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HOUSE BILL No. 1161

Proposed Changes to January 13, 2026 printing by AM116106

DIGEST OF PROPOSED AMENDMENT

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

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 6-9-18-5, AS AMENDED BY P.L.175-2018,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. (a) If a tax is levied under section 3 of this
4 chapter, the county executive shall create a commission to promote the
5 development and growth of the convention, visitor, and tourism
6 industry in the county. If two (2) or more adjoining counties desire to
7 establish a joint commission, the counties shall enter into an agreement
8 under IC 36-1-7.
9 (b) The county executive shall determine the number of members,
10 which must be an odd number, to be appointed to the commission. A
11 simple majority of the members must be:
12 (1) engaged in a convention, visitor, or tourism business; or
13 (2) involved in or promoting conventions, visitors, or tourism.
14 A member appointed to the commission under subdivision (1) or (2)
15 need not be a resident of the county if the member is an owner or an
16 executive level employee of a convention, visitor, or tourism business

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that is located within the county. However, the member must be a resident of Indiana. If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations (as described in section 3 of this chapter). Not more than one (1) member may be affiliated with the same business entity. Except as otherwise provided in this subsection, each member must reside in the county. The county executive shall also determine who will make the appointments to the commission, except that the executive of the largest municipality in the county shall appoint a number of the members of the commission, which number shall be in the same ratio to the total size of the commission (rounded off to the nearest whole number) that the population of the largest municipality bears to the total population of the county.

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

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

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

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

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

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

] (f) Members of the commission may not receive a salary.

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However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

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

(h) The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

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

(1) the city or town executive who appointed the member still holds the same office; or

(2) the county executive or fiscal body that appointed the member retains all of the same members who served on the body when the individual was appointed.

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

(b) This subsection only applies to a local board in a county that has a consolidated city. An appointed member of a local board] may be removed from office only for good cause. ~~<~~ ~~P~~ ~~>~~ [

(c) In order to remove an appointed member for good cause, the commission shall give the member a written copy of the charges against ~~him~~ ~~the member~~ and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why ~~he~~ ~~the member~~ should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and

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determinations of the commission in respect to a removal shall be final.

SECTION 3. 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.

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(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)~~ >[

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

~~(c) (d)~~ [Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. ~~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 office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

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

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1 agreement of the county executives or, in a county having a
2 consolidated city, by the city-county council.

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

- 9 (1) less than a majority of the members; and
10 (2) at least six (6);

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

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

- 21 (1) Department grants.
22 (2) User fees.
23 (3) Other funds as contained within an approved plan.

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

26 SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) ~~<A>~~ [This
28 subsection applies to a] member of a local board of health [who is
29 appointed by <a>[the] county executive~~]. An individual who is~~
30 appointed a member] of a ~~<county that does not contain a~~
31 ~~consolidated city>~~ [local board of health] serves at the pleasure of
32 the county executive [as long as the county executive that
33 appointed the member retains all of the same members who served
34 on the body when the individual was appointed].

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

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

42 SECTION 5. IC 16-23-1-9 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The directors shall be appointed on the third Monday of January.

(b) The initial terms of the governing board are as follows:

(1) Two (2) members for one (1) year.

(2) Two (2) members for two (2) years.

(3) One (1) member for three (3) years.

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

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

(d) The term of each member begins February 1 in the year of appointment at the expiration of the member's predecessor's term and continues four (4) years and until a successor is appointed and qualified. However, an interim member chosen to fill a vacancy begins tenure at the time specified in the member's certificate of appointment and serves the unexpired term of the member the interim member succeeds. [

(e) ~~<The member>~~ [An individual who is appointed a director] serves at the pleasure of the ~~<member's appointing authority>~~ [appointing board as long as the appointing board retains all of the same members who served on the appointing board when the individual was appointed.

] SECTION 6. 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).

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[(c) [This subsection applies to a member of the board who is appointed by the county executive. A board member serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed.]

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

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

- (1) chairperson; or
- (2) other two (2) members.

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

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

- (1) creating a multicounty public defender's office; and
 - (2) providing legal defense services to indigent persons located in the counties served by the multicounty public defender's office.
- (b) An agreement described in subsection (a) shall:
- (1) require any created multicounty public defender's office to be administered by a joint board (as described in IC 36-1-7-3(a)(5)(B)); and
 - (2) delegate, to an auditor of one (1) of the constituent counties comprising the multicounty public defender's office, the duty to

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1 receive, disburse, and account for all monies distributed to the
2 multicounty public defender's office.

