasurer only upon the written order of the board.

12 (j) A county may withdraw from a district only upon a two-thirds  
 13 (2/3) vote of its legislative body. If a county decides to withdraw from  
 14 a district, the date of withdrawal must be effective on January 1 of a  
 15 year at least one (1) year after the date upon which the county voted to  
 16 withdraw.

17 SECTION 2~~0~~<sup>2</sup>[2]. IC 36-10-8-4, AS AMENDED BY  
 18 P.L.229-2011, SECTION 267, IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is  
 20 composed of seven (7) members.

21 (b) The county executive shall determine in the creating ordinance  
 22 which units within the county shall make appointments to the board. In  
 23 addition, the creating ordinance must provide that no more than four  
 24 (4) of the members be affiliated with the same political party. The  
 25 creating ordinance must also provide staggered terms for the  
 26 appointments.

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

40 (1) One (1) of the members appointed by each appointing  
 41 authority for a term ending January 15 of the year following the  
 42 appointment.

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

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

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

## SECTION 23. An emergency is declared for this act.]

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