

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in ~~this~~ ~~style~~ ~~type~~ or in [this] [style] [type].

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.

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] SECTION ~~2~~ IC 7.1-2-4-21 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. Removal from
9 Office. **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

2026

IN 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

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

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

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

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

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

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

(5) If a sixth appointment is necessary, one (1) for an initial term of four (4) 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 hold office for a term of four (4) years and until their successors are appointed and qualified. If the authority was established under IC 19-6-3 (before its repeal on April 1, 1980), at the expiration of the members' terms the mayor or the board of county commissioners shall appoint a member or members to fill the vacancies caused by the expiration. The members so appointed hold office for a term of three (3) 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~~⁵. IC 8-22-3-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.1. (a) Notwithstanding section 6 of this chapter, the board members of an authority established under section 1.1 of this chapter shall be appointed on or before June 15, 1985. The term of each member starts



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

(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~~⁵. 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 services or the director's designee;

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

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

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

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

(B) One (1) probation officer.

(C) One (1) juvenile probation officer.

(D) One (1) educational administrator.

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

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

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

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

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



M
a
r
k
u
p

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

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

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

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

(2) at least six (6);

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

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

(1) Department grants.

(2) User fees.

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

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

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

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



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

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

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

- (1) a city, town, or county attorney;
 (2) a law enforcement officer;
 (3) a judge;
 (4) a court employee;
 (5) an attorney who provides representation to indigent persons in 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).

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

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

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



M
a
r
k
u
p

- 1 (1) chairperson; or
 2 (2) other two (2) members.
 3 (f) A county executive may terminate the board by giving at least
 4 ninety (90) days written notice to the judges described in subsection
 5 (a).

6 SECTION ~~8~~ [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:

- 30 (1) a city, town, or county attorney;
 31 (2) a law enforcement officer;
 32 (3) a judge;
 33 (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).

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



appointing authority.

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

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

(1) has been appointed; and

(2) is able to begin the member's term.

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

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

(1) the chairperson; or

(2) two (2) serving members of the joint board.

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

Chapter 4.5. Appointed Officer Oath of Office

Sec. 1. This chapter applies to a person:

(1) appointed to an office of a political subdivision; and

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

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

(1) IC 5-4-1; and

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

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

(1) The individual's certificate of appointment.

(2) A form for endorsement of the oath of office. Unless contrary to another statute, endorsement of the oath of office may be on the certificate of appointment.

(3) A statement that IC 5-4-1 requires the individual to do the following not later than thirty (30) days after the individual's term begins:

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

(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.

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

(b) Under the supervision of the executive and with its express 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
- (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.

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



[EFFECTIVE JULY 1, 2026]:

Chapter 21. County Personnel Policy and Evaluation Standards

Sec. 1. This chapter does not apply to:

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

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

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

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

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

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

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

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

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

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

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

(3) member selection committee consisting of:

2026

IN 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

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

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

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.**

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

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

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

20 **SECTION 1 ~~1~~ [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.**

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

- 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.**

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



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

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

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

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

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

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

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

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



M
a
r
k
u
p

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 ~~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



M
a
r
k
u
p

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

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

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

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

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

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

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

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

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

(b) In a county having a consolidated city, the board of public 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 ~~6~~ [6]. 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~~ [7]. 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



professional assistance;

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

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

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

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

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

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

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

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

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

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

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

(1) exercise the power of eminent domain under subsection



- (a)(5);
- (2) enter into a contract under subsection (a)(1) with a total cost exceeding one hundred thousand dollars (\$100,000);
- (3) acquire real or personal property under subsection (a)(4) with a total cost exceeding one hundred thousand dollars (\$100,000); or
- (4) approve capital improvements to park facilities or property with a total cost exceeding one hundred thousand dollars (\$100,000);

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

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

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



- (1) ~~Inefficiency.~~
- (2) ~~Neglect of duty.~~
- (3) ~~Malfeasance in office.~~

SECTION 1 ~~<=>~~ [9]. 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:

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

(2) each second class city that:

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

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

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

(1) the municipal legislative body; or

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

(A) The governing body of the school corporation.

(B) A recreation board.

(C) The municipal works board.

(D) Any other appropriate board or commission.

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

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

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

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

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

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

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



approaches, that belong to the municipality.

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

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

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

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

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



M
a
r
k
u
p

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

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

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

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

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

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



- 1 (2) Two (2) of the members appointed by each appointing
 2 authority for a term ending January 15 of the second year
 3 following the appointment.
 4 (3) The seventh member serves for a term ending January 15 of
 5 the second year following the appointment.
 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.
 10 (e) If a vacancy occurs on the board, the appointing authority shall
 11 appoint a new member. That member serves for the remainder of the
 12 vacated term.
 13 (f) A board member, **other than a board member appointed by**
 14 **the county executive,** may be removed for cause by the appointing
 15 authority who appointed the member. **A member appointed by the**
 16 **county executive serves at the pleasure of the county executive.**
 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.
 27 [SECTION 23. An emergency is declared for this act.](#)

M
a
r
k
u
p