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

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

- 9 (1) a city, town, or county attorney;
- 10 (2) a law enforcement officer;
- 11 (3) a judge;
- 12 (4) a court employee;
- 13 (5) an employee of the department of child services;
- 14 (6) an attorney who provides representation to indigent persons
15 in one (1) or more of the counties served by the multicounty
16 public defender's office being administered by the joint board; or
17 (7) an employee of any individuals described in subdivisions (1)
18 through (6).

19 (e) Each member of the joint board shall serve a three (3) year
20 term that begins on the date of the member's appointment to the joint
21 board. ~~Each~~ [

22 (f) This subsection applies to a member of the board who is
23 appointed by the county executive. An individual who is appointed
24 a board] member serves at the pleasure of the <member's
25 appointing authority.

26 ~~—(f)—~~ [county executive as long as the county executive retains
27 all of the same members who served on the body when the
28 individual was appointed.

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

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

- 36 (1) has been appointed; and
- 37 (2) is able to begin the member's term.

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

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

- 42 (1) the chairperson; or

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

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

(1) A judge.

(2) A law enforcement officer.

(3) An address confidentiality program participant.

(4) A public official.

(5) The surviving spouse of a person described in subdivision

(2), if the person was killed in the line of duty.

(6) An employee of the department of child services.

(7) A current or former probation officer.

(8) A current or former community corrections officer.

(9) A regular, paid firefighter or a volunteer firefighter (as defined in IC 36-8-12-2).

(10) A correctional services provider.

(11) A public defender.

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

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

(1) An individual employed full time by a county as a public defender.

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

(3) The state public defender.

(4) A deputy of the state public defender.

(5) A chief public defender.

SECTION 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

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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~~ set the salary of the county administrator subject to salary parameters established by the county fiscal body.

SECTION 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:
 - (A) of a probation department;
 - (B) of a court;
 - (C) of a judicial officer (as defined in IC 35-31.5-2-177.7) or other circuit officers;
 - (D) of a prosecutor's office;
 - (E) of a public defender's office;
 - (F) of a community corrections program;
 - (G) governed by a merit board established under IC 36-8-3.5 or IC 36-8-10-3; or
 - (H) of the state.

Sec. 2. (a) Each county executive, in coordination with the county fiscal body if applicable, shall adopt and maintain a written

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1 personnel policy, employee handbook, or equivalent document
 2 establishing minimum standards for county employee conduct and
 3 applicable county policies.

4 (b) A county executive, a county fiscal body, and county
 5 officers shall require all county employees, including existing
 6 employees, to sign an acknowledgment of receipt of the adopted
 7 personnel policy or employee handbook as a condition of
 8 employment.

9 Sec. 3. Results of evaluations shall be maintained as part of the
 10 employee's personnel record in accordance with county policy.

11 Sec. 4. An elected county officer or their designee retains
 12 responsibility for and authority over final disciplinary decisions for
 13 employees under the officer's supervision, unless otherwise
 14 permitted or required by state law.

15 Sec. 5. Nothing in this chapter shall be construed to diminish
 16 or infringe upon the statutory authority, autonomy, or
 17 constitutional duties of:

- 18 (1) a county executive;
- 19 (2) a county fiscal body;
- 20 (3) an elected county officer (as defined in IC 36-2-2.9-3);
- 21 (4) a judicial officer (as defined in IC 35-31.5-2-177.7), other
- 22 circuit officers, or employees of a judicial or circuit officer;
- 23 (5) a prosecutor's office;
- 24 (6) a public defender's office;
- 25 (7) a community corrections advisory board established
- 26 under IC 11-12-2-2; or
- 27 (8) a merit board established under IC 36-8-3.5 or
- 28 IC 36-8-10-3.

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

33 (b) The city executive shall appoint:

- 34 (1) a city controller;
- 35 (2) a city civil engineer;
- 36 (3) a corporation counsel;
- 37 (4) a chief of the fire department;
- 38 (5) a chief of the police department; and
- 39 (6) other officers, employees, boards, and commissions required
- 40 by statute.

41 (c) The board of public works and safety may be composed of
 42 three (3) members or five (5) members appointed by the executive.

