

# HOUSE BILL No. 1031

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-10-3-4; IC 36-10-3-5.

**Synopsis:** Park board membership. Provides that the county executive and the county fiscal body appoint the members of a county park board. (Current law provides that the judge of the circuit court appoints members in addition to the county executive and the county fiscal body.) Allows a member who was appointed to the county park board by the judge of the circuit court to serve the remainder of the member's term. Specifies the initial terms of members of a newly appointed park board. Specifies that if a county park board's initial appointments are made before July 1, 1999, a subsequent appointment to a county park board made after June 30, 1999, is not an initial appointment and shall be for a four year term.

**Effective:** July 1, 1999.

---

---

**Stilwell**

---

---

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

---

---

C  
O  
P  
Y



First Regular Session 111th General Assembly (1999)

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. 1031



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 36-10-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A municipal  
3 board consists of four (4) members to be appointed by the executive of  
4 the municipality. The members shall be appointed on the basis of their  
5 interest in and knowledge of parks and recreation, but no more than  
6 two (2) members may be affiliated with the same political party.  
7 Members of a town board must be residents of the district. In addition,  
8 the creating ordinance may provide for one (1) or two (2) ex officio  
9 members, those being:  
10 (1) a member:  
11 (A) of the governing body of the school corporation selected  
12 by that body; or  
13 (B) designated by the governing body of the school  
14 corporation if the board is in a town;  
15 (2) a member of the governing body of the library district selected  
16 by that body; or



COPY

- 1 (3) both (1) and (2).  
 2 (b) A county board shall be appointed as follows:  
 3 ~~(1) Two (2) members shall be appointed by the judge of the~~  
 4 ~~circuit court.~~  
 5 ~~(2) One (1) member (1) Two (2) members~~ shall be appointed by  
 6 the county executive.  
 7 ~~(3) Two (2) (2) Three (3) members~~ shall be appointed by the  
 8 county fiscal body.

9 The members appointed under subdivisions ~~(1), (2), and (3)~~ **(1) and (2)**  
 10 shall be appointed on the basis of their interest in and knowledge of  
 11 parks and recreation, but no more than one (1) member appointed  
 12 under ~~subdivisions~~ **subdivision (1) and (2)** may be affiliated with the  
 13 same political party. **No more than two (2) members appointed**  
 14 **under subdivision (2) may be affiliated with the same political**  
 15 **party.** In a county having at least one (1) first or second class city, the  
 16 creating ordinance must provide for one (1) ex officio board member  
 17 to be appointed by the executive of that city. The member appointed by  
 18 the city executive must be affiliated with a different political party than  
 19 the member appointed by the county executive. However, if a county  
 20 has more than one (1) such city, the executives of those cities shall  
 21 agree on the member. The member serves for a term coterminous with  
 22 the term of the appointing executive or executives.

23 (c) Ex officio members have all the rights of regular members,  
 24 including the right to vote. A vacancy in an ex officio position shall be  
 25 filled by the appointing authority.

26 (d) Neither a municipal executive nor a member of a county fiscal  
 27 body, county executive, or municipal fiscal body may serve on a board.

28 (e) The creating ordinance in any county may provide for:  
 29 (1) the county cooperative extension coordinator;  
 30 (2) the county extension educator; or  
 31 (3) a member of the county extension committee selected by the  
 32 committee;

33 to serve as an ex officio member of the county board, in addition to the  
 34 members provided for under subsection (b).

35 (f) The creating ordinance in a county having no first or second  
 36 class cities may provide for a member of the county board to be  
 37 selected by the board of supervisors of a soil and water conservation  
 38 district in which a facility of the county board is located. The member  
 39 selected under this subsection is in addition to the members provided  
 40 for under subsections (b) and (e).

41 SECTION 2. IC 36-10-3-5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Initial



C  
O  
P  
Y

1 appointments to a municipal board are as follows:

- 2 (1) One (1) member for a term of one (1) year.  
 3 (2) One (1) member for a term of two (2) years.  
 4 (3) One (1) member for a term of three (3) years.  
 5 (4) One (1) member for a term of four (4) years.

6 As a term expires, each new appointment is for a four (4) year term. All  
 7 terms expire on the first Monday in January, but a member continues  
 8 in office until his successor is appointed.

9 (b) **This subsection applies to initial appointments to a county**  
 10 **board that are made before July 1, 1999.** Initial appointments to a  
 11 county board are as follows:

- 12 (1) The circuit court judge's appointments are for one (1) and  
 13 three (3) year terms, respectively.  
 14 (2) The county executive's appointment is for a two (2) year term.  
 15 (3) The county fiscal body's appointments are for two (2) and four  
 16 (4) year terms, respectively.

17 As a term expires, each new appointment is for a four (4) year term. All  
 18 terms expire on the first Monday in January, but a member continues  
 19 in office until his successor is appointed.

20 (c) **This subsection applies to initial appointments to a county**  
 21 **board that are made after June 30, 1999.** Initial appointments to a  
 22 county board are as follows:

- 23 (1) **The county executive's appointments are for one (1) year**  
 24 **and two (2) year terms, respectively.**  
 25 (2) **The county fiscal body's appointments are for two (2),**  
 26 **three (3), and four (4) year terms, respectively.**

27 **As a term expires, each new appointment is for a four (4) year**  
 28 **term. All terms expire on the first Monday in January, but a**  
 29 **member continues in office until a successor is appointed.**

30 (c) (d) An appointing authority shall make initial appointments  
 31 within ninety (90) days after the creation of the department.

32 (d) (e) If an appointment for any new term is not made by the first  
 33 Monday in April, the incumbent shall serve another term.

34 (e) (f) In making initial appointments under subsections (a) or (b),  
 35 an appointing authority, in order to provide continuity of experience  
 36 and programs, shall give special consideration to the appointment of  
 37 members from previous park or recreation boards.

38 (f) (g) If a vacancy on the board occurs, the appointing authority  
 39 shall appoint a person to serve for the remainder of the unexpired term.

40 SECTION 3. [EFFECTIVE JULY 1, 1999] **Notwithstanding**  
 41 **IC 36-10-3-4, as amended by this act, a member of a county park**  
 42 **board who was appointed to the board by a circuit court judge**



C  
O  
P  
Y

1 under IC 36-10-3-4 before July 1, 1999, may serve the remainder  
2 of the member's term.  
3 SECTION 4. [EFFECTIVE JULY 1, 1999] (a) This SECTION  
4 applies to a county park board whose initial appointments were  
5 made before July 1, 1999.  
6 (b) A county executive or county fiscal body making an  
7 appointment to the county park board under IC 36-10-3-4, as  
8 amended by this act, after June 30, 1999, is not making an initial  
9 appointment under IC 36-10-3-5, as amended by this act. A person  
10 appointed after June 30, 1999, to the county park board is  
11 appointed to a four (4) year term.

C  
o  
p  
y

