

HOUSE BILL No. 1603

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-10-3-4; IC 36-10-5-2.

Synopsis: Town park board members. Provides that a member of a town park board in a town with a population greater than 1,000 must reside within the park district. Provides that there are no residency requirements for a town park board in a town with a population of 1,000 or less. Provides that a member of a recreation board in a town with a population of 1,000 or less may be a person who is not a resident freeholder.

Effective: July 1, 1999.

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January 21, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural.

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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 1998 General Assembly.

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HOUSE BILL No. 1603



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. **In a**
 7 **town that has a population greater than one thousand (1,000), the**
 8 **members of a town board must be residents of the district. In a town**
 9 **with a population that is one thousand (1,000) or less, there is no**
 10 **residency requirement for town board membership.** In addition, the
 11 creating ordinance may provide for one (1) or two (2) ex officio
 12 members, those being:
 13 (1) a member:
 14 (A) of the governing body of the school corporation selected
 15 by that body; or
 16 (B) designated by the governing body of the school
 17 corporation if the board is in a town;



- 1 (2) a member of the governing body of the library district selected
 2 by that body; or
 3 (3) both (1) and (2).

4 (b) A county board shall be appointed as follows:

- 5 (1) Two (2) members shall be appointed by the judge of the
 6 circuit court.
 7 (2) One (1) member shall be appointed by the county executive.
 8 (3) Two (2) members shall be appointed by the county fiscal
 9 body.

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

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

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

27 (e) The creating ordinance in any county may provide for:

- 28 (1) the county cooperative extension coordinator;
 29 (2) the county extension educator; or
 30 (3) a member of the county extension committee selected by the
 31 committee;

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

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

40 SECTION 2. IC 36-10-5-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This section
 42 applies to municipalities having a population of less than thirty-five

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1 thousand (35,000), unless otherwise provided by law.

2 (b) As used in this section, "park authority" means the municipal
3 legislative body. However, the legislative body may designate the
4 governing body of the school corporation, a recreation board, the
5 municipal works board, or any other appropriate board or commission
6 as the park authority.

7 (c) If a recreation board is established under subsection (b), it must
8 consist of five (5) resident freeholders appointed by the city executive
9 or the town legislative body. **However in a town with a population of**
10 **one thousand (1,000) or less, the town legislative body may appoint**
11 **a member who is not a resident freeholder.** At least one (1) member
12 must be a member of the governing body of the school corporation and
13 no members may serve on the municipal legislative body. All members
14 must be qualified by an interest in and knowledge of the social and
15 educational value of recreation. The members serve without
16 compensation. The members shall be appointed for four (4) year terms
17 from January 1 of the year of their appointment or until their successors
18 are appointed. The initial terms of board members, however, are as
19 follows:

- 20 (1) One (1) for a term of one (1) year.
21 (2) One (1) for a term of two (2) years.
22 (3) One (1) for a term of three (3) years.
23 (4) Two (2) for terms of four (4) years.

24 A vacancy shall be filled by the appointing authority for the remainder
25 of the unexpired term.

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

28 (e) If a municipality decides, by ordinance, to establish, lay out, or
29 improve a public park or grounds, or to make an extension of a park or
30 grounds, it may locate the park or grounds, including appurtenances,
31 and it may lay out and open the public ways necessary for the
32 improvement. If it is necessary to acquire land, water rights, or
33 easements, or a pool, lake, or natural stream of water, the park authority
34 may condemn that property and take possession of it if it is located
35 within five (5) miles of the municipality. Before the park authority
36 condemns the property, it shall assess the damages to the owners of the
37 property at a meeting of the authority. Additional condemnation
38 proceedings are the same as those provided for the taking of property
39 to open streets.

40 (f) The park authority may adopt rules concerning the laying out,
41 improvement, preservation, ornamentation, and management of parks.
42 The park authority shall allow monuments or buildings for libraries,



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1 works of art, or historical collections to be erected in a park, as long as
2 they are under the control of the persons in charge of the park and no
3 inclosure separates them from the rest of the park.

4 (g) The legislative body of the municipality may also levy a tax on
5 all taxable property in the municipality to pay for park property and for
6 its improvement. The legislative body may also borrow money and
7 issue the bonds of the municipality at any rate of interest payable
8 annually or semiannually and may sell them for at least par value. The
9 money derived from the sale of bonds may be used only for the
10 purchase or improvement of parks. The legislative body shall annually
11 levy a tax sufficient to pay the interest on the debt on all taxable
12 property in the municipality to create a sinking fund for the liquidation
13 of the principal of the debt.

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

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

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