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1 ~~<A>~~[An individual who is appointed a] member [of the board]
 2 serves at the pleasure of the executive [as long as the executive who
 3 appointed the member continues to hold the office of executive].<

4 >[]A member may hold other appointive positions in city government
 5 during the member's tenure. IC 36-4-11-2 applies to board member
 6 appointments under this section. The executive shall appoint a clerk for
 7 the board.

8 (d) If the board of public works and board of public safety are
 9 established as separate boards, each board may be composed of three
 10 (3) members or five (5) members who are appointed by the executive.
 11 A member may hold other appointive positions in city government
 12 during the member's tenure. The executive shall appoint a clerk for
 13 each board.

14 (e) If the executive:

15 (1) increases the number of members of a board of public works
 16 and safety, a board of public works, or a board of public safety
 17 from three (3) to five (5) members; or

18 (2) decreases the number of members of a board of public works
 19 and safety, a board of public works, or a board of public safety
 20 from five (5) to three (3) members;

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

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

28 (b) The city executive shall appoint:

29 (1) a city civil engineer;

30 (2) a city attorney;

31 (3) a chief of the fire department;

32 (4) a chief of the police department; and

33 (5) other officers, employees, boards, and commissions required
 34 by statute.

35 (c) The board of public works and safety consists of three (3) or
 36 five (5) members (as determined by the city executive). The members
 37 of the board of public works and safety are:

38 (1) the city executive; and

39 (2) two (2) or four (4) persons appointed by the executive.

40 A~~<member>~~[n individual who is] appointed ~~<by>~~[a member of]
 41 the <executive> [board] serves at the pleasure of the [executive as
 42 long as the executive who appointed the member continues to hold

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the office of executive. If the executive increases the number of board members from three (3) to five (5) members or decreases the number of board members from five (5) to three (3) members, the city shall publish notice under IC 5-3-1 of the increase or decrease in members and state the total number of members appointed to the board. IC 36-4-4-2 notwithstanding, a member may hold other appointive or elective positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The city clerk is the clerk of the board.

(d) If the city legislative body adopts an ordinance under IC 36-4-12 to employ a city manager, the executive may appoint the city manager to a position on the board of public works and safety in place of the executive.

(e) The city executive may appoint a public safety director to:

(1) serve as the chief administrative officer of; and

(2) oversee the operations of;

the police department and fire department. The city executive shall determine the qualifications of the public safety director.

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

(1) for a term of four (4) years (in the case of a municipal, county, or area plan commission);

(2) for a term of three (3) years (in the case of a metropolitan plan commission); or

(3) for a term of one (1), two (2), or three (3) years, as designated by the appointing authority (in the case of the metropolitan development commission).

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

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

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

(2) Two (2) for a term of three (3) years.

(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 term of four (4) years. Each member's term expires on the first Monday

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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 serves on the plan commission at the pleasure of the member's appointing authority. >The appointing authority may remove a member from the plan commission for cause. <The appointing authority 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 court may, pending the outcome of the appeal, order the removal or stay the removal of the member.>~~ [An individual who is appointed a member of the plan commission serves at the pleasure of the member's

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appointing authority as long as:

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

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

If subdivision (1) or (2) does not apply, the individual may only be removed for cause. To remove a member for cause, the appointing authority 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 court may, pending the outcome of the appeal, order the removal or stay the removal of the member.]

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

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

(b) ADVISORY–AREA. Upon the establishment of a division of the board of zoning appeals, the members shall initially be appointed as provided in the zoning ordinance 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.

(c) ADVISORY–AREA. Under subsection (b), each 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) METRO. Each appointment of a member of a division of a board of zoning appeals is for a term of one (1) year.

(e) METRO. The appointing authority may remove a member from the metropolitan board of zoning appeals. The appointing authority must mail notice of the removal, along with written reasons, if any, for the removal, to the member at the member's residence address. A

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member who is removed may not appeal the removal to a court or otherwise.

(f) ADVISORY—AREA. ~~<A member of the board of zoning appeals serves at the pleasure of the member's appointing authority.>~~The appointing authority may remove a member from the board of zoning appeals for cause. ~~<The appointing authority 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.>~~[An individual who is appointed a member of the board of zoning appeals serves at the pleasure of the member's appointing authority as long as:

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

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

If subdivision (1) or (2) does not apply, the individual may only be removed for cause. To be removed for cause, the appointing authority 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.]

