
HOUSE BILL No. 1161

AM116109 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.

M
e
r
g
e
d

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

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

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

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

32 (e) A member of the commission ~~may be removed for cause by~~
 33 **serves at the pleasure of** the member's appointing authority.

34 (f) Members of the commission may not receive a salary.
 35 However, commission members are entitled to reimbursement for
 36 necessary expenses incurred in the performance of their respective
 37 duties.

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

42 (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

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

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

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

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

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

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 a term of four (4) years. Other members serve only while holding the
 2 office or position held at the time of appointment. The circuit court
 3 judge may fill the position of the judge having juvenile court
 4 jurisdiction by self appointment if the circuit court judge is otherwise
 5 qualified. A vacancy occurring before the expiration of the term of
 6 office shall be filled in the same manner as original appointments for
 7 the unexpired term. Members may be reappointed.

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

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

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

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

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

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

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

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

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



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 16-20-2-10, AS AMENDED BY P.L.219-2021,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 10. **(a) This section applies to a seven (7)**
 13 **member board appointed under section 5(b) of this chapter.**

14 **(a) (b)** All members of a local board of health shall be appointed
 15 for a term of four (4) years. Each member serves until a successor is
 16 appointed and qualified.

17 **(b) (c)** Unless otherwise required by law, after December 31, 1991,
 18 the board members serve staggered terms. The appointing authority
 19 shall appoint the members of a board in existence on December 31,
 20 1991, and the initial members of a board established after December
 21 31, 1991, as follows:

- 22 (1) One (1) member must be appointed for one (1) year.
 23 (2) Two (2) members must be appointed for two (2) years.
 24 (3) Two (2) members must be appointed for three (3) years.
 25 (4) Two (2) members must be appointed for four (4) years.

26 SECTION 6. IC 16-20-2-10.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 10.5. **(a) This section applies to a**
 29 **nine (9) member local board of health appointed under section 5(a)**
 30 **of this chapter.**

31 **(b) Notwithstanding any other provision of this chapter, the**
 32 **term of a board member appointed before January 1, 2027,**
 33 **terminates on December 31, 2026.**

34 **(c) After December 31, 2026, members shall be appointed to**
 35 **the following initial staggered terms:**

- 36 **(1) One (1) member shall be appointed under section 5(a)(3)**
 37 **of this chapter to a one (1) year term.**
 38 **(2) Two (2) physician members shall be appointed under**
 39 **section 5(a)(1) of this chapter to two (2) year terms.**
 40 **(3) Three (3) other members shall be appointed under section**
 41 **5(a)(1) of this chapter to three (3) year terms.**
 42 **(4) One (1) member shall be appointed under section 5(a)(2)**

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 **of this chapter to a three (3) year term.**
 2 **(5) Two (2) members shall be appointed under section 5(a)(4)**
 3 **of this chapter to four (4) year terms.**
 4 **(c) All subsequent appointments of members shall be for four**
 5 **(4) year terms. Each member serves until a successor is appointed**
 6 **and qualified.**
 7 SECTION 7. IC 16-23-1-9 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The directors
 9 shall be appointed on the third Monday of January.
 10 (b) The initial terms of the governing board are as follows:
 11 (1) Two (2) members for one (1) year.
 12 (2) Two (2) members for two (2) years.
 13 (3) One (1) member for three (3) years.
 14 (4) Two (2) members for four (4) years.
 15 (c) Each subsequent term is for four (4) years.
 16 (d) The term of each member begins February 1 in the year of
 17 appointment at the expiration of the member's predecessor's term and
 18 continues four (4) years and until a successor is appointed and
 19 qualified. However, an interim member chosen to fill a vacancy begins
 20 tenure at the time specified in the member's certificate of appointment
 21 and serves the unexpired term of the member the interim member
 22 succeeds. **The member serves at the pleasure of the member's**
 23 **appointing authority.**
 24 SECTION 8. IC 33-40-7-3, AS AMENDED BY P.L.111-2024,
 25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 3. (a) A county executive may adopt an ordinance
 27 establishing a county public defender board consisting of three (3)
 28 members. The county executive shall appoint one (1) member. The
 29 judges who exercise felony or juvenile jurisdiction in the county shall
 30 appoint by majority vote one (1) member. The Indiana commission on
 31 court appointed attorneys shall appoint one (1) member who must be
 32 a resident of the county or region managing the public defender's
 33 office.
 34 (b) The members must be persons who have demonstrated an
 35 interest in high quality legal representation for indigent persons.
 36 However, a member may not be:
 37 (1) a city, town, or county attorney;
 38 (2) a law enforcement officer;
 39 (3) a judge;
 40 (4) a court employee;
 41 (5) an attorney who provides representation to indigent persons
 42 in the county or region managed by the public defender board;

M
e
r
g
e
d



- 1 (6) an employee of the department of child services; or
- 2 (7) an employee of any individuals described in subdivisions (1)
- 3 through (6).
- 4 (c) Each member of the board serves a three (3) year term
- 5 beginning with the date of the member's appointment. A member
- 6 appointed to fill a vacancy holds office for the remainder of the
- 7 previous member's term. **Each member appointed by a county**
- 8 **executive serves at the pleasure of the county executive.** If a
- 9 successor has not been appointed by the end of a member's three (3)
- 10 year term, the member continues in office until the member's successor
- 11 takes office. In the case of a county public defender board established
- 12 before July 1, 2019, the appointment by the Indiana commission on
- 13 court appointed attorneys shall begin upon the first expiration of a
- 14 current term of a member appointed by the judges who exercise felony
- 15 or juvenile jurisdiction in the county.
- 16 (d) The members shall, by a majority vote, elect one (1) member
- 17 to serve as chairperson.
- 18 (e) Meetings shall be held at least quarterly and may be held at
- 19 other times during the year at the call of the:
- 20 (1) chairperson; or
- 21 (2) other two (2) members.
- 22 (f) A county executive may terminate the board by giving at least
- 23 ninety (90) days written notice to the judges described in subsection
- 24 (a).
- 25 SECTION 9. IC 33-40-7-3.5, AS AMENDED BY P.L.111-2024,
- 26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2026]: Sec. 3.5. (a) A county executive may adopt an
- 28 ordinance allowing the county to enter into an interlocal agreement (as
- 29 described in IC 36-1-7-3) with one (1) or more counties for the purpose
- 30 of:
- 31 (1) creating a multicounty public defender's office; and
- 32 (2) providing legal defense services to indigent persons located
- 33 in the counties served by the multicounty public defender's
- 34 office.
- 35 (b) An agreement described in subsection (a) shall:
- 36 (1) require any created multicounty public defender's office to be
- 37 administered by a joint board (as described in
- 38 IC 36-1-7-3(a)(5)(B)); and
- 39 (2) delegate, to an auditor of one (1) of the constituent counties
- 40 comprising the multicounty public defender's office, the duty to
- 41 receive, disburse, and account for all monies distributed to the
- 42 multicounty public defender's office.

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



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

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

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

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

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

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

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

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

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

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

35 SECTION 10. IC 36-1-8.5-2, AS AMENDED BY P.L.238-2025,
 36 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 2. As used in this chapter, "covered person"
 38 means any of the following:

- 39 (1) A judge.
- 40 (2) A law enforcement officer.
- 41 (3) An address confidentiality program participant.
- 42 (4) A public official.

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

- 1 (5) The surviving spouse of a person described in subdivision
- 2 (2), if the person was killed in the line of duty.
- 3 (6) An employee of the department of child services.
- 4 (7) A current or former probation officer.
- 5 (8) A current or former community corrections officer.
- 6 (9) A regular, paid firefighter or a volunteer firefighter (as
- 7 defined in IC 36-8-12-2).
- 8 (10) A correctional services provider.

9 **(11) A public defender.**
 10 ~~(H)~~ **(12)** Any person who resides in the same household as a
 11 person described in this section.

12 SECTION 11. IC 36-1-8.5-4.4 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: **Sec. 4.4. As used in this chapter,**
 15 **"public defender" means an individual who is any of the following:**

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

25 SECTION 12. IC 36-2-2-14, AS AMENDED BY P.L.127-2017,
 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 14. (a) The executive may appoint a county
 28 administrator to be the administrative head of the county under the
 29 supervision of the executive and to hold office at the pleasure of the
 30 executive. The executive may assign any office, position, or duties
 31 under its control to the administrator, and may by resolution withdraw
 32 any of the powers and duties assigned.

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

- 35 (1) assist in the administration and enforcement of policies and
- 36 resolutions of the executive;
- 37 (2) supervise activities of county government subject to the
- 38 control of the executive;
- 39 (3) attend meetings of the executive;
- 40 (4) recommend measures for adoption to the executive;
- 41 (5) prepare and submit reports that the administrator considers
- 42 advisable or that the executive requires;

M
e
r
g
e
d



- 1 (6) keep the executive fully advised on the financial condition of
- 2 the county;
- 3 (7) prepare and submit a budget for each fiscal year; and
- 4 (8) perform other duties that the executive requests by
- 5 resolution.

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

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

14 SECTION 13. IC 36-2-21 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]:

17 **Chapter 21. County Personnel Policy and Evaluation**
 18 **Standards**

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

- 20 (1) a county containing a consolidated city; or
- 21 (2) employees:
 - 22 (A) of a probation department;
 - 23 (B) of a court;
 - 24 (C) of a judicial officer (as defined in IC 35-31.5-2-177.7)
 - 25 or other circuit officers;
 - 26 (D) of a prosecutor's office;
 - 27 (E) of a public defender's office;
 - 28 (F) of a community corrections program;
 - 29 (G) governed by a merit board established under
 - 30 IC 36-8-3.5 or IC 36-8-10-3; or
 - 31 (H) of the state.

32 **Sec. 2. (a) Each county executive, in coordination with the**
 33 **county fiscal body if applicable, shall adopt and maintain a written**
 34 **personnel policy, employee handbook, or equivalent document**
 35 **establishing minimum standards for county employee conduct and**
 36 **applicable county policies.**

37 **(b) A county executive, a county fiscal body, and county**
 38 **officers shall require all county employees, including existing**
 39 **employees, to sign an acknowledgment of receipt of the adopted**
 40 **personnel policy or employee handbook as a condition of**
 41 **employment.**

42 **Sec. 3. Results of evaluations shall be maintained as part of the**

M
e
r
g
e
d



1 employee's personnel record in accordance with county policy.

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

6 **Sec. 5. Nothing in this chapter shall be construed to diminish**
 7 **or infringe upon the statutory authority, autonomy, or**
 8 **constitutional duties of:**

9 (1) a county executive;

10 (2) a county fiscal body;

11 (3) an elected county officer (as defined in IC 36-2-2.9-3);

12 (4) a judicial officer (as defined in IC 35-31.5-2-177.7), other
 13 circuit officers, or employees of a judicial or circuit officer;

14 (5) a prosecutor's office;

15 (6) a public defender's office;

16 (7) a community corrections advisory board established
 17 under IC 11-12-2-2; or

18 (8) a merit board established under IC 36-8-3.5 or
 19 IC 36-8-10-3.

20 SECTION 14. IC 36-4-9-6, AS AMENDED BY P.L.141-2009,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 6. (a) This section applies only to second class
 23 cities.

24 (b) The city executive shall appoint:

25 (1) a city controller;

26 (2) a city civil engineer;

27 (3) a corporation counsel;

28 (4) a chief of the fire department;

29 (5) a chief of the police department; and

30 (6) other officers, employees, boards, and commissions required
 31 by statute.

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 each board.
 2 (e) If the executive:
 3 (1) increases the number of members of a board of public works
 4 and safety, a board of public works, or a board of public safety
 5 from three (3) to five (5) members; or
 6 (2) decreases the number of members of a board of public works
 7 and safety, a board of public works, or a board of public safety
 8 from five (5) to three (3) members;
 9 the city shall publish notice under IC 5-3-1 of the increase or decrease
 10 in members and state the total number of members appointed to the
 11 board.
 12 SECTION 15. IC 36-4-9-8, AS AMENDED BY P.L.33-2010,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 8. (a) This section applies only to third class
 15 cities.
 16 (b) The city executive shall appoint:
 17 (1) a city civil engineer;
 18 (2) a city attorney;
 19 (3) a chief of the fire department;
 20 (4) a chief of the police department; and
 21 (5) other officers, employees, boards, and commissions required
 22 by statute.
 23 (c) The board of public works and safety consists of three (3) or
 24 five (5) members (as determined by the city executive). The members
 25 of the board of public works and safety are:
 26 (1) the city executive; and
 27 (2) two (2) or four (4) persons appointed by the executive.
 28 **A member appointed by the executive serves at the pleasure of the**
 29 **executive.** If the executive increases the number of board members
 30 from three (3) to five (5) members or decreases the number of board
 31 members from five (5) to three (3) members, the city shall publish
 32 notice under IC 5-3-1 of the increase or decrease in members and state
 33 the total number of members appointed to the board. IC 36-4-4-2
 34 notwithstanding, a member may hold other appointive or elective
 35 positions in city government during the member's tenure. IC 36-4-11-2
 36 applies to board member appointments under this section. The city
 37 clerk is the clerk of the board.
 38 (d) If the city legislative body adopts an ordinance under
 39 IC 36-4-12 to employ a city manager, the executive may appoint the
 40 city manager to a position on the board of public works and safety in
 41 place of the executive.
 42 (e) The city executive may appoint a public safety director to:

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



- 1 (1) serve as the chief administrative officer of; and
- 2 (2) oversee the operations of;
- 3 the police department and fire department. The city executive shall
- 4 determine the qualifications of the public safety director.

5 SECTION 16. IC 36-7-4-218, AS AMENDED BY P.L.127-2017,
 6 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 218. (a) When an initial term of
 8 office of a citizen member expires, each new appointment of a citizen
 9 member is:

- 10 (1) for a term of four (4) years (in the case of a municipal,
- 11 county, or area plan commission);
- 12 (2) for a term of three (3) years (in the case of a metropolitan
- 13 plan commission); or
- 14 (3) for a term of one (1), two (2), or three (3) years, as designated
- 15 by the appointing authority (in the case of the metropolitan
- 16 development commission).

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

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

- 22 (1) One (1) for a term of two (2) years.
- 23 (2) Two (2) for a term of three (3) years.
- 24 (3) Two (2) for a term of four (4) years.

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

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

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

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

41 (d) ADVISORY. Upon the establishment of a metropolitan plan
 42 commission, the citizen members shall initially be appointed for the

M
e
r
g
e
d



1 following terms of office:

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

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

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

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

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

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

34 SECTION 17. IC 36-7-4-906, AS AMENDED BY P.L.127-2017,
35 SECTION 175, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 906. (a) **ADVISORY–AREA.**
37 **When an initial term of office expires, each new appointment is for a**
38 **term of four (4) years.**

39 (b) **ADVISORY–AREA.** Upon the establishment of a division of
40 the board of zoning appeals, the members shall initially be appointed
41 as provided in the zoning ordinance for the following terms of office:

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



HB 1161—LS 6751/DI 116

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

- 1 (2) One (1) for a term of two (2) years.
- 2 (3) One (1) for a term of three (3) years.
- 3 (4) Two (2) for a term of four (4) years.
- 4 (c) ADVISORY–AREA. Under subsection (b), each term expires
- 5 on the first Monday of January of the first, second, third, or fourth year,
- 6 respectively, after the year of the member's appointment.
- 7 (d) METRO. Each appointment of a member of a division of a
- 8 board of zoning appeals is for a term of one (1) year.
- 9 (e) METRO. The appointing authority may remove a member from
- 10 the metropolitan board of zoning appeals. The appointing authority
- 11 must mail notice of the removal, along with written reasons, if any, for
- 12 the removal, to the member at the member's residence address. A
- 13 member who is removed may not appeal the removal to a court or
- 14 otherwise.
- 15 (f) ADVISORY–AREA. **A member of the board of zoning**
- 16 **appeals serves at the pleasure of the member's appointing**
- 17 **authority. The appointing authority may remove a member from the**
- 18 **board of zoning appeals for cause. The appointing authority must mail**
- 19 **notice of the removal, along with written reasons for the removal, to the**
- 20 **member at the member's residence address. A member who is removed**
- 21 **may, within thirty (30) days after receiving notice of the removal,**
- 22 **appeal the removal to the circuit or superior court of the county.**
- 23 (g) A member of a board of zoning appeals serves until the
- 24 member's successor is appointed and qualified. A member is eligible
- 25 for reappointment.
- 26 SECTION 18. IC 36-7-12-14, AS AMENDED BY P.L.127-2017,
- 27 SECTION 196, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2026]: Sec. 14. **(a) This subsection applies to**
- 29 **an economic development commission established under section 8**
- 30 **of this chapter.** An economic development commissioner may be
- 31 removed from office for neglect of duty, incompetency, inability to
- 32 perform the commissioner's duties, or any other good cause, by the
- 33 executive or fiscal body that selected or nominated the commissioner.
- 34 The commissioner removed may obtain judicial review of the removal
- 35 by filing a complaint in a circuit or superior court in the county, and the
- 36 burden of proof is upon the executive or fiscal body that removed the
- 37 commissioner. The cause shall be placed on the advanced calendar and
- 38 be tried as other civil causes are tried by the court, without a jury. The
- 39 court's judgment may be appealed in the same manner as any civil
- 40 action.
- 41 **(b) This subsection does not apply to an economic development**
- 42 **commission established under section 8 of this chapter. An**

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



1 **economic development commissioner serves at the pleasure of the**
2 **member's appointing authority.**

3 SECTION 19. IC 36-7-14.5-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board is
5 composed of three (3) members, who must be residents of the unit
6 appointed by the executive of the unit.

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

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

12 (d) A board member:
13 **(1) for a board established in a county containing a**
14 **consolidated city,** may be removed for cause by the executive
15 of the unit; **and**
16 **(2) for a board established in a county that does not contain**
17 **a consolidated city, serves at the pleasure of the executive.**

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

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

24 SECTION 20. IC 36-9-13-18, AS AMENDED BY P.L.127-2017,
25 SECTION 309, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee appointed by a**
27 **county executive of a county that does not contain a consolidated**
28 **city serves at the pleasure of the county executive.**

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

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

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

42 ~~(b)~~ **(c) The trustees may summarily remove a director from office**

M
e
r
g
e
d



1 at any time.
2 SECTION 21. 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 a county having a
5 consolidated city or as provided in subsection (d), the drainage board
6 consists of either:

7 (1) the county executive; or
8 (2) three (3) or five (5) persons, at least one (1) of whom must be
9 a member of the executive, appointed by the executive;
10 at the option of the executive. Appointees under subdivision (2) must
11 be resident freeholders of the county who are knowledgeable in
12 drainage matters. Freeholders appointed to the board serve for terms of
13 three (3) years, with their initial appointments made so as to provide for
14 staggering of terms on an annual basis. In addition, the county surveyor
15 serves on the board as an ex officio, nonvoting member. **If a member
16 is appointed by a county executive of a county that does not contain
17 a consolidated city under subdivision (2) who is not a member of
18 the executive, the member serves at the pleasure of the county
19 executive.**

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

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

27 SECTION 22. IC 36-10-3-6, AS AMENDED BY P.L.127-2017,
28 SECTION 377, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 6. ~~A member may be removed only
30 for cause, upon specific written charges filed against the member. The
31 charges shall be filed with and heard by the appointing authority,
32 unless the appointing authority is bringing the charges. If the
33 appointing authority is bringing the charges, the unit's fiscal body shall
34 appoint a hearing officer. The person to hear the charges shall fix a date
35 for a public hearing and give public notice at least ten (10) days in
36 advance of the hearing. At the hearing the member is entitled to present
37 evidence and argument and to be represented by counsel. **appointed to
38 a board under this chapter serves at the pleasure of the member's
39 appointing authority. If a member is removed by the member's
40 appointing authority, the appointing authority shall fill the vacancy
41 by appointing a new member to serve at the pleasure of the
42 appointing authority for the remainder of the removed member's**~~

M
e
r
g
e
d



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

term.

SECTION 23. IC 36-10-3-11 IS AMENDED TO READ AS 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;
- (4) **subject to subsection (d)**, acquire and dispose of real and personal property, either within or outside Indiana;
- (5) **subject to subsection (d)**, exercise the power of eminent domain under statutes available to municipalities;
- (6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the board;
- (7) engage in self-supporting activities as prescribed by section 22 of this chapter;
- (8) contract for special and temporary services and for professional assistance;
- (9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;
- (10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;
- (11) sue and be sued collectively by its legal name, as the "_____ (unit's name) Park and Recreation Board", with service of process being had upon the president of the board, but costs may not be taxed against the board or its members in any action;
- (12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the board's own action taken under either; and
- (13) release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

(b) The board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide

M
e
r
g
e
d



1 upon the premises educational, research, veterinary, or other proper
 2 facilities for the exhibition of wild or domestic animals in wildlife
 3 parks, dining facilities, swimming facilities, golf courses, skating
 4 facilities, dancing facilities, amusement rides generally found in
 5 amusement parks, or other recreational facilities. A lease may be made
 6 for more than one (1) year only to the highest and best bidder, after
 7 notice that the lease will be made has been given by publication in
 8 accordance with IC 5-3-1.

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

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

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

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

38 **the board must obtain approval by the executive of each applicable**
 39 **unit that established the department under this chapter. The board**
 40 **shall provide the applicable unit executive a description of the cost**
 41 **of the service, property, or capital improvement described in**
 42 **subdivisions (1) through (4) and a description of the manner in**

HB 1161—LS 6751/DI 116



M
e
r
g
e
d

1 **which the cost will be paid by the board or department.**

2 SECTION 24. IC 36-10-4-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
4 each year, the executive shall appoint a commissioner to fill the
5 vacancy caused by the expiration of a term. Each commissioner
6 appointed holds office for a term of four (4) years, beginning with
7 January 1 in the year of appointment. If a vacancy occurs on the board,
8 the executive shall appoint a commissioner for the remainder of the
9 term.

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

18 ~~(1) Inefficiency.~~

19 ~~(2) Neglect of duty.~~

20 ~~(3) Malfeasance in office.~~

21 SECTION 25. 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

M
e
r
g
e
d

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 the
 15 remainder of the unexpired term.

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

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

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

36 (g) The legislative body of the municipality may also levy a tax on
 37 all taxable property in the municipality to pay for park property and for
 38 its improvement. The legislative body may also borrow money and
 39 issue the bonds of the municipality at any rate of interest payable
 40 annually or semiannually and may sell them for at least par value. The
 41 money derived from the sale of bonds may be used only for the
 42 purchase or improvement of parks. The legislative body shall annually

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



1 levy a tax sufficient to pay the interest on the debt on all taxable
2 property in the municipality to create a sinking fund for the liquidation
3 of the principal of the debt.

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

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

29 SECTION 26. IC 36-10-5-5, AS AMENDED BY P.L.104-2022,
30 SECTION 220, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a
32 municipality that:

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

38 (b) A municipal board consists of four (4) members appointed by
39 the executive of the municipality. **Members serve at the pleasure of**
40 **the executive of the municipality.** A member shall be appointed on
41 the basis of the member's interest in and knowledge of parks and
42 recreation. The members may include the executive of the municipality

HB 1161—LS 6751/DI 116



M
e
r
g
e
d

1 and one (1) or more members of the municipal fiscal body. The
 2 ordinance creating a municipal board governed by this section may
 3 provide for one (1) or two (2) ex officio members.
 4 SECTION 27. IC 36-10-6-2, AS AMENDED BY P.L.127-2017,
 5 SECTION 385, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all
 7 counties.
 8 (b) As used in this section, "board" refers to an area park board
 9 established under this chapter.
 10 (c) As used in this section, "district" refers to an area park district
 11 established under this chapter.
 12 (d) Two (2) or more counties may establish an area park district
 13 for the purposes of establishing, owning, maintaining, and controlling
 14 one (1) or more public parks for the use and benefit of the residents of
 15 those counties. To establish a district, the legislative body of each
 16 county desiring to join shall adopt substantially identical ordinances
 17 indicating this intention. Before the ordinances take effect, they must
 18 be published in their respective counties in accordance with IC 5-3-1.
 19 Within ten (10) days after the publication of the ordinance, the auditor
 20 of each county shall file a certified copy of the ordinance with the
 21 auditor of each of the other counties involved. When the ordinances
 22 have been adopted and filed by all the counties joining, the district is
 23 considered established. All of the territory of the counties joining
 24 comprises the district.
 25 (e) Within ten (10) days after the publication of the ordinance, any
 26 registered voter may notify the legislative body of the voter's intent to
 27 file a remonstrance petition. Within sixty (60) days after this notice,
 28 petitions for and against the county's joining in the proposed district
 29 may be filed with the legislative body. The petitions must be signed
 30 and acknowledged by registered voters of the county. The petition that
 31 contains the greater number of signatures prevails.
 32 (f) Within thirty (30) days after the establishment of the district,
 33 the legislative body of each county joining shall appoint members to
 34 the area park board. Each county may appoint one (1) member to the
 35 board. In addition, each county may appoint an additional member for
 36 each fifty thousand (50,000) residents or fraction thereof of that
 37 county's population. Each member must be a resident of the county
 38 from which the member is appointed, and at least one (1) member from
 39 each county must be an elected official of that county. Members serve
 40 for terms of four (4) years and may be reappointed. **A member serves**
 41 **at the pleasure of the member's appointing authority.** Vacancies
 42 shall be filled by the appointing authority for the unexpired term of the

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



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

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

15 (i) The board may levy a tax for the establishment, purchase,
 16 maintenance, and control of the parks established and controlled by the
 17 board, but the tax may not exceed one and sixty-seven hundredths cents
 18 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of
 19 property in the district. When the board determines the rate of the levy,
 20 the board shall certify it to each county auditor. The levy shall then be
 21 placed upon the tax duplicate of each county in the district, and the tax
 22 shall be collected in the same manner as other taxes are collected. All
 23 money received for the district shall be paid into the treasury of the
 24 county with the greatest population. The money shall be deposited and
 25 kept as other public funds are deposited and kept, and interest earned
 26 on the money shall be credited to the area park fund. Money may be
 27 paid out by the treasurer only upon the written order of the board.

28 (j) A county may withdraw from a district only upon a two-thirds
 29 (2/3) vote of its legislative body. If a county decides to withdraw from
 30 a district, the date of withdrawal must be effective on January 1 of a
 31 year at least one (1) year after the date upon which the county voted to
 32 withdraw.

33 SECTION 28. IC 36-10-8-4, AS AMENDED BY P.L.229-2011,
 34 SECTION 267, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is composed of
 36 seven (7) members.

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

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



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

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

17 (2) Two (2) of the members appointed by each appointing
 18 authority for a term ending January 15 of the second year
 19 following the appointment.

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

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

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

29 (f) A board member, **other than a board member appointed by**
 30 **the county executive**, may be removed for cause by the appointing
 31 authority who appointed the member. **A member appointed by the**
 32 **county executive serves at the pleasure of the county executive.**

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

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

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

M
e
r
g
e
d

HB 1161—LS 6751/DI 116



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY