
HOUSE BILL No. 1161

AM116107 has been incorporated into January 13, 2026 printing.

Synopsis: Local government matters.

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

January 13, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1161

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

executive level employee of a convention, visitor, or tourism business 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) A member of the commission ~~may be removed for cause by~~ **serves at the pleasure of** the member's appointing authority.

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

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 to a local board in a county that does not contain a consolidated city,** may be removed from office only 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 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;

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

(7) one (1) victim, or victim advocate if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(8) one (1) ex-offender, if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(9) the director of the local office of the department of child services or the director's designee;

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

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

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

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

(B) One (1) probation officer.

(C) One (1) juvenile probation officer.

(D) One (1) educational administrator.

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

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

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

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

(c) Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. **In addition, members appointed by the county executive of a county that does not contain a consolidated city under this section serve at the pleasure of the county executive.** The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

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

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

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

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

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

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

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

SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) A member of a local board of health appointed by a county executive of a county**

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 **that does not contain a consolidated city serves at the pleasure of**
 2 **the county executive.**

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

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

10 **SECTION 5. IC 16-23-1-9 IS AMENDED TO READ AS**
 11 **FOLLOWS [EFFECTIVE JULY 1, 2026]:** Sec. 9. (a) The directors
 12 shall be appointed on the third Monday of January.

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

- 14 (1) Two (2) members for one (1) year.
- 15 (2) Two (2) members for two (2) years.
- 16 (3) One (1) member for three (3) years.
- 17 (4) Two (2) members for four (4) years.

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

19 (d) The term of each member begins February 1 in the year of
 20 appointment at the expiration of the member's predecessor's term and
 21 continues four (4) years and until a successor is appointed and
 22 qualified. However, an interim member chosen to fill a vacancy begins
 23 tenure at the time specified in the member's certificate of appointment
 24 and serves the unexpired term of the member the interim member
 25 succeeds. **The member serves at the pleasure of the member's**
 26 **appointing authority.**

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

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

- 40 (1) a city, town, or county attorney;
- 41 (2) a law enforcement officer;
- 42 (3) a judge;

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

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

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

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

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

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

(f) 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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

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

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

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

- (1) a city, town, or county attorney;
- (2) a law enforcement officer;
- (3) a judge;
- (4) a court employee;
- (5) an employee of the department of child services;
- (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
- (7) an employee of any individuals described in subdivisions (1) through (6).

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

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

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

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

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

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

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

SECTION 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.

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 1 (2) A law enforcement officer.
- 2 (3) An address confidentiality program participant.
- 3 (4) A public official.
- 4 (5) The surviving spouse of a person described in subdivision
- 5 (2), if the person was killed in the line of duty.
- 6 (6) An employee of the department of child services.
- 7 (7) A current or former probation officer.
- 8 (8) A current or former community corrections officer.
- 9 (9) A regular, paid firefighter or a volunteer firefighter (as
- 10 defined in IC 36-8-12-2).
- 11 (10) A correctional services provider.
- 12 **(11) A public defender.**
- 13 ~~(11)~~ **(12)** Any person who resides in the same household as a
- 14 person described in this section.

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

- 19 (1) **An individual employed full time by a county as a public**
- 20 **defender.**
- 21 (2) **An individual who maintains a full-time equivalent**
- 22 **caseload, as certified by the Indiana commission on court**
- 23 **appointed attorneys under IC 21-13-12-16, as a contractual**
- 24 **or hourly public defender.**
- 25 (3) **The state public defender.**
- 26 (4) **A deputy of the state public defender.**
- 27 (5) **A chief public defender.**

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

- 36 (b) Under the supervision of the executive and with its express
- 37 authorization by resolution, the administrator may:
- 38 (1) assist in the administration and enforcement of policies and
- 39 resolutions of the executive;
- 40 (2) supervise activities of county government subject to the
- 41 control of the executive;
- 42 (3) attend meetings of the executive;

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

- (4) recommend measures for adoption to the executive;
- (5) prepare and submit reports that the administrator considers advisable or that the executive requires;
- (6) keep the executive fully advised on the financial condition of the county;
- (7) prepare and submit a budget for each fiscal year; and
- (8) perform other duties that the executive requests by resolution.

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

(d) The county executive may establish the salary of the county administrator subject to salary parameters established by the county 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 personnel policy, employee handbook, or equivalent document establishing minimum standards for county employee conduct and applicable county policies.

(b) A county executive, a county fiscal body, and county officers shall require all county employees, including existing employees, to sign an acknowledgment of receipt of the adopted



M
e
r
g
e
d

1 personnel policy or employee handbook as a condition of
2 employment.

