HOUSE BILL No. 1507

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-4-1-18; IC 6-1.1-41-6; IC 36-10-3; IC 36-10-3; IC 36-10-15.

Synopsis: Floyd County park district. Establishes a Floyd County park district on January 1, 2012. Provides that the district is a separate municipal corporation, the boundaries of which are coterminous with the boundaries of the county. Provides that the governing body of the district is a nine member park commission. Specifies that a member of the commission may not receive a salary or a per diem. Specifies the membership of the commission. Provides for staggered terms. Provides that on January 1, 2012, all parks departments within the county are abolished and all property and obligations of the parks departments in the county are transferred to the district. Provides that indebtedness and pension obligations incurred by a unit before the creation of the district: (1) may not be imposed on taxpayers that were not responsible for payment of the indebtedness or pension obligations before the district was created; and (2) must be paid by the taxpayers that were responsible for payment of the indebtedness or pension obligations before creation of the district. Provides that the park district is subject to certain provisions of the general park and recreation law. Provides that if the commission before January 1, 2022, conveys any real property that was transferred to the district by a park department upon the establishment of the district, the commission shall distribute any proceeds or other remuneration from the conveyance to the county or city from which the property was transferred. Specifies that this restriction does not apply to: (1) the conveyance of real property by the commission back to the county or city from which the property was originally transferred; or (2) the lease of real property, if that real property is leased as of December 31, 2011, for a purpose related to

(Continued next page)

Effective: Upon passage.

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January 20, 2011, read first time and referred to Committee on Local Government.

Digest Continued

parks and recreation, and after December 31, 2011, the commission enters into or renews a lease of that real property for substantially the same purpose. Provides that all personnel employed by abolished park departments within the county are eligible to transfer to the district. Provides that all personnel that participate in the public employee's retirement fund (PERF) as employees of an abolished park department shall continue to participate in PERF upon becoming employed by the district. Provides that, subject to the property tax levy limits, the district may levy a tax annually on the taxable property in the district for park purposes. Specifies the initial maximum permissible property tax levy for the district for property taxes first due and payable in 2012. Specifies the amount by which the department of local government finance shall reduce the maximum permissible property tax levies for Floyd County and New Albany. Provides that the joint board of the New Albany-Floyd County park and recreation department shall in 2011 adopt under the district's initial budget, tax rate, and tax levy for 2012. Provides that the commission may purchase a blanket bond or a crime insurance policy to cover the faithful performance of all employees, commission members, and persons acting on behalf of the district.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1507

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:

SECTION 1. IC 5-4-1-18, AS AMENDED BY P.L.176-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

(1) City judges, controllers, clerks, and clerk-treasurers.

(2) Town judges and clerk-treasurers.

(3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.

(4) Township trustees.

(5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.

(6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance **or the commission of a park district established under**

IC 36-10-15 may by resolution authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount of annual coverage must equal thirty thousand dollars ($30,000) for each one million dollars ($1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount of annual coverage may not be less than thirty thousand dollars ($30,000) nor more than three hundred thousand dollars ($300,000) unless the fiscal body approves a greater amount of annual coverage for the officer or employee.

County auditors shall file bonds that provide annual coverage of not less than thirty thousand dollars ($30,000), as fixed by the fiscal body of the county. The amount of annual coverage of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than fifteen thousand dollars ($15,000).

(d) Except as provided in subsection (j), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

(2) that is at least thirty thousand dollars ($30,000) in annual coverage.

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

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(h) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars ($30,000) for each one million dollars ($1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars ($300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(i) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for any person who is not described in subsection (h) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars ($15,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(j) Notwithstanding subsection (d), the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars ($30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

SECTION 2. IC 6-1.1-41-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Not later than noon thirty (30) days after the publication of the notice required by section 3 of this chapter:

(1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, IC 36-9-4-48, or IC 36-10-4-36;

(2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;

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(3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21, **IC 36-10-3-21.5,** or IC 36-10-7.5-19;

(4) at least fifty (50) taxpayers in a municipality, if subdivision (1), (2), (3), or (5) does not apply; or

(5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6;

may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department of local government finance.

SECTION 3. IC 36-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following: ~~units.~~

(1) ~~All counties.~~ **A county.**

~~(2) All municipalities.~~

(2) A municipality.

(3) A park district established under IC 36-10-15.

