

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

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

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

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

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

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

42 1 (f) Members of the commission may not receive a salary.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

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

16 SECTION 2. IC 7.1-2-4-21 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. ~~[Removal]~~

18 ~~[from] Office. For a local board in a county that does not contain~~
 19 ~~a consolidated city, an appointed member serves at the pleasure of~~
 20 ~~the board of member's appointing authority. An appointed member~~
 21 ~~of a local board, other than a member appointed]~~ ~~[Office. (a) This~~
 22 ~~subsection only applies]~~ to a local board in a county that does not
 23 contain a consolidated city~~[>]~~
 24 ~~I. An individual who is an appointed~~
 25 ~~member serves at the pleasure of the member's appointing~~
 26 ~~authority as long as:~~

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

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

2 SECTION 3. IC 11-12-2-2, AS AMENDED BY P.L.86-2017,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2026]: Sec. 2. (a) To qualify for financial aid under this
 5 chapter, a county must establish a community corrections advisory
 6 board by resolution of the county executive or, in a county having a
 7 consolidated city, by the city-county council. A community corrections
 8 advisory board consists of:

- 9 (1) the county sheriff or the sheriff's designee;
- 10 (2) the prosecuting attorney or the prosecuting attorney's
 11 designee;
- 12 (3) the executive of the most populous municipality in the county
 13 or the executive's designee;
- 14 (4) two (2) judges having criminal jurisdiction, if available,
 15 appointed by the circuit court judge or the judges' designees;
- 16 (5) one (1) judge having juvenile jurisdiction, appointed by the
 17 circuit court judge;
- 18 (6) one (1) public defender or the public defender's designee, if
 19 available, or one (1) attorney with a substantial criminal defense
 20 practice appointed by the county executive or, in a county having
 21 a consolidated city, by the city-county council;
- 22 (7) one (1) victim, or victim advocate if available, appointed by
 23 the county executive or, in a county having a consolidated city,
 24 by the city-county council;
- 25 (8) one (1) ex-offender, if available, appointed by the county
 26 executive or, in a county having a consolidated city, by the
 27 city-county council;
- 28 (9) the director of the local office of the department of child
 29 services or the director's designee;
- 30 (10) a representative from a juvenile correctional facility or
 31 juvenile detention center in the county, but if no facility exists,
 32 one (1) mental health representative chosen by the judge
 33 described in subdivision (5);
- 34 (11) a representative from the Juvenile Detention Alternatives
 35 Initiative, but if no program exists, a representative from the
 36 court appointed special advocate program in the county or
 37 guardian ad litem program in the county; and
- 38 (12) the following members appointed by the county executive
 39 or, in a county having a consolidated city, by the city-county
 40 council:
 - 41 (A) One (1) member of the county fiscal body or the
 42 member's designee.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(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. <

15 ~~(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.

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

3 ~~[(e)]~~ [(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) ~~↔~~ [This
 28 subsection applies to a] member of a local board of health [who is
 29 appointed by ~~↔~~ [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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

3 (b) The initial terms of the governing board are as follows:
 4 (1) Two (2) members for one (1) year.
 5 (2) Two (2) members for two (2) years.
 6 (3) One (1) member for three (3) years.
 7 (4) Two (2) members for four (4) years.
 8 (c) Each subsequent term is for four (4) years.
 9 (d) The term of each member begins February 1 in the year of
 10 appointment at the expiration of the member's predecessor's term and
 11 continues four (4) years and until a successor is appointed and
 12 qualified. However, an interim member chosen to fill a vacancy begins
 13 tenure at the time specified in the member's certificate of appointment
 14 and serves the unexpired term of the member the interim member
 15 succeeds.]

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

21 1 SECTION 6. IC 33-40-7-3, AS AMENDED BY P.L.111-2024,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 3. (a) A county executive may adopt an ordinance
 24 establishing a county public defender board consisting of three (3)
 25 members. The county executive shall appoint one (1) member. The
 26 judges who exercise felony or juvenile jurisdiction in the county shall
 27 appoint by majority vote one (1) member. The Indiana commission on
 28 court appointed attorneys shall appoint one (1) member who must be
 29 a resident of the county or region managing the public defender's
 30 office.

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

34 (1) a city, town, or county attorney;
 35 (2) a law enforcement officer;
 36 (3) a judge;
 37 (4) a court employee;
 38 (5) an attorney who provides representation to indigent persons
 39 in the county or region managed by the public defender board;
 40 (6) an employee of the department of child services; or
 41 (7) an employee of any individuals described in subdivisions (1)
 42 through (6).

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

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

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

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

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

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

33 (1) creating a multicounty public defender's office; and
 34 (2) providing legal defense services to indigent persons located
 35 in the counties served by the multicounty public defender's
 36 office.

37 (b) An agreement described in subsection (a) shall:
 38 (1) require any created multicounty public defender's office to be
 39 administered by a joint board (as described in
 40 IC 36-1-7-3(a)(5)(B)); and
 41 (2) delegate, to an auditor of one (1) of the constituent counties
 42 comprising the multicounty public defender's office, the duty to

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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
 in one (1) or more of the counties served by the multicounty
 public defender's office being administered by the joint board; or
- 17 (7) an employee of any individuals described in subdivisions (1)
 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 ~~(f) (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 ~~(f) (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 ~~(f) (h) (i) The members shall, by a majority vote, elect one (1)
 39 member to serve as a chairperson.~~

40 ~~(f) (h) (i) 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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(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 correct

(9) A regular, paid firefighter or a volunteer firefighter

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 authorization by resolution, the administrator may:

2 (1) assist in the administration and enforcement of policies and

3 resolutions of the executive;

4 (2) supervise activities of county government subject to the

5 control of the executive;

6 (3) attend meetings of the executive;

7 (4) recommend measures for adoption to the executive;

8 (5) prepare and submit reports that the administrator considers

9 advisable or that the executive requires;

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

11 the county;

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

13 (8) perform other duties that the executive requests by

14 resolution.

15 (c) If the administrator is absent from the administrator's office

16 due to illness, death, vacation, resignation, or removal, the president of

17 the executive, if any, or a qualified person appointed by the executive

18 shall act as administrator until the administrator returns to the

19 administrator's duties or the executive appoints a new administrator.

20 (d) **The county executive may ~~establish~~ [set] the salary of the**

21 **county administrator subject to salary parameters established by**

22 **the county fiscal body.**

23 SECTION 11. IC 36-2-21 IS ADDED TO THE INDIANA CODE

24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

25 JULY 1, 2026]:

26 **Chapter 21. County Personnel Policy and Evaluation**

27 **Standards**

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

29 (1) a county containing a consolidated city; or

30 (2) employees:

31 (A) of a probation department;

32 (B) of a court;

33 (C) of a judicial officer (as defined in IC 35-31.5-2-177.7)

34 or other circuit officers;

35 (D) of a prosecutor's office;

36 (E) of a public defender's office;

37 (F) of a community corrections program;

38 (G) governed by a merit board established under

39 IC 36-8-3.5 or IC 36-8-10-3; or

40 (H) of the state.

41 **Sec. 2. (a) Each county executive, in coordination with the**

42 **county fiscal body if applicable, shall adopt and maintain a written**

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 ~~◀▶[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 ➤1A 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~~◀▶[a member]~~[an 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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

14 (e) The city executive may appoint a public safety director to:
 15 (1) serve as the chief administrative officer of; and
 16 (2) oversee the operations of;

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

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

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

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

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

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

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

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

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

38 (3) Two (2) for a term of four (4) years.

39 Upon the establishment of a seven (7) member municipal plan
 40 commission, two (2) citizen members shall initially be appointed for a
 41 term of three (3) years and two (2) shall initially be appointed for a
 42 term of four (4) years. Each member's term expires on the first Monday

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 of January of the second, third, or fourth year, respectively, after the
 2 year of the member's appointment.

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

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

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

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

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

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

32 (f) ADVISORY-AREA. ~~A member serves on the plan
 33 commission at the pleasure of the member's appointing authority.~~

34 ~~The appointing authority may remove a member from the plan
 35 commission for cause. The appointing authority must mail notice of
 36 the removal, along with written reasons for the removal, to the member
 37 at the member's residence address. A member who is removed may,
 38 within thirty (30) days after receiving notice of the removal, appeal the
 39 removal to the circuit or superior court of the county. The court may,
 40 pending the outcome of the appeal, order the removal or stay the
 41 removal of the member.~~ ~~An individual who is appointed a member
 42 of the plan commission serves at the pleasure of the member's~~

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 **appointing authority as long as:**

2 **(1) the officeholder who appointed the individual continues**
 3 **to hold the office; or**
 4 **(2) the board, committee, or body that appointed the**
 5 **individual retains all of the same members who served on the**
 6 **board, committee, or body when the individual was**
 7 **appointed.**

8 **If subdivision (1) or (2) does not apply, the individual may only be**
 9 **removed for cause. To remove a member for cause, the appointing**
 10 **authority must mail notice of the removal, along with written reasons**
 11 **for the removal, to the member at the member's residence address. A**
 12 **member who is removed may, within thirty (30) days after receiving**
 13 **notice of the removal, appeal the removal to the circuit or superior**
 14 **court of the county. The court may, pending the outcome of the appeal,**
 15 **order the removal or stay the removal of the member.]**

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

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

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

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

3 (f) ADVISORY-AREA. ~~A member of the board of zoning~~
 4 ~~appeals serves at the pleasure of the member's appointing~~
 5 ~~authority.~~ The appointing authority may remove a member from the
 6 board of zoning appeals for cause. ~~The appointing authority must mail~~
 7 ~~notice of the removal, along with written reasons for the removal, to the~~
 8 ~~member at the member's residence address. A member who is removed~~
 9 ~~may, within thirty (30) days after receiving notice of the removal,~~
 10 ~~appeal the removal to the circuit or superior court of the county.~~ [An
 11 individual who is appointed a member of the board of zoning
 12 appeals serves at the pleasure of the member's appointing
 13 authority as long as:

- 14 (1) the officeholder who appointed the individual continues
 15 to hold the office; or
- 16 (2) the board, committee, or body that appointed the
 17 individual retains all of the same members that served on the
 18 board, committee, or body when the individual was
 19 appointed.

20 If subdivision (1) or (2) does not apply, the individual may only be
 21 removed for cause. To be removed for cause, the appointing
 22 authority must mail notice of the removal, along with written reasons
 23 for the removal, to the member at the member's residence address. A
 24 member who is removed may, within thirty (30) days after receiving
 25 notice of the removal, appeal the removal to the circuit or superior
 26 court of the county.]

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

10 >[as long as:

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

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

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

29 1 SECTION 17. IC 36-7-14.5-8 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board is
 31 composed of three (3) members, who must be residents of the unit
 32 appointed by the executive of the unit.

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

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

38 ← (d) A board member:

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

42 →[](↔[e]) <for>[This subsection applies to] a board

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

(e) 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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 at any time.

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

6 (1) the county executive; or
 7 (2) three (3) or five (5) persons, at least one (1) of whom must be
 8 a member of the executive, appointed by the executive;
 9 at the option of the executive. Appointees under subdivision (2) must
 10 be resident freeholders of the county who are knowledgeable in
 11 drainage matters. Freeholders appointed to the board serve for terms of
 12 three (3) years, with their initial appointments made so as to provide for
 13 staggering of terms on an annual basis. In addition, the county surveyor
 14 serves on the board as an ex officio, nonvoting member. ~~If a member~~
 15 ~~is appointed~~
 16 ~~[~~

17 ~~(b) This subsection only applies to an individual appointed as~~
 18 ~~a member under subsection (a)(2)]~~ by a county executive of a
 19 county that does not contain a consolidated city ~~under subdivision~~
 20 ~~(2) who is not a member of the executive, the~~
 21 ~~[A drainage board]~~ member serves at the pleasure of the county executive ~~[as long as~~
 22 ~~the county executive that appointed the individual retains all of the~~
 23 ~~same members who served on the body when the individual was~~
 24 ~~appointed].~~

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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:

- (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.

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:

- (1) subject to subsection (d), enter into contracts and leases for facilities and services;
- (2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;
- (3) contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

HB 1161—LS 6751/DJ 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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 ~~2~~³ [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~~

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 on them. If the executive is bringing the charges, the fiscal body shall
 2 appoint a hearing officer. The only permissible reasons for removal are
 3 as follows: **serves at the pleasure of the executive. If a commissioner**
 4 **is removed by the executive, the commissioner appointed to replace**
 5 **the removed** → [I]bmissioner serves at the pleasure of the
 6 executive **<for the remainder of the removed commissioner's term:**
 7 **(1) Inefficiency.**
 8 **(2) Neglect of duty.**
 9 **(3) Malfeasance in office.**

10 **SECTION 23>[as long as the executive who appointed the**
 11 **commissioner continues to hold the office of executive. If the**
 12 **executive who appointed the commissioner no longer holds the**
 13 **office of executive, the commissioner may not be removed from office**
 14 **except upon charges preferred in writing before the executive, with a**
 15 **hearing held on them. If the executive is bringing the charges, the fiscal**
 16 **body shall appoint a hearing officer. The only permissible reasons for**
 17 **removal are as follows:**

18 **(1) Inefficiency.**
 19 **(2) Neglect of duty.**
 20 **(3) Malfeasance in office.**

21 **SECTION 24]. IC 36-10-5-2, AS AMENDED BY P.L.277-2019,**
 22 **SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 23 **JULY 1, 2026]: Sec. 2. (a) This section applies to:**

24 (1) third class cities and towns, unless otherwise provided by
 25 law; and
 26 (2) each second class city that:

27 (A) adopted second class city status by ordinance under
 28 IC 36-4-1-1.1, as a result of the 2010 federal decennial
 29 census; and
 30 (B) has adopted all or part of this section by ordinance or
 31 resolution.

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

33 (1) the municipal legislative body; or
 34 (2) any of the following designated by the legislative body as the
 35 park authority:
 36 (A) The governing body of the school corporation.
 37 (B) A recreation board.
 38 (C) The municipal works board.
 39 (D) Any other appropriate board or commission.

40 (c) If a recreation board is established under subsection (b)(2)(B),
 41 it must consist of five (5) resident freeholders appointed by the city
 42 executive or the town legislative body. At least one (1) member must

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 be a member of the governing body of the school corporation and no
 2 members may serve on the municipal legislative body. All members
 3 must be qualified by an interest in and knowledge of the social and
 4 educational value of recreation. The members serve without
 5 compensation. The members shall be appointed for four (4) year terms
 6 from January 1 of the year of their appointment or until their successors
 7 are appointed. The initial terms of board members, however, are as
 8 follows:

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

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

16 ~~(d)~~ **(d) A member serves at the pleasure of the member's**
 17 **appointing authority as long as:**

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 the park.

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

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

17 ~~[(f)]~~ **[(i)]** Any nonreverting fund that was created under
 18 IC 19-7-6 (before its repeal on September 1, 1981) continues until
 19 abolished by ordinance of the municipal legislative body. The
 20 legislative body may include in the park authority's annual budget an
 21 item and an appropriation for the specific purposes of a nonreverting
 22 capital fund. Money put in the fund may not be withdrawn except for
 23 the purposes for which the fund was created, unless the legislative body
 24 repeals the ordinance creating the fund. The repeal may not be made
 25 under suspension of the rules. Money procured from fees shall be
 26 deposited at least once each month with the municipal fiscal officer.
 27 The fiscal officer shall deposit the money either in a special
 28 nonreverting operating fund or in the nonreverting capital fund as
 29 directed by the park authority. The legislative body may provide by
 30 ordinance that expenditures may be made from the special nonreverting
 31 operating fund without appropriation. Money from fees procured from
 32 golf courses, swimming pools, skating rinks, or other similar facilities
 33 requiring major expenditures for management and maintenance may
 34 not be deposited in this fund. Money from either fund shall be
 35 disbursed only on approved claims that are allowed and signed in the
 36 same manner as other claims of the municipality are allowed and
 37 signed.

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 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.

17 1 SECTION 2~~5~~6. IC 36-10-6-2, AS AMENDED BY
18 P.L.127-2017, SECTION 385, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section
20 applies to all counties.

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

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

HB 1161—LS 6751/DJ 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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~~6~~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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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. []

27 []