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

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

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

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

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

27 (b) The city executive shall appoint:

- 28 (1) a city controller;
- 29 (2) a city civil engineer;
- 30 (3) a corporation counsel;
- 31 (4) a chief of the fire department;
- 32 (5) a chief of the police department; and
- 33 (6) other officers, employees, boards, and commissions required
- 34 by statute.

35 (c) The board of public works and safety may be composed of
36 three (3) members or five (5) members appointed by the executive. **A**
37 **member serves at the pleasure of the executive.** A member may hold
38 other appointive positions in city government during the member's
39 tenure. IC 36-4-11-2 applies to board member appointments under this
40 section. The executive shall appoint a clerk for the board.

41 (d) If the board of public works and board of public safety are
42 established as separate boards, each board may be composed of three

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

(3) members or five (5) members who are appointed by the executive. A member may hold other appointive positions in city government during the member's tenure. The executive shall appoint a clerk for each board.

(e) If the executive:

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

(2) decreases the number of members of a board of public works and safety, a board of public works, or a board of public safety 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.

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

(b) The city executive shall appoint:

(1) a city civil engineer;

(2) a city attorney;

(3) a chief of the fire department;

(4) a chief of the police department; and

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

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

(1) the city executive; and

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

A member appointed by the executive serves at the pleasure of the 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



1 city manager to a position on the board of public works and safety in
2 place of the executive.

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

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

5 (2) oversee the operations of;

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

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

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

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

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

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

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

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

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

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

28 Upon the establishment of a seven (7) member municipal plan
29 commission, two (2) citizen members shall initially be appointed for a
30 term of three (3) years and two (2) shall initially be appointed for a
31 term of four (4) years. Each member's term expires on the first Monday
32 of January of the second, third, or fourth year, respectively, after the
33 year of the member's appointment.

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

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

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 member's appointment.

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

5 (1) Three (3) for a term of one (1) year, one (1) appointed by the
6 county legislative body and two (2) by the city executive.

7 (2) Two (2) for a term of two (2) years, one (1) by each
8 appointing authority.

9 (3) Two (2) for a term of three (3) years, one (1) by each
10 appointing authority.

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

21 (f) **ADVISORY—AREA. A member serves on the plan**
22 **commission at the pleasure of the member's appointing authority.**
23 **The appointing authority may remove a member from the plan**
24 **commission for cause. The appointing authority must mail notice of the**
25 **removal, along with written reasons for the removal, to the member at**
26 **the member's residence address. A member who is removed may,**
27 **within thirty (30) days after receiving notice of the removal, appeal the**
28 **removal to the circuit or superior court of the county. The court may,**
29 **pending the outcome of the appeal, order the removal or stay the**
30 **removal of the member.**

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

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

42 (b) ADVISORY—AREA. Upon the establishment of a division of

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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 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.**

(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 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 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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 action.

2 **(b) This subsection does not apply to an economic development**
 3 **commission established under section 8 of this chapter. An**
 4 **economic development commissioner serves at the pleasure of the**
 5 **member's appointing authority.**

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

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

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

15 (d) A board member:

16 **(1) for a board established in a county containing a**
 17 **consolidated city, may be removed for cause by the executive**
 18 **of the unit; and**

19 **(2) for a board established in a county that does not contain**
 20 **a consolidated city, serves at the pleasure of the executive.**

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

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

27 SECTION 18. IC 36-8-9-3.1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. (a) An ordinance
 29 adopted under section 2 of this chapter must provide as follows:

30 (1) The board must consist of either of the following number of
 31 members:

32 (A) Three (3) members. If the ordinance provides for a three
 33 (3) member board, not more than two (2) board members
 34 may be members of the same political party, if individuals
 35 who satisfy this requirement can be found to serve on the
 36 board.

37 (B) Five (5) members. If the ordinance provides for a five
 38 (5) member board, not more than three (3) board members
 39 may be members of the same political party, if individuals
 40 who satisfy this requirement can be found to serve on the
 41 board.

42 (2) Each board member must be a resident of the town.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

