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HOUSE BILL No. 1161

Proposed Changes to January 13, 2026 printing by AM116109

DIGEST OF PROPOSED AMENDMENT

COMMITTEE AMENDMENT TO HB 1161. Staggers the terms of a nine member local board of health.

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

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

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1 chapter). Not more than one (1) member may be affiliated with the
 2 same business entity. Except as otherwise provided in this subsection,
 3 each member must reside in the county. The county executive shall
 4 also determine who will make the appointments to the commission,
 5 except that the executive of the largest municipality in the county shall
 6 appoint a number of the members of the commission, which number
 7 shall be in the same ratio to the total size of the commission (rounded
 8 off to the nearest whole number) that the population of the largest
 9 municipality bears to the total population of the county.

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

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

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

29 (f) Members of the commission may not receive a salary.
 30 However, commission members are entitled to reimbursement for
 31 necessary expenses incurred in the performance of their respective
 32 duties.

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

37 (h) The commission shall meet after January 1 each year for the
 38 purpose of organization. It shall elect one (1) of its members president,
 39 another vice president, another secretary, and another treasurer. The
 40 members elected to those offices shall perform the duties pertaining to
 41 the offices. The first officers chosen shall serve from the date of their
 42 election until their successors are elected and qualified. A majority of

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1 the commission constitutes a quorum, and the concurrence of a
2 majority of the commission is necessary to authorize any action.

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

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

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

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

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

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

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

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

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

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

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

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

35 SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) A member of a
37 local board of health appointed by a county executive of a county
38 that does not contain a consolidated city serves at the pleasure of
39 the county executive.**

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

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

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

9 (a) (b) All members of a local board of health shall be appointed
 10 for a term of four (4) years. Each member serves until a successor is
 11 appointed and qualified.

12 (b) (c) Unless otherwise required by law, after December 31, 1991,
 13 the board members serve staggered terms. The appointing authority
 14 shall appoint the members of a board in existence on December 31,
 15 1991, and the initial members of a board established after December
 16 31, 1991, as follows:

- 17 (1) One (1) member must be appointed for one (1) year.
- 18 (2) Two (2) members must be appointed for two (2) years.
- 19 (3) Two (2) members must be appointed for three (3) years.
- 20 (4) Two (2) members must be appointed for four (4) years.

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

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

29 (c) After December 31, 2026, members shall be appointed to
 30 the following initial staggered terms:

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

41 (c) All subsequent appointments of members shall be for four
 42 (4) year terms. Each member serves until a successor is appointed

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1 and qualified.

2 1 SECTION ~~6~~[7]. IC 16-23-1-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The directors
4 shall be appointed on the third Monday of January.

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

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

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

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

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

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

11 (d) The term of each member begins February 1 in the year of
12 appointment at the expiration of the member's predecessor's term and
13 continues four (4) years and until a successor is appointed and
14 qualified. However, an interim member chosen to fill a vacancy begins
15 tenure at the time specified in the member's certificate of appointment
16 and serves the unexpired term of the member the interim member
17 succeeds. **The member serves at the pleasure of the member's**
18 **appointing authority.**

19 SECTION ~~6~~[8]. IC 33-40-7-3, AS AMENDED BY
20 P.L.111-2024, SECTION 11, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A county
22 executive may adopt an ordinance establishing a county public
23 defender board consisting of three (3) members. The county executive
24 shall appoint one (1) member. The judges who exercise felony or
25 juvenile jurisdiction in the county shall appoint by majority vote one
26 (1) member. The Indiana commission on court appointed attorneys
27 shall appoint one (1) member who must be a resident of the county or
28 region managing the public defender's office.

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

32 (1) a city, town, or county attorney;

33 (2) a law enforcement officer;

34 (3) a judge;

35 (4) a court employee;

36 (5) an attorney who provides representation to indigent persons
37 in the county or region managed by the public defender board;

38 (6) an employee of the department of child services; or

39 (7) an employee of any individuals described in subdivisions (1)
40 through (6).

41 (c) Each member of the board serves a three (3) year term
42 beginning with the date of the member's appointment. A member

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

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

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

15 (1) chairperson; or

16 (2) other two (2) members.

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

20 SECTION ~~9~~⁹. IC 33-40-7-3.5, AS AMENDED BY
 21 P.L.111-2024, SECTION 12, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) A county
 23 executive may adopt an ordinance allowing the county to enter into an
 24 interlocal agreement (as described in IC 36-1-7-3) with one (1) or more
 25 counties for the purpose of:

26 (1) creating a multicounty public defender's office; and

27 (2) providing legal defense services to indigent persons located
 28 in the counties served by the multicounty public defender's
 29 office.

30 (b) An agreement described in subsection (a) shall:

31 (1) require any created multicounty public defender's office to be
 32 administered by a joint board (as described in
 33 IC 36-1-7-3(a)(5)(B)); and

34 (2) delegate, to an auditor of one (1) of the constituent counties
 35 comprising the multicounty public defender's office, the duty to
 36 receive, disburse, and account for all monies distributed to the
 37 multicounty public defender's office.

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

42 (d) Notwithstanding any other law or provision, a member of the

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- 1 joint board may not be:
- 2 (1) a city, town, or county attorney;
- 3 (2) a law enforcement officer;
- 4 (3) a judge;
- 5 (4) a court employee;
- 6 (5) an employee of the department of child services;
- 7 (6) an attorney who provides representation to indigent persons
- 8 in one (1) or more of the counties served by the multicounty
- 9 public defender's office being administered by the joint board; or
- 10 (7) an employee of any individuals described in subdivisions (1)
- 11 through (6).

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

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

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

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

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

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

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

30 SECTION ~~9~~¹⁰ IC 36-1-8.5-2, AS AMENDED BY
 31 P.L.238-2025, SECTION 90, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this
 33 chapter, "covered person" means any of the following:

- 34 (1) A judge.
- 35 (2) A law enforcement officer.
- 36 (3) An address confidentiality program participant.
- 37 (4) A public official.
- 38 (5) The surviving spouse of a person described in subdivision
- 39 (2), if the person was killed in the line of duty.
- 40 (6) An employee of the department of child services.
- 41 (7) A current or former probation officer.
- 42 (8) A current or former community corrections officer.

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

3 (10) A correctional services provider.

4 **(11) A public defender.**

5 ~~(11)~~ **(12)** Any person who resides in the same household as a
6 person described in this section.

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

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

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

17 **(3) The state public defender.**

18 **(4) A deputy of the state public defender.**

19 **(5) A chief public defender.**

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

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

30 (1) assist in the administration and enforcement of policies and
31 resolutions of the executive;

32 (2) supervise activities of county government subject to the
33 control of the executive;

34 (3) attend meetings of the executive;

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

36 (5) prepare and submit reports that the administrator considers
37 advisable or that the executive requires;

38 (6) keep the executive fully advised on the financial condition of
39 the county;

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

41 (8) perform other duties that the executive requests by
42 resolution.

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

6 **(d) The county executive may establish the salary of the county**
 7 **administrator subject to salary parameters established by the**
 8 **county fiscal body.**

9 SECTION 1 ~~↔~~ [3]. IC 36-2-21 IS ADDED TO THE INDIANA
 10 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]:

12 **Chapter 21. County Personnel Policy and Evaluation**
 13 **Standards**

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

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

27 **Sec. 2. (a) Each county executive, in coordination with the**
 28 **county fiscal body if applicable, shall adopt and maintain a written**
 29 **personnel policy, employee handbook, or equivalent document**
 30 **establishing minimum standards for county employee conduct and**
 31 **applicable county policies.**

32 **(b) A county executive, a county fiscal body, and county**
 33 **officers shall require all county employees, including existing**
 34 **employees, to sign an acknowledgment of receipt of the adopted**
 35 **personnel policy or employee handbook as a condition of**
 36 **employment.**

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

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

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

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

15 SECTION 1 ~~↔~~ [4]. IC 36-4-9-6, AS AMENDED BY
16 P.L.141-2009, SECTION 10, IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) This section
18 applies only to second class cities.

- 19 (b) The city executive shall appoint:
 - 20 (1) a city controller;
 - 21 (2) a city civil engineer;
 - 22 (3) a corporation counsel;
 - 23 (4) a chief of the fire department;
 - 24 (5) a chief of the police department; and
 - 25 (6) other officers, employees, boards, and commissions required
 - 26 by statute.

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

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

- 39 (e) If the executive:
 - 40 (1) increases the number of members of a board of public works
 - 41 and safety, a board of public works, or a board of public safety
 - 42 from three (3) to five (5) members; or

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1 (2) decreases the number of members of a board of public works
2 and safety, a board of public works, or a board of public safety
3 from five (5) to three (3) members;
4 the city shall publish notice under IC 5-3-1 of the increase or decrease
5 in members and state the total number of members appointed to the
6 board.

7 SECTION 1 ~~↔~~ [5]. IC 36-4-9-8, AS AMENDED BY
8 P.L.33-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) This section applies only to
10 third class cities.

11 (b) The city executive shall appoint:
12 (1) a city civil engineer;
13 (2) a city attorney;
14 (3) a chief of the fire department;
15 (4) a chief of the police department; and
16 (5) other officers, employees, boards, and commissions required
17 by statute.

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

- 21 (1) the city executive; and
- 22 (2) two (2) or four (4) persons appointed by the executive.

23 **A member appointed by the executive serves at the pleasure of the**
24 **executive.** If the executive increases the number of board members
25 from three (3) to five (5) members or decreases the number of board
26 members from five (5) to three (3) members, the city shall publish
27 notice under IC 5-3-1 of the increase or decrease in members and state
28 the total number of members appointed to the board. IC 36-4-4-2
29 notwithstanding, a member may hold other appointive or elective
30 positions in city government during the member's tenure. IC 36-4-11-2
31 applies to board member appointments under this section. The city
32 clerk is the clerk of the board.

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

37 (e) The city executive may appoint a public safety director to:
38 (1) serve as the chief administrative officer of; and
39 (2) oversee the operations of;
40 the police department and fire department. The city executive shall
41 determine the qualifications of the public safety director.

42 SECTION 1 ~~↔~~ [6]. IC 36-7-4-218, AS AMENDED BY

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

- 5 (1) for a term of four (4) years (in the case of a municipal,
6 county, or area plan commission);
- 7 (2) for a term of three (3) years (in the case of a metropolitan
8 plan commission); or
- 9 (3) for a term of one (1), two (2), or three (3) years, as designated
10 by the appointing authority (in the case of the metropolitan
11 development commission).

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

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

- 17 (1) One (1) for a term of two (2) years.
- 18 (2) Two (2) for a term of three (3) years.
- 19 (3) Two (2) for a term of four (4) years.

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

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

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

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

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

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

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

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

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

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

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

34 (b) **ADVISORY–AREA. Upon the establishment of a division of**
35 **the board of zoning appeals, the members shall initially be appointed**
36 **as provided in the zoning ordinance for the 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 (c) **ADVISORY–AREA. Under subsection (b), each term expires**
42 **on the first Monday of January of the first, second, third, or fourth year,**

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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 1 ~~←~~[8]. 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 action.

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

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

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1 appointed by the executive of the unit.
 2 (b) A member is entitled to serve a three (3) year term. A member
 3 may be reappointed to subsequent terms.
 4 (c) If a vacancy occurs on the board, the executive of the unit shall
 5 fill the vacancy by appointing a new member for the remainder of the
 6 vacated term.
 7 (d) A board member:
 8 **(1) for a board established in a county containing a**
 9 **consolidated city,** may be removed for cause by the executive
 10 of the unit; **and**
 11 **(2) for a board established in a county that does not contain**
 12 **a consolidated city, serves at the pleasure of the executive.**
 13 (e) Each member, before entering upon the duties of office, must
 14 take and subscribe an oath of office under IC 5-4-1, which shall be
 15 endorsed upon the certificate of appointment and filed with the records
 16 of the board.
 17 (f) A member may not receive a salary, and no profit or money of
 18 the authority inures to the benefit of a member.
 19 SECTION ~~<18>~~[20]. IC 36-9-13-18, AS AMENDED BY
 20 P.L.127-2017, SECTION 309, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) A trustee**
 22 **appointed by a county executive of a county that does not contain**
 23 **a consolidated city serves at the pleasure of the county executive.**
 24 ~~(a)~~ **(b) This subsection does not apply to a trustee appointed by**
 25 **a county executive of a county that does not contain a consolidated**
 26 **city.** A person seeking the removal of a trustee for:
 27 (1) neglect of duty;
 28 (2) incompetence;
 29 (3) inability to perform the trustee's duties; or
 30 (4) any other good cause;
 31 may file a complaint in the circuit or superior court for the county in
 32 which the building authority is located. The complaint must set forth
 33 the charges preferred. The action shall be placed on the court's
 34 advanced calendar, and the court shall try the action in the same
 35 manner as other civil cases, without a jury. If the charges are sustained,
 36 the court shall declare the trustee's office vacant.
 37 ~~(b)~~ **(c)** The trustees may summarily remove a director from office
 38 at any time.
 39 SECTION ~~<19>~~[21]. IC 36-9-27-5, AS AMENDED BY
 40 P.L.278-2019, SECTION 194, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except in a
 42 county having a consolidated city or as provided in subsection (d), the

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

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

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

22 SECTION 2 ~~<=>~~ [2]. IC 36-10-3-6, AS AMENDED BY
 23 P.L.127-2017, SECTION 377, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. A member ~~may be~~
 25 ~~removed only for cause, upon specific written charges filed against the~~
 26 ~~member. The charges shall be filed with and heard by the appointing~~
 27 ~~authority, unless the appointing authority is bringing the charges. If the~~
 28 ~~appointing authority is bringing the charges, the unit's fiscal body shall~~
 29 ~~appoint a hearing officer. The person to hear the charges shall fix a date~~
 30 ~~for a public hearing and give public notice at least ten (10) days in~~
 31 ~~advance of the hearing. At the hearing the member is entitled to present~~
 32 ~~evidence and argument and to be represented by counsel.~~ **appointed to**
 33 **a board under this chapter serves at the pleasure of the member's**
 34 **appointing authority. If a member is removed by the member's**
 35 **appointing authority, the appointing authority shall fill the vacancy**
 36 **by appointing a new member to serve at the pleasure of the**
 37 **appointing authority for the remainder of the removed member's**
 38 **term.**

39 SECTION 2 ~~<=>~~ [3]. IC 36-10-3-11 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:
 41 (1) **subject to subsection (d)**, enter into contracts and leases for
 42 facilities and services;

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- 1 (2) contract with persons for joint use of facilities for the
- 2 operation of park and recreation programs and related services;
- 3 (3) contract with another board, a unit, or a school corporation
- 4 for the use of park and recreation facilities or services, and a
- 5 township or school corporation may contract with the board for
- 6 the use of park and recreation facilities or services;
- 7 (4) **subject to subsection (d)**, acquire and dispose of real and
- 8 personal property, either within or outside Indiana;
- 9 (5) **subject to subsection (d)**, exercise the power of eminent
- 10 domain under statutes available to municipalities;
- 11 (6) sell, lease, or enter into a royalty contract for the natural or
- 12 mineral resources of land that it owns, the money received to be
- 13 deposited in a nonreverting capital fund of the board;
- 14 (7) engage in self-supporting activities as prescribed by section
- 15 22 of this chapter;
- 16 (8) contract for special and temporary services and for
- 17 professional assistance;
- 18 (9) delegate authority to perform ministerial acts in all cases
- 19 except where final action of the board is necessary;
- 20 (10) prepare, publish, and distribute reports and other materials
- 21 relating to activities authorized by this chapter;
- 22 (11) sue and be sued collectively by its legal name, as the
- 23 " _____ (unit's name) Park and Recreation Board", with
- 24 service of process being had upon the president of the board, but
- 25 costs may not be taxed against the board or its members in any
- 26 action;
- 27 (12) invoke any legal, equitable, or special remedy for the
- 28 enforcement of this chapter, a park or recreation ordinance, or
- 29 the board's own action taken under either; and
- 30 (13) release and transfer, by resolution, a part of the area over
- 31 which it has jurisdiction for park and recreational purposes to
- 32 park authorities of another unit for park and recreational
- 33 purposes upon petition of the park or recreation board of the
- 34 acquiring unit.
- 35 (b) The board may also lease any buildings or grounds belonging
- 36 to the unit and located within a park to a person for a period not to
- 37 exceed fifty (50) years. The lease may authorize the lessee to provide
- 38 upon the premises educational, research, veterinary, or other proper
- 39 facilities for the exhibition of wild or domestic animals in wildlife
- 40 parks, dining facilities, swimming facilities, golf courses, skating
- 41 facilities, dancing facilities, amusement rides generally found in
- 42 amusement parks, or other recreational facilities. A lease may be made

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1 for more than one (1) year only to the highest and best bidder, after
 2 notice that the lease will be made has been given by publication in
 3 accordance with IC 5-3-1.

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

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

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

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

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

16 **(1) exercise the power of eminent domain under subsection**
 17 **(a)(5);**

18 **(2) enter into a contract under subsection (a)(1) with a total**
 19 **cost exceeding the lesser of:**

20 **(A) five hundred thousand dollars (\$500,000); or**

21 **(B) ten percent (10%) of the department's annual**
 22 **budget;**

23 **(3) acquire real or personal property under subsection (a)(4)**
 24 **with a total 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; or**

28 **(4) approve capital improvements to park facilities or**
 29 **property 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;**

33 **the board must obtain approval by the executive of each applicable**
 34 **unit that established the department under this chapter. The board**
 35 **shall provide the applicable unit executive a description of the cost**
 36 **of the service, property, or capital improvement described in**
 37 **subdivisions (1) through (4) and a description of the manner in**
 38 **which the cost will be paid by the board or department.**

39 SECTION 2 ~~⇒~~ [4]. IC 36-10-4-4 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1
 41 each year, the executive shall appoint a commissioner to fill the
 42 vacancy caused by the expiration of a term. Each commissioner

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1 appointed holds office for a term of four (4) years, beginning with
2 January 1 in the year of appointment. If a vacancy occurs on the board,
3 the executive shall appoint a commissioner for the remainder of the
4 term.

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

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

16 SECTION 2 ~~↔~~ [5], IC 36-10-5-2, AS AMENDED BY
17 P.L.277-2019, SECTION 17, IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section
19 applies to:

- 20 (1) third class cities and towns, unless otherwise provided by
- 21 law; and
- 22 (2) each second class city that:
 - 23 (A) adopted second class city status by ordinance under
 - 24 IC 36-4-1-1.1, as a result of the 2010 federal decennial
 - 25 census; and
 - 26 (B) has adopted all or part of this section by ordinance or
 - 27 resolution.

- 28 (b) As used in this section, "park authority" means:
 - 29 (1) the municipal legislative body; or
 - 30 (2) any of the following designated by the legislative body as the
 - 31 park authority:
 - 32 (A) The governing body of the school corporation.
 - 33 (B) A recreation board.
 - 34 (C) The municipal works board.
 - 35 (D) Any other appropriate board or commission.

36 (c) If a recreation board is established under subsection (b)(2)(B),
37 it must consist of five (5) resident freeholders appointed by the city
38 executive or the town legislative body. At least one (1) member must
39 be a member of the governing body of the school corporation and no
40 members may serve on the municipal legislative body. All members
41 must be qualified by an interest in and knowledge of the social and
42 educational value of recreation. The members serve without

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1 compensation. The members shall be appointed for four (4) year terms
2 from January 1 of the year of their appointment or until their successors
3 are appointed. The initial terms of board members, however, are as
4 follows:

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

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

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

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

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

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

42 (h) If the park authority of a city decides to lease any buildings or

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1 grounds belonging to the city and located in a public park when they
2 are not required for public use, the proceeds shall be deposited with the
3 city fiscal officer to the credit of park funds and devoted to the
4 improvement of public parks.

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

25 SECTION 2<=>[6]. IC 36-10-5-5, AS AMENDED BY
26 P.L.104-2022, SECTION 220, IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section
28 applies to a municipality that:

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

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

42 SECTION 2<=>[7]. IC 36-10-6-2, AS AMENDED BY

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

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1 district. At the meeting the board shall elect one (1) of its members
2 chair and one (1) secretary and shall adopt rules of order that
3 considers necessary. The board shall then meet at times and places that
4 it determines. Members serve on the board without compensation.
5 However, all members except the elected official members are entitled
6 to receive a per diem and mileage for time spent in the performance of
7 their duties.

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

11 (i) The board may levy a tax for the establishment, purchase,
12 maintenance, and control of the parks established and controlled by the
13 board, but the tax may not exceed one and sixty-seven hundredths cents
14 (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of
15 property in the district. When the board determines the rate of the levy,
16 the board shall certify it to each county auditor. The levy shall then be
17 placed upon the tax duplicate of each county in the district, and the tax
18 shall be collected in the same manner as other taxes are collected. All
19 money received for the district shall be paid into the treasury of the
20 county with the greatest population. The money shall be deposited and
21 kept as other public funds are deposited and kept, and interest earned
22 on the money shall be credited to the area park fund. Money may be
23 paid out by the treasurer only upon the written order of the board.

24 (j) A county may withdraw from a district only upon a two-thirds
25 (2/3) vote of its legislative body. If a county decides to withdraw from
26 a district, the date of withdrawal must be effective on January 1 of a
27 year at least one (1) year after the date upon which the county voted to
28 withdraw.

29 SECTION 2-6 [8]. IC 36-10-8-4, AS AMENDED BY
30 P.L.229-2011, SECTION 267, IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is
32 composed of seven (7) members.

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

39 (c) Notwithstanding subsection (b), if a board was created under
40 IC 18-7-18 (before its repeal on February 24, 1982), three (3) members
41 shall be appointed by the executive of the second class city and three
42 (3) members shall be appointed by the executive of the county. Those

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1 members shall select the seventh member, who serves as president.
 2 One (1) of the members appointed by the city executive must be
 3 engaged in the hospitality industry in the city. No more than two (2) of
 4 the members appointed by the city executive may be affiliated with the
 5 same political party and no more than two (2) of the members
 6 appointed by the county executive may be affiliated with the same
 7 political party. In addition, each member must have been a resident of
 8 the county for at least one (1) year immediately preceding the member's
 9 appointment. Initial terms of the members are as follows:
 10 (1) One (1) of the members appointed by each appointing
 11 authority for a term ending January 15 of the year following the
 12 appointment.
 13 (2) Two (2) of the members appointed by each appointing
 14 authority for a term ending January 15 of the second year
 15 following the appointment.
 16 (3) The seventh member serves for a term ending January 15 of
 17 the second year following the appointment.
 18 (d) Subsequent terms of members are for two (2) years. All terms
 19 begin on January 15. A member serves until a successor is appointed
 20 and qualified. A member may be reappointed after the member's term
 21 has expired.
 22 (e) If a vacancy occurs on the board, the appointing authority shall
 23 appoint a new member. That member serves for the remainder of the
 24 vacated term.
 25 (f) A board member, **other than a board member appointed by**
 26 **the county executive**, may be removed for cause by the appointing
 27 authority who appointed the member. **A member appointed by the**
 28 **county executive serves at the pleasure of the county executive.**
 29 (g) Each member, before entering upon the member's duties, shall
 30 take and subscribe an oath of office in the usual form. The oath shall
 31 be endorsed upon the member's certificate of appointment. The
 32 certificate shall be promptly filed with the records of the board.
 33 However, if the board was created under IC 18-7-18 (before its repeal
 34 on February 24, 1982), the certificate shall be filed with the clerk of the
 35 circuit court of the county in which the board is created.
 36 (h) A member may not receive a salary, but is entitled to
 37 reimbursement for any expenses necessarily incurred in the
 38 performance of the member's duties.
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