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

SECTION 16. IC 36-7-12-14, AS AMENDED BY P.L.127-2017, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) ~~<This subsection applies to>~~[An economic development commissioner of] an economic development commission established under section 8 of this chapter~~<. An economic development commissioner>~~ may be removed from office for ~~<neglect of duty, incompetency, inability to perform the commissioner's duties, or any other good cause, by the executive or fiscal body that selected or nominated the commissioner. The commissioner removed may obtain judicial review of the removal by filing a complaint in a circuit or superior court in the county, and the burden of proof is upon the executive or fiscal body that removed the commissioner. The cause shall be~~

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~~placed on the advanced calendar and be tried as other civil causes are tried by the court, without a jury. The court's judgment may be appealed in the same manner as any civil action.~~ [good cause as provided in subsection (c).]

(b) This subsection does not apply to an economic development commission established under section 8 of this chapter. An ~~economic development commissioner~~ [individual who is an appointed member] serves at the pleasure of the member's appointing authority ~~←~~.

→ [as long as:

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

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

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

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

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

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

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

~~← (d) A board member:~~

~~→~~ [](←→[d]) [A board member]for a board established in a county containing a consolidated city←→ may be removed for cause by the executive of the unit←→[.]~~and~~

~~←→~~ [](←→[e]) ~~for~~[This subsection applies to] a board

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established in a county that does not contain a consolidated city ~~<>~~. An individual who is appointed a board member serves at the pleasure of the ~~executive~~.

~~(e)~~ (f) [member's appointing authority as long as:

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

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

~~(e)~~ (f) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

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

SECTION 18. 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>~~ [only applies] to [an individual who is appointed] a trustee ~~<appointed>~~ by a county executive of a county that does not contain a consolidated city. [A trustee serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed. If any of the members on the county executive changes, the trustee may only be removed under subsection (b).

(a) (b) 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

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at any time.

SECTION 19. 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),~~ (c), 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>~~ [

(b) This subsection only applies to an individual appointed as a member under subsection (a)(2)] 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> [A drainage board member serves at the pleasure of the county executive] as long as the county executive that appointed the individual retains all of the same members who served on the body when the individual was appointed].

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

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

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

- (1) Except as provided in subdivision (2):
 - (A) the county board of commissioners, as provided in IC 36-9-27-5(a)(1); or
 - (B) the drainage board appointed by the board of commissioners under IC 36-9-27-5(a)(2).
- (2) In a county having a consolidated city, the board of public works of the consolidated city, as provided in ~~IC 36-9-27-5(b);~~ IC 36-9-27-5(c).

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1 SECTION 21. IC 36-10-3-6, AS AMENDED BY P.L.127-2017,
 2 SECTION 377, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 6. ~~<A member may be removed~~
 4 ~~only for cause, upon specific written charges filed against the member.~~
 5 ~~The charges shall be filed with and heard by the appointing authority,~~
 6 ~~unless the appointing authority is bringing the charges. If the~~
 7 ~~appointing authority is bringing the charges, the unit's fiscal body shall~~
 8 ~~appoint a hearing officer. The person to hear the charges shall fix a date~~
 9 ~~for a public hearing and give public notice at least ten (10) days in~~
 10 ~~advance of the hearing. At the hearing the member is entitled to present~~
 11 ~~evidence and argument and to be represented by counsel. appointed to~~
 12 ~~a board under this chapter>~~ [An individual who is appointed a
 13 member] serves at the pleasure of the member's appointing
 14 authority ~~<. If a member is removed by the member's>~~ [as long as:
 15 (1) the officeholder who appointed the individual continues
 16 to hold the office; or
 17 (2) the board, committee, or body that appointed the
 18 individual retains all of the same members who served on the
 19 board, committee, or body when the individual was
 20 appointed.
 21 If subdivision (1) or (2) does not apply, the A member may be
 22 removed only for cause, upon specific written charges filed against the
 23 member. The charges shall be filed with and heard by the] appointing
 24 authority, [unless] the appointing authority ~~<shall fill the vacancy by~~
 25 ~~appointing a new member to serve at the pleasure of>~~ [is bringing the
 26 charges. If] the appointing authority ~~<for the remainder of the removed~~
 27 ~~member's term.~~
 28 ~~—SECTION 21>~~ [is bringing the charges, the unit's fiscal body shall
 29 appoint a hearing officer. The person to hear the charges shall fix a date
 30 for a public hearing and give public notice at least ten (10) days in
 31 advance of the hearing. At the hearing the member is entitled to present
 32 evidence and argument and to be represented by counsel.
 33 SECTION 22. IC 36-10-3-11 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:
 35 (1) **subject to subsection (d)**, enter into contracts and leases for
 36 facilities and services;
 37 (2) contract with persons for joint use of facilities for the
 38 operation of park and recreation programs and related services;
 39 (3) contract with another board, a unit, or a school corporation
 40 for the use of park and recreation facilities or services, and a
 41 township or school corporation may contract with the board for
 42 the use of park and recreation facilities or services;

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- 1 (4) **subject to subsection (d)**, acquire and dispose of real and
 2 personal property, either within or outside Indiana;
 3 (5) **subject to subsection (d)**, exercise the power of eminent
 4 domain under statutes available to municipalities;
 5 (6) sell, lease, or enter into a royalty contract for the natural or
 6 mineral resources of land that it owns, the money received to be
 7 deposited in a nonreverting capital fund of the board;
 8 (7) engage in self-supporting activities as prescribed by section
 9 22 of this chapter;
 10 (8) contract for special and temporary services and for
 11 professional assistance;
 12 (9) delegate authority to perform ministerial acts in all cases
 13 except where final action of the board is necessary;
 14 (10) prepare, publish, and distribute reports and other materials
 15 relating to activities authorized by this chapter;
 16 (11) sue and be sued collectively by its legal name, as the
 17 "_____ (unit's name) Park and Recreation Board", with
 18 service of process being had upon the president of the board, but
 19 costs may not be taxed against the board or its members in any
 20 action;
 21 (12) invoke any legal, equitable, or special remedy for the
 22 enforcement of this chapter, a park or recreation ordinance, or
 23 the board's own action taken under either; and
 24 (13) release and transfer, by resolution, a part of the area over
 25 which it has jurisdiction for park and recreational purposes to
 26 park authorities of another unit for park and recreational
 27 purposes upon petition of the park or recreation board of the
 28 acquiring unit.
- 29 (b) The board may also lease any buildings or grounds belonging
 30 to the unit and located within a park to a person for a period not to
 31 exceed fifty (50) years. The lease may authorize the lessee to provide
 32 upon the premises educational, research, veterinary, or other proper
 33 facilities for the exhibition of wild or domestic animals in wildlife
 34 parks, dining facilities, swimming facilities, golf courses, skating
 35 facilities, dancing facilities, amusement rides generally found in
 36 amusement parks, or other recreational facilities. A lease may be made
 37 for more than one (1) year only to the highest and best bidder, after
 38 notice that the lease will be made has been given by publication in
 39 accordance with IC 5-3-1.
- 40 (c) Notwithstanding subsection (b), the board may lease buildings
 41 or grounds belonging to the unit for a period of more than one (1) year
 42 without soliciting the highest and best bidder or providing notice under

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1 IC 5-3-1 if:

- 2 (1) the buildings or grounds are leased to an Indiana nonprofit
3 corporation;
4 (2) the buildings or grounds are operated as a public golf course;
5 and
6 (3) the golf course remains subject to rules and regulations
7 promulgated by the board.

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

- 10 **(1) exercise the power of eminent domain under subsection**
11 **(a)(5);**
12 **(2) enter into a contract under subsection (a)(1) with a total**
13 **cost exceeding the lesser of:**
14 **(A) five hundred thousand dollars (\$500,000); or**
15 **(B) ten percent (10%) of the department's annual**
16 **budget;**
17 **(3) acquire real or personal property under subsection (a)(4)**
18 **with a total cost exceeding the lesser of:**
19 **(A) five hundred thousand dollars (\$500,000); or**
20 **(B) ten percent (10%) of the department's annual**
21 **budget; or**
22 **(4) approve capital improvements to park facilities or**
23 **property with a total cost exceeding the lesser of:**
24 **(A) five hundred thousand dollars (\$500,000); or**
25 **(B) ten percent (10%) of the department's annual**
26 **budget;**

27 **the board must obtain approval by the executive of each applicable**
28 **unit that established the department under this chapter. The board**
29 **shall provide the applicable unit executive a description of the cost**
30 **of the service, property, or capital improvement described in**
31 **subdivisions (1) through (4) and a description of the manner in**
32 **which the cost will be paid by the board or department.**

33 SECTION 2 ~~⇒~~ [3]. IC 36-10-4-4 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
35 each year, the executive shall appoint a commissioner to fill the
36 vacancy caused by the expiration of a term. Each commissioner
37 appointed holds office for a term of four (4) years, beginning with
38 January 1 in the year of appointment. If a vacancy occurs on the board,
39 the executive shall appoint a commissioner for the remainder of the
40 term.

41 (b) A ~~commissioner may not be removed from office except upon~~
42 ~~charges preferred in writing before the executive, with a hearing held~~

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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 23~~ → [as long as the executive who appointed the commissioner continues to hold the office of executive. If the executive who appointed the commissioner no longer holds the office of executive, the 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:

(1) Inefficiency.

(2) Neglect of duty.

(3) Malfeasance in office.

SECTION 24. 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

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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)>~~ [(d) A member serves at the pleasure of the member's appointing authority as long as:

- (1) the city executive who appointed the member continues to hold the office of city executive; or
- (2) the town legislative body that appointed the individual retains all of the same members that served on the body when the individual was appointed.

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

~~[(e)(f)]~~ 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)(g)]~~ [(g)] 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

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the park.

~~[(g)]~~ **[(h)]** 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)]~~ **[(i)]** 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)]~~ **[(j)]** 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. Money procured from fees shall be deposited at least once each month with the municipal fiscal officer. The fiscal officer shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund as directed by the park authority. The legislative body may provide by ordinance that expenditures may be made from the special nonreverting operating fund without appropriation. Money from fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may not be deposited in this fund. Money from either fund shall be disbursed only on approved claims that are allowed and signed in the same manner as other claims of the municipality are allowed and signed.

SECTION 2 ~~<4>~~ **[5]**. IC 36-10-5-5, AS AMENDED BY P.L.104-2022, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a municipality that:

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

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and

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

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

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

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

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

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

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

(e) Within ten (10) days after the publication of the ordinance, any registered voter may notify the legislative body of the voter's intent to file a remonstrance petition. Within sixty (60) days after this notice, petitions for and against the county's joining in the proposed district may be filed with the legislative body. The petitions must be signed

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1 and acknowledged by registered voters of the county. The petition that
2 contains the greater number of signatures prevails.

3 (f) Within thirty (30) days after the establishment of the district,
4 the legislative body of each county joining shall appoint members to
5 the area park board. Each county may appoint one (1) member to the
6 board. In addition, each county may appoint an additional member for
7 each fifty thousand (50,000) residents or fraction thereof of that
8 county's population. Each member must be a resident of the county
9 from which the member is appointed, and at least one (1) member from
10 each county must be an elected official of that county. Members serve
11 for terms of four (4) years and may be reappointed. ~~<A>~~ [An individual
12 who is appointed a] member serves at the pleasure of the
13 <member's appointing authority> [county legislative body as long
14 as the county legislative body retains the same members who
15 served on the body when the individual was appointed]. Vacancies
16 shall be filled by the appointing authority for the unexpired term of the
17 vacating member.

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

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

31 (i) The board may levy a tax for the establishment, purchase,
32 maintenance, and control of the parks established and controlled by the
33 board, but the tax may not exceed one and sixty-seven hundredths cents
34 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of
35 property in the district. When the board determines the rate of the levy,
36 the board shall certify it to each county auditor. The levy shall then be
37 placed upon the tax duplicate of each county in the district, and the tax
38 shall be collected in the same manner as other taxes are collected. All
39 money received for the district shall be paid into the treasury of the
40 county with the greatest population. The money shall be deposited and
41 kept as other public funds are deposited and kept, and interest earned
42 on the money shall be credited to the area park fund. Money may be

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1 paid out by the treasurer only upon the written order of the board.

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

7 SECTION 2~~66~~^[7]. IC 36-10-8-4, AS AMENDED BY
8 P.L.229-2011, SECTION 267, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is
10 composed of seven (7) members.

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

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

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

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

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

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

42 (e) If a vacancy occurs on the board, the appointing authority shall

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1 appoint a new member. That member serves for the remainder of the
2 vacated term.

3 (f) ~~<A board member, other than a board member appointed by~~
4 ~~the county executive,>~~ [An individual who is appointed a member
5 serves at the pleasure of the member's appointing authority as long
6 as:

7 (1) the officeholder who appointed the individual continues
8 to hold the office; or

9 (2) the board, committee, or body that appointed the
10 individual retains all of the same members that served on the
11 board, committee, or body when the individual was
12 appointed.

13 If subdivision (1) or (2) does not apply, A the board member] may be
14 removed for cause by the appointing authority [.] [who] [appointed]
15 [the] [member. ~~<A member appointed by the county executive~~
16 ~~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. [
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