- 1 (3) The town legislative body shall appoint each board member.
- 2 (4) Except as provided in subdivision (5), the term of each board
- 3 member expires January 1 of the third year after the member's
- 4 appointment.
- 5 (5) The ordinance must provide for staggered terms of the board
- 6 members and the method for staggering the terms. If the board
- 7 has three (3) members, the term of one (1) board member must
- 8 expire each year. If the board has five (5) members, the terms of
- 9 not more than two (2) board members may expire each year.
- 10 (6) The town legislative body may remove a board member for
- 11 any cause that the legislative body considers sufficient.
- 12 (7) The town legislative body may not appoint a police officer
- 13 employed by the town to serve on the board.
- 14 (b) The ordinance may provide that a member of the town
- 15 legislative body may serve as an ex officio member of the board. If the
- 16 ordinance permits members of the town legislative body to serve as
- 17 members of the board, the following apply:
- 18 (1) The ordinance must state the maximum number of board
- 19 members that may also be members of the town legislative body.
- 20 (2) The ordinance must provide either of the following:
- 21 (A) That a board member vacates the member's position on
- 22 the board when the member is no longer a member of the
- 23 town legislative body.
- 24 (B) That a board member may continue to serve until the
- 25 end of the board member's term even if the board member
- 26 vacates the member's position on the town legislative body.
- 27 (3) A board member who is also a member of the town
- 28 legislative body may not receive compensation as a board
- 29 member provided under subsection (g).
- 30 (4) A board member who is also a member of the town
- 31 legislative body is not required to post the bond required by
- 32 subsection (f).
- 33 (c) This subsection does not apply to a board member who is a
- 34 member of the town legislative body. Before performing any function
- 35 of a board member, an individual shall take and subscribe an oath or
- 36 affirmation of office before the circuit court clerk of the county in
- 37 which the town is located.
- 38 (d) This subsection applies to all board members. Before
- 39 performing any function of a board member, an individual shall take
- 40 and subscribe an oath or affirmation:
- 41 (1) before the circuit court clerk of the county in which the town
- 42 is located; **or**

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 **(2) administered by any of the individuals granted notary**
 2 **powers under IC 33-42-9-7, in the case of a reorganized**
 3 **political subdivision (as defined in IC 36-1.5-2-7);**

4 that, in each appointment or removal made by the board to or from the
 5 town police department under this chapter, the board member will not
 6 appoint or remove a member of the town police department because of
 7 the political affiliation of the person or for another cause or reason
 8 other than that of the fitness of the person.

9 (e) The circuit court clerk shall file oaths and affirmations required
 10 by this section among the circuit court clerk's records.

11 (f) This subsection does not apply to a board member who is a
 12 member of the town legislative body. A board member shall give bond
 13 in the penal sum of five thousand dollars (\$5,000), payable to the state
 14 and conditioned upon the faithful and honest discharge of the member's
 15 duties. The bond must be approved by the town legislative body.

16 (g) The town legislative body shall fix the salary of board
 17 members who are not members of the town legislative body. A board
 18 member's salary is payable monthly out of the town treasury.

19 (h) If the board has three (3) members, the town legislative body
 20 may amend the ordinance at any time to increase the number of board
 21 members to five (5). The amended ordinance and the appointment of
 22 board members must satisfy all the requirements of subsection (a).

23 (i) A board established in compliance with section 3 of this
 24 chapter (before its repeal) is considered a board established under this
 25 section. A town legislative body may amend an ordinance adopted in
 26 compliance with section 3 of this chapter (before its repeal) as provided
 27 in this section.

28 SECTION 19. IC 36-9-13-18, AS AMENDED BY P.L.127-2017,
 29 SECTION 309, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee appointed by a**
 31 **county executive of a county that does not contain a consolidated**
 32 **city serves at the pleasure of the county executive.**

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

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

40 may file a complaint in the circuit or superior court for the county in
 41 which the building authority is located. The complaint must set forth
 42 the charges preferred. The action shall be placed on the court's

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

advanced calendar, and the court shall try the action in the same manner as other civil cases, without a jury. If the charges are sustained, the court shall declare the trustee's office vacant.

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

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

(1) the county executive; or

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

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

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

(c) 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 21. IC 36-10-3-6, AS AMENDED BY P.L.127-2017, SECTION 377, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. A member ~~may be removed only for cause, upon specific written charges filed against the member. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.~~ **appointed to a board under this chapter serves at the pleasure of the member's**

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 **appointing authority. If a member is removed by the member's**
 2 **appointing authority, the appointing authority shall fill the vacancy**
 3 **by appointing a new member to serve at the pleasure of the**
 4 **appointing authority for the remainder of the removed member's**
 5 **term.**

6 SECTION 22. IC 36-10-3-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

8 (1) **subject to subsection (d)**, enter into contracts and leases for
 9 facilities and services;

10 (2) contract with persons for joint use of facilities for the
 11 operation of park and recreation programs and related services;

12 (3) contract with another board, a unit, or a school corporation
 13 for the use of park and recreation facilities or services, and a
 14 township or school corporation may contract with the board for
 15 the use of park and recreation facilities or services;

16 (4) **subject to subsection (d)**, acquire and dispose of real and
 17 personal property, either within or outside Indiana;

18 (5) **subject to subsection (d)**, exercise the power of eminent
 19 domain under statutes available to municipalities;

20 (6) sell, lease, or enter into a royalty contract for the natural or
 21 mineral resources of land that it owns, the money received to be
 22 deposited in a nonreverting capital fund of the board;

23 (7) engage in self-supporting activities as prescribed by section
 24 22 of this chapter;

25 (8) contract for special and temporary services and for
 26 professional assistance;

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

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

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

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 acquiring unit.