SECTION 4. IC 36-10-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

"Board" refers to a park and recreation board.

"Commission" refers to a park commission established under IC 36-10-15.

"Department" refers to a department of parks and recreation.

"District" means the area within the jurisdiction of:

(1) a department; **or**

(2) a commission.

SECTION 5. IC 36-10-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b),** the fiscal body of a unit may adopt an ordinance creating a department of parks and recreation and repealing in the ordinance or resolution prior ordinances or resolutions creating separate park and recreation authorities. The department consists of a park and recreation board, a superintendent, and other personnel that the board determines.

(b) If a county in which a unit is located establishes a park district established under IC 36-10-15, the unit may not create a department of parks and recreation under this chapter.

~~(b)~~ **(c)** After a board has been created, all books, papers, documents, and other property of former park and recreation authorities shall be transferred to and become the property of the board.

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SECTION 6. IC 36-10-3-4, AS AMENDED BY P.L.128-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member of the governing body of the school corporation selected by that body;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2).

(b) A town board consists of four (4) members to be appointed by the town legislative body. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Except as provided in section 4.1 of this chapter, not more than two (2) members may be affiliated with the same political party. Members of the board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member:

(A) of the governing body of the school corporation selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2).

(c) A county board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance **adopted under section 3 of this chapter** must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be

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affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

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

(e) **This subsection also applies to a park district established under IC 36-10-15.** Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board **or commission.**

(f) The creating ordinance in ~~any~~ **a** county **adopted under section 3 of this chapter,** may provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

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

(g) The creating ordinance **adopted under section 3 of this chapter** in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections (c) and (f).

(h) This subsection applies to a park district established under IC 36-10-15. The commission for the park district consists of nine (9) members appointed as follows:

(1) Three (3) members appointed by the county executive.

(2) Two (2) members appointed by the county fiscal body.

(3) Two (2) members appointed by the city executive.

(4) Two (2) members appointed by the city legislative body.

The members appointed to the commission shall be appointed on the basis of their interest in and knowledge of parks and recreation.

SECTION 7. IC 36-10-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Initial appointments to a municipal board are as follows:

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

(2) One (1) member for a term of two (2) years.

(3) One (1) member for a term of three (3) years.

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(4) One (1) member for a term of four (4) years.

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

(b) Initial appointments to a county board are as follows:

(1) The circuit court judge's appointments are for one (1) and three (3) year terms, respectively.

(2) The county executive's appointment is for a two (2) year term.

(3) The county fiscal body's appointments are for two (2) and four (4) year terms, respectively.

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

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

(d) This subsection applies only to a park district established under IC 36-10-15. The appointing authority shall make initial appointments not later than January 1, 2012. Initial appointments to a commission shall be made as follows:

(1) One (1) member appointed by the county executive for a term of one (1) year.

(2) One (1) member appointed by the county executive for a term of two (2) years.

(3) One (1) member appointed by the county executive for a term of four (3) years.

(4) One (1) member appointed by the county fiscal body for a term of four (4) years.

(5) One (1) member appointed by the county fiscal body for a term of one (1) year.

(6) One (1) member appointed by the city executive for a term of two (2) years.

(7) One (1) member appointed by the city executive for a term of three (3) years.

(8) One (1) member appointed by the city legislative body for a term of four (4) years.

(9) One (1) member appointed by the city legislative body for a term of one (1) year.

The initial members of the commission assume office January 1, 2012. As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed.

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

~~(e)~~ **(f) This subsection also applies to a park district established under IC 36-10-15.** In making initial appointments under ~~subsections~~ **subsection** (a), ~~or~~ (b), **or (d),** an appointing authority, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

~~(f)~~ **(g) This subsection also applies to a park district established under IC 36-10-15.** If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

SECTION 8. IC 36-10-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **This section also applies to a park district established under IC 36-10-15.** A member may be removed only for cause, upon specific written charges filed against ~~him.~~ **the member.** The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges:

(1) the unit's fiscal body shall appoint a hearing officer; **or**

(2) in the case of a park district established under IC 36-10-15, the county fiscal body shall appoint a hearing officer.

The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

SECTION 9. IC 36-10-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section also applies to a park district established under IC 36-10-15.**

(b) All meetings of the board **or commission** are open to the public. The board **or commission** shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

~~(b)~~ **(c)** Special meetings of the board **or commission** may be called by the president or by any two (2) members by written request to the secretary. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting.

~~(c)~~ **(d)** At its first regular meeting each year the board **or**

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commission shall elect a president and a vice president. The vice president may act as president during the absence or disability of the president. The board **or commission** may select a secretary either from within or outside its membership.

~~(d)~~ **(e)** A majority of the members constitutes a quorum. Action of the board **or commission** is not official unless it is authorized by at least:

(1) three (3) members present and acting; **or**

(2) five (5) members present and acting, in the case of a park district established under IC 36-10-15.

SECTION 10. IC 36-10-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. (a) This section applies only to a park district established under IC 36-10-15.**

(b) The members of the commission may not receive a salary or a per diem.

(c) The commission may authorize the payment of the actual expenses incurred by a member of the commission.

SECTION 11. IC 36-10-3-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. This section applies only to a park district established under IC 36-10-15. The commission shall:**

(1) exercise general supervision of and make rules for the district;

(2) establish rules governing the use of the park and recreation facilities by the public;

(3) provide police protection for its property and activities, either by requesting assistance from state, municipal, or county police authorities, or by having specified employees deputized as police officers; however, the deputized employees are not eligible for police pension benefits or other emoluments of police officers;

(4) appoint the necessary administrative officers of the district and fix their duties;

(5) establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;

(6) make recommendations and prepare an annual report concerning the operation of the commission and the status of park and recreation programs in the district; and

(7) prepare, submit, and approve an annual budget under

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IC 6-1.1-17.

SECTION 12. IC 36-10-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **Except as provided in subsection (b), this section also applies to a park district established under IC 36-10-15.** The board **or commission** may:

(1) enter into contracts and leases for facilities and services;

(2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;

(3) contract with ~~another~~ **a** board, **a commission,** a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board **or commission** for the use of park and recreation facilities or services;

(4) acquire and dispose of real and personal property, either within or outside Indiana;

(5) exercise the power of eminent domain under statutes available to municipalities;

(6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the board;

(7) engage in self-supporting activities as prescribed by section 22 of this chapter;

(8) contract for special and temporary services and for professional assistance;

(9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;

(10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;

(11) sue and be sued collectively by its legal name, as the "_____ (unit's **or district's** name) Park and Recreation Board", with service of process being had upon the president of the board **or commission,** but costs may not be taxed against the board **or commission** or its members in any action;

(12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the board's **or commission's** own action taken under either; and

(13) release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

(b) Subsection (a)(13) does not apply to a park district

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established under IC 36-10-15.

~~(b)~~ **(c)** The board **or commission** may also lease any buildings or grounds belonging to the unit **or district** and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1.

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

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

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

(3) the golf course remains subject to rules and regulations promulgated by the board **or commission.**

SECTION 13. IC 36-10-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. **This section also applies to a park district established under IC 36-10-15.** The board **or commission** may sell, or order sold through a designated representative, by public or private sale, any personal property that the board **or commission** has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of five thousand dollars ($5,000) or less. Whenever the board **or commission** decides to sell at a private sale, the board **or commission** must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in the manner provided in IC 5-3-1:

(1) the fact that a private sale will be held;

(2) the location of the sale;

(3) the dates of the beginning and end of the sale;

(4) the time of day during which the sale will take place;

(5) the kinds of items to be sold at the sale; and

(6) the price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the board decides to sell at a public sale, the board shall conduct the

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sale in the manner provided by law for the unit. **If the commission decides to sell at a public sale, the commission shall conduct the sale in the manner provided under IC 5-22-22.**

SECTION 14. IC 36-10-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This subsection applies to counties and towns. **This subsection also applies to a park district established under IC 36-10-15.** The board **or commission** may appoint a superintendent of parks and recreation. The board **or commission** may not consider political affiliation in the selection of the superintendent.

(b) This subsection applies to cities. If a superintendent of parks and recreation is appointed, the superintendent shall be appointed under IC 36-4-9-2 without considering political affiliation.

(c) If there is more than one (1) superintendent of any park or recreation department involved at the time the creating ordinance is adopted, the board may appoint only one (1) superintendent for the new department.

(d) **This subsection also applies to a park district established under IC 36-10-15.** The superintendent must:

(1) be qualified by training or experience in the field of parks and recreation; or

(2) have a certification or an advanced degree in the field of parks and recreation.

(e) **This subsection also applies to a park district established under IC 36-10-15.** An incumbent performing park and recreation functions in a supervisory capacity at the time:

(1) a unit adopts a creating ordinance under **section 3 of** this chapter; **or**

(2) a district is established under IC 36-10-15;

is eligible for appointment as superintendent or as an assistant, but ~~he~~ **the incumbent** must have the required training, experience, or certification.

SECTION 15. IC 36-10-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **This section also applies to a park district established under IC 36-10-15.** Under the direction of the board **or commission** the superintendent shall:

(1) propose annually a plan for the operation of the department **or district;**

(2) administer the plan as approved by the board **or commission;**

(3) supervise the general administration of the department **or the district;**

(4) keep the records of the department **or district** and preserve all

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papers and documents of the department **or district;**

(5) recommend persons for appointment as assistants if the board **or commission** determines there is a need;

(6) appoint the employees of the department **or district,** subject to the approval of the board **or commission** according to the standards and qualifications fixed by the board **or commission** and without regard to political affiliation;

(7) prepare and present to the board **or commission** an annual report; and

(8) perform other duties that the board **or commission** directs.

SECTION 16. IC 36-10-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** If the board **or commission** determines that the size of the department's **or district's** operation requires assistants for the superintendent, the board **or commission** may appoint, upon the recommendation of the superintendent, one (1) or more assistants. The board **or commission** shall determine their qualifications on a basis similar to that prescribed for the superintendent.

~~(b)~~ **(c)** Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent.

SECTION 17. IC 36-10-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** Every officer and employee who handles money in the performance of duties as prescribed by this chapter shall execute an official bond for the term of office or employment before entering upon the duties of the office or employment.

~~(b)~~ **(c)** The fiscal body of the unit **or the commission** may under IC 5-4-1-18 authorize the purchase of a blanket bond or crime insurance policy endorsed to include faithful performance to cover all officers' and employees' faithful performance of duties. The amount of the bond or crime insurance policy shall be fixed by the fiscal body **or the commission** and, in the case of a municipality, must be approved by the executive.

~~(c)~~ **(d)** All official bonds shall be filed and recorded in the office of the county recorder of the county in which the department **or district** is located.

~~(d)~~ **(e)** The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

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SECTION 18. IC 36-10-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** The board **or commission** may create an advisory council and special committees composed of citizens interested in parks and recreation.

~~(b)~~ **(c)** In selecting an advisory council or special committees, the board **or commission** shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the board **or commission** shall specify the terms of its members and the purposes for which it is created.

~~(c)~~ **(d)** The advisory council or a special committee shall:

(1) study the subjects and problems specified by the board **or commission** and recommend to the board **or commission** additional problems in need of study;

(2) advise the board **or commission** concerning these subjects, particularly as they relate to different areas and groups in the community; and

(3) upon the invitation of the board **or commission**, sit with and participate in the deliberations of the board **or commission** but without the right to vote.

~~(d)~~ **(e)** The advisory council or a special committee shall report only to the board **or commission** and shall make inquiries and reports only in those areas specified by the board's **or commission's** resolution creating the council or committee.

SECTION 19. IC 36-10-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** The board **or commission** may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the board **or commission** may not be made without its approval.

~~(b)~~ **(c)** A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the board **or commission** for purposes specified by the grantor. The disbursing officer of the unit **or the district** may draw warrants against the fund only upon vouchers signed by the president and secretary of the board **or commission.**

SECTION 20. IC 36-10-3-19.5 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) This section applies only to a park district established under IC 36-10-15.**

(b) The commission shall prepare an annual budget for the commission's operation and other expenditures under IC 6-1.1-17. The annual budget is subject to review and modification by the county board of tax adjustment of any participating county.

(c) Subject to IC 6-1.1-18.5, a tax on the taxable property in the district shall be levied annually by the district for park purposes. The tax shall be collected in the same manner as other district taxes are collected, and the controller shall, between the first and fifth days of each month, notify the commission of the amount of taxes collected for park purposes during the preceding month. At the date of notification, the controller shall credit the general park fund with the amount.

SECTION 21. IC 36-10-3-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.5. (a) This section applies only to a district established under IC 36-10-15.**

(b) The commission may establish, by resolution, a special nonreverting capital fund for the purposes of acquiring land or making specific capital improvements.

(c) Money placed in the nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the commission repeals the resolution. The commission may not repeal the resolution under suspension of the rules.

SECTION 22. IC 36-10-3-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21.5. (a) This section applies only to a district established under IC 36-10-15.**

(b) The commission may establish a cumulative building fund under IC 6-1.1-41 to provide money for:

(1) building, remodeling, and repair of park and recreation facilities; or

(2) purchase of land for park and recreation purposes.

(c) To provide for the cumulative building fund, the commission may levy a tax in compliance with IC 6-1.1-41 at a tax rate not to exceed the rate necessary to raise one hundred fifty thousand dollars ($150,000) each year. The tax rate imposed under this section shall be imposed at a uniform rate on all taxable property within the district.

(d) The tax shall be collected and held in a special fund known

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as the district's park and recreation cumulative building fund.

SECTION 23. IC 36-10-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board **or commission** may charge a reasonable fee.

~~(b)~~ **(c)** The unit's fiscal body may establish by ordinance, upon request of the board **or in the case of a park district established under IC 36-10-15, the commission may establish by resolution:**

(1) a special nonreverting operating fund for park purposes from which expenditures may be made as provided by:

(A) ordinance, either by appropriation by the board or by the unit's fiscal body; or

(B) in the case of a park district established under IC 36-10-15, a resolution by commission; or

(2) a special nonreverting capital fund for the purpose of acquiring land or making specific capital improvements from which expenditures may be made by appropriation by:

(A) the unit's fiscal body; **or**

(B) in the case of a park district established under IC 36-10-15, the commission.

The unit's fiscal body **or the commission** shall designate the fund or funds into which the unit's fiscal officer (or county treasurer) **or the district's fiscal officer** shall deposit fees from golf courses, swimming pools, skating rinks, or other major facilities requiring major expenditures for management and maintenance. Money received from fees other than from major facilities or received from the sale of surplus property shall be deposited by the unit's fiscal officer (or county treasurer) **or the district's fiscal officer** either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the board **or the commission.** However, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the unit's general fund **or the district's park general fund.** Money from either special fund may be disbursed only on approved claims allowed and signed by the president and secretary of the board **or commission.**

~~(c)~~ **(d)** Money placed in the special nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless:

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(1) the fiscal body repeals the ordinance; **or**

(2) in the case of a park district established under IC 36-10-15, the commission repeals the resolution;

establishing the fund. The fiscal body may not repeal the ordinance under suspension of the rules. **The commission may not repeal the resolution under suspension of the rules.**

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

SECTION 24. IC 36-10-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** This section applies only to:

(1) the acquisition of real property; or

(2) a work of improvement;

that will be financed by the issuance of bonds.

~~(b)~~ **(c)** If the board **or commission** decides to:

(1) acquire land for any of the purposes prescribed in this chapter, either by purchase or by appropriation, and in conjunction with the acquisition to proceed with a work of improvement authorized by this chapter;

(2) acquire real property without proceeding at the time with a work of improvement; or

(3) proceed with a work of improvement where the real property has been already secured;

it shall adopt a resolution stating the purpose, describing the land to be acquired, the manner of acquisition, and, in the case of an appropriation, the other land that may be injuriously affected, or describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

~~(c)~~ **(d)** If a work of improvement is provided for in the resolution, the board **or commission** shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The board **or commission** shall have notice of the resolution and its contents published in accordance with IC 5-3-1. The notice must state a date on which the board **or commission** will receive or hear remonstrances from persons interested in or affected by the proceedings and on which

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it will determine the public utility and benefit.

~~(d)~~ **(e)** Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution, using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with IC 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the board **or commission** by the original notice by publication.

~~(e)~~ **(f)** In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one (1) or more lots or parcels and whether it is owned by one (1) or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost.

~~(f)~~ **(g)** The board **or commission** may, at any time before the adoption of the resolution:

(1) obtain from the owner or owners of the land an option for its purchase; or

(2) enter into a contract for its purchase upon the terms and conditions that the board **or commission** considers best.

The option or contract is subject to the final action of the board **or commission** confirming, modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this chapter.

~~(g)~~ **(h)** If the board **or commission** decides to acquire any lots or parcels of land by purchase, the board shall appoint two (2) qualified appraisers to appraise the fair market value of the land. Each appraiser must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1. The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. The appraisers shall return the appraisers' separate appraisals to the board **or commission** not more than thirty (30) days after the date of their appointment. The appraisals shall be filed with and become a part of the record of the proceeding.

~~(h)~~ **(i)** The board **or commission** may not take an option on the land

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or enter into a contract to purchase it at a price greater than the average of the two (2) appraisals received under subsection ~~(g).~~ **(h).** The title to land to be acquired under the resolution, whether by purchase or appropriation, does not vest until the land is paid for out of the special fund established by the sale of bonds as provided in this chapter. Any indebtedness or obligation of any kind incurred by the board due to the acquisition of land or to construction work shall be paid out of the funds under the control of the board and is not an indebtedness or obligation of the unit. **Any indebtedness or obligation of any kind incurred by the commission due to the acquisition of land or to construction work:**

(1) shall be paid out of the funds under the control of the commission;

(2) is the indebtedness or obligation of the district only; and

(3) is not the indebtedness or obligation of any other political subdivision.

~~(i)~~ **(j)** At the time fixed for the hearing, or at any time before the hearing, an owner of land to be appropriated under the resolution or injuriously affected or a person owning real or personal property located in the district may file a written remonstrance with the secretary of the board **or commission.**

~~(j)~~ **(k)** At the hearing, which may be adjourned from time to time, the board **or commission** shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering the evidence, the board **or commission** shall take final action determining the public utility and benefit of the proposed project by confirming, modifying, or rescinding the resolution. The final action shall be recorded and is final and conclusive upon all persons.

SECTION 25. IC 36-10-3-24, AS AMENDED BY P.L.146-2008, SECTION 793, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter:

(1) the board shall cause to be issued, in the name of the unit, the bonds of the district; **or**

(2) in the case of a park district established under IC 36-10-15, the commission shall cause to be issued, in the name of the district, the bonds of the district.

The bonds may not exceed in amount the total cost of all land to be

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acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board **or commission** under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board **or commission** at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

~~(b)~~ **(c)** The bonds may be issued in any denomination not less than one thousand dollars ($1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board **or commission** shall certify a copy of the resolution to the unit's **or district's** fiscal officer. The fiscal officer shall prepare the bonds, and the unit's executive **or the district's superintendent** shall execute them, attested by the fiscal officer.

~~(c)~~ **(d)** The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

(1) the filing of a petition requesting the issuance of bonds;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the appropriation of the proceeds of the bonds and approval by the department of local government finance; and

(4) the sale of bonds at public sale for not less than their par value.

~~(d)~~ **(e)** The board **or commission** may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the adjusted value of the taxable

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property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of:

(1) the unit, but constitute an indebtedness of the district as a special taxing district; **or**

(2) in the case of a park district established under IC 36-10-15, the bonds issued under this section:

(A) do not constitute an obligation or indebtedness of any other political subdivision; and

(B) constitute an indebtedness of the district only.

(f) The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued.

SECTION 26. IC 36-10-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** Before bonds may be issued under section 23 of this chapter, the board **or commission** shall give notice of a public hearing to disclose the purposes for which the bond issue is proposed, the amount of the proposed issue, and all other pertinent data.

~~(b)~~ **(c) This subsection also applies to a park district established under IC 36-10-15.** The board **or commission** shall have published in accordance with IC 5-3-1 a notice of the time, place, and purposes of the hearing.

~~(c)~~ **(d)** After the public hearing and before additional proceedings on the bond issues the board **and the commission** must obtain ~~an ordinance approving~~ **approval of** the bond issue ~~from the unit's fiscal body;~~ **under IC 6-1.1-17-20.5.**

SECTION 27. IC 36-10-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. **This section also applies to a park district established under IC 36-10-15.** All proceeds from the sale of bonds issued under section 24 of this chapter shall be kept in a separate fund. The fund shall be used to pay for land and other property acquired and for the construction of a work under the resolution, including all costs and expenses incurred in connection with the project. The fund may not be used for any other purpose. The fund shall be deposited as provided in this chapter. A surplus remaining from the proceeds of the bonds after all costs and expenses are paid shall be paid into and becomes a part of the park district bond fund.

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SECTION 28. IC 36-10-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. **(a) This section also applies to a park district established under IC 36-10-15.**

~~(a)~~ **(b)** In order to raise money to pