

HOUSE BILL No. 1027

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-10-3-22; IC 36-10-4-16.

Synopsis: Designated park fees. Requires a county or municipal park that charges a fee designated for a specific purpose to deposit the designated fees into a nonreverting fund established for the specific purpose designated by the park board. Provides that money in the fund may only be used at the park that collected the fee and only for the specific purpose designated by the park board.

Effective: July 1, 1998.

Bodiker

January 6, 1998, read first time and referred to Committee on Local Government.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1027

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 36-10-3-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22. (a) Park and
3 recreation facilities and programs shall be made available to the public
4 free of charge as far as possible. However, if it is necessary in order to
5 provide a particular activity, the board may charge a reasonable fee.
6 (b) **For all fees, except fees designated by the board for a specific**
7 **purpose, the unit's fiscal body may establish by ordinance upon request**
8 **of the board the following:**
9 (1) A special nonreverting operating fund for park purposes from
10 which expenditures may be made as provided by ordinance, either
11 by appropriation by the board or by the unit's fiscal body. ~~or~~
12 (2) A special nonreverting capital fund for the purpose of acquiring
13 land or making specific capital improvements from which
14 expenditures may be made by appropriation by the unit's fiscal body.
15 The unit's fiscal body shall designate the fund or funds into which the
16 unit's fiscal officer (or county treasurer) shall deposit fees from golf
17 courses, swimming pools, skating rinks, or other major facilities requiring

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1 major expenditures for management and maintenance. Money received
 2 from fees, other than **fees** from major facilities **or fees designated by the**
 3 **board for a specific purpose**, or **money** received from the sale of
 4 surplus property shall be deposited by the unit's fiscal officer (or county
 5 treasurer) either in the special nonreverting operating fund or in the
 6 nonreverting capital fund, as directed by the board. However, if neither
 7 fund has been established, money received from fees or from the sale of
 8 surplus property shall be deposited in the unit's general fund. Money from
 9 either special fund may be disbursed only on approved claims allowed and
 10 signed by the president and secretary of the board.

11 (c) Money placed in the special nonreverting capital fund may not be
 12 withdrawn except for the purposes for which the fund was created, unless
 13 the fiscal body repeals the ordinance establishing the fund. The fiscal
 14 body may not repeal the ordinance under suspension of the rules.

15 (d) **Money received from fees designated for a specific purpose by**
 16 **the board must be deposited into a special nonreverting fund**
 17 **established by the board for the specific purpose designated by the**
 18 **board. Money in the fund may be used only at the park at which the**
 19 **fee was collected and only for the specific purpose designated by the**
 20 **board.**

21 (e) Money procured from fees or received from the sale of surplus
 22 property under section 12 of this chapter shall be deposited at least once
 23 each month with the fiscal officer of the unit.

24 SECTION 2. IC 36-10-4-16 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) A tax on the
 26 taxable property in the district, as it appears on the tax duplicate, shall be
 27 levied annually by the city legislative body for park purposes.

28 (b) The tax shall be collected the same as other city taxes are
 29 collected, and the city fiscal officer (or county treasurer acting under
 30 IC 36-4-10-6) shall, between the first and fifth days of each month, notify
 31 the board of the amount of taxes collected for park purposes during the
 32 preceding month. At the date of notification, the city fiscal officer (or
 33 county treasurer) shall credit the park fund with the amount.

34 (c) The board may expend on behalf of the city all sums of money
 35 collected from:

- 36 (1) taxes;
- 37 (2) the sale of privileges in the parks of the city;
- 38 (3) the sale of bonds of the city for park purposes; and
- 39 (4) any other source.

40 All gifts, donations, or payments that are given or paid to the city for park
 41 purposes belong to the general park fund, the special nonreverting
 42 operating fund, or the special nonreverting capital fund to be used by the



1 board as provided by this chapter. Warrants for expenditures shall be
 2 drawn by the city fiscal officer upon a voucher of the board signed by the
 3 president or vice president and secretary.

4 (d) The city legislative body may borrow money for the use of the
 5 department and may issue the bonds of the city to pay back the borrowed
 6 money in the manner provided by statute for the issue of bonds for the
 7 general purposes of the city. However, the board may not contract debts
 8 beyond the amount of its annual income and the amount available from the
 9 sale of bonds or other sources.

10 (e) All money remaining in the treasury to the credit of the board at the
 11 end of the calendar year belongs to the general park fund, the special
 12 nonreverting operating fund, or the special nonreverting capital fund for
 13 use by the board for park purposes.

14 (f) Park and recreation facilities and programs shall be made available
 15 to the public free of charge as far as possible. However, if it is necessary
 16 in order to provide a particular activity, the board may charge a
 17 reasonable fee.

18 (g) **For all fees, except fees designated by the board for a specific**
 19 **purpose**, the city legislative body may establish by ordinance upon
 20 request of the board **the following:**

21 (1) A special nonreverting operating fund for park purposes from
 22 which expenditures may be made as provided by ordinance, either
 23 by appropriation by the board or by the city legislative body. ~~or~~

24 (2) A special nonreverting capital fund for the purpose of acquiring
 25 land or making specific capital improvements from which
 26 expenditures may be made by appropriation by the city legislative
 27 body.

28 The city legislative body shall designate the fund or funds into which the
 29 city fiscal officer (or county treasurer) shall deposit fees from golf
 30 courses, swimming pools, skating rinks, or other major facilities requiring
 31 major expenditures for management and maintenance. Money received
 32 from fees, other than **fees** from major facilities **or fees designated by the**
 33 **board for a specific purpose**, or **money** received from the sale of
 34 surplus property shall be deposited by the city fiscal officer (or county
 35 treasurer) either in the special nonreverting operating fund or in the
 36 nonreverting capital fund, as directed by the board. However, if neither
 37 fund has been established, money received from fees or from the sale of
 38 surplus property shall be deposited in the general park fund. Money from
 39 either special fund may be disbursed only on approved claims allowed and
 40 signed by the president and secretary of the board.

41 (h) Money placed in the special nonreverting capital fund may not be
 42 withdrawn except for the purposes for which the fund was created, unless



1 the fiscal body repeals the ordinance establishing the fund. The fiscal
2 body may not repeal the ordinance under suspension of the rules.
3 (i) Money procured from fees or received from the sale of surplus
4 property shall be deposited at least once each month with the city fiscal
5 officer.
6 (j) **Money received from fees designated for a specific purpose by**
7 **the board must be deposited into a special nonreverting fund**
8 **established by the board for the specific purpose designated by the**
9 **board. Money in the fund may be used only at the park at which the**
10 **fee was collected and only for the specific purpose designated by the**
11 **board.**