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

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

- 17 (1) the buildings or grounds are leased to an Indiana nonprofit
- 18 corporation;
- 19 (2) the buildings or grounds are operated as a public golf course;
- 20 and
- 21 (3) the golf course remains subject to rules and regulations
- 22 promulgated by the board.

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

- 25 **(1) exercise the power of eminent domain under subsection**
- 26 **(a)(5);**
- 27 **(2) enter into a contract under subsection (a)(1) with a total**
- 28 **cost exceeding the lesser of:**
 - 29 **(A) five hundred thousand dollars (\$500,000); or**
 - 30 **(B) ten percent (10%) of the department's annual**
 - 31 **budget;**
- 32 **(3) acquire real or personal property under subsection (a)(4)**
- 33 **with a total cost exceeding the lesser of:**
 - 34 **(A) five hundred thousand dollars (\$500,000); or**
 - 35 **(B) ten percent (10%) of the department's annual**
 - 36 **budget; or**
- 37 **(4) approve capital improvements to park facilities or**
- 38 **property with a total cost exceeding the lesser of:**
 - 39 **(A) five hundred thousand dollars (\$500,000); or**
 - 40 **(B) ten percent (10%) of the department's annual**
 - 41 **budget;**

42 the board must obtain approval by the executive of each applicable

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

unit that established the department under this chapter. The board shall provide the applicable unit executive a description of the cost of the service, property, or capital improvement described in subdivisions (1) through (4) and a description of the manner in which the cost will be paid by the board or department.

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

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

~~(1) Inefficiency;~~

~~(2) Neglect of duty;~~

~~(3) Malfeasance in office;~~

SECTION 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.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

(D) Any other appropriate board or commission.

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

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

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

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

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

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

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

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

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

(g) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 issue the bonds of the municipality at any rate of interest payable
 2 annually or semiannually and may sell them for at least par value. The
 3 money derived from the sale of bonds may be used only for the
 4 purchase or improvement of parks. The legislative body shall annually
 5 levy a tax sufficient to pay the interest on the debt on all taxable
 6 property in the municipality to create a sinking fund for the liquidation
 7 of the principal of the debt.

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

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

33 SECTION 25. IC 36-10-5-5, AS AMENDED BY P.L.104-2022,
 34 SECTION 220, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a
 36 municipality that:

- 37 (1) has a population of more than twenty-five thousand (25,000);
- 38 and
- 39 (2) is located in a county having a population of more than three
- 40 hundred thousand (300,000) and less than three hundred fifty
- 41 thousand (350,000).

- 42 (b) A municipal board consists of four (4) members appointed by

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

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.

SECTION 26. 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 and acknowledged by registered voters of the county. The petition that contains the greater number of signatures prevails.

(f) Within thirty (30) days after the establishment of the district, the legislative body of each county joining shall appoint members to the area park board. Each county may appoint one (1) member to the board. In addition, each county may appoint an additional member for each fifty thousand (50,000) residents or fraction thereof of that county's population. Each member must be a resident of the county from which the member is appointed, and at least one (1) member from

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

each county must be an elected official of that county. Members serve for terms of four (4) years and may be reappointed. **A member serves at the pleasure of the member's appointing authority.** Vacancies shall be filled by the appointing authority for the unexpired term of the vacating member.

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

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

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

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

SECTION 27. IC 36-10-8-4, AS AMENDED BY P.L.229-2011, SECTION 267, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is composed of seven (7) members.

(b) The county executive shall determine in the creating ordinance which units within the county shall make appointments to the board. In

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 addition, the creating ordinance must provide that no more than four
 2 (4) of the members be affiliated with the same political party. The
 3 creating ordinance must also provide staggered terms for the
 4 appointments.

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

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

21 (2) Two (2) of the members appointed by each appointing
 22 authority for a term ending January 15 of the second year
 23 following the appointment.

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

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

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

33 (f) A board member, **other than a board member appointed by**
 34 **the county executive**, may be removed for cause by the appointing
 35 authority who appointed the member. **A member appointed by the**
 36 **county executive serves at the pleasure of the county executive.**

37 (g) Each member, before entering upon the member's duties, shall
 38 take and subscribe an oath of office in the usual form. The oath shall
 39 be endorsed upon the member's certificate of appointment. The
 40 certificate shall be promptly filed with the records of the board.
 41 However, if the board was created under IC 18-7-18 (before its repeal
 42 on February 24, 1982), the certificate shall be filed with the clerk of the

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

- 1 circuit court of the county in which the board is created.
2 (h) A member may not receive a salary, but is entitled to
3 reimbursement for any expenses necessarily incurred in the
4 performance of the member's duties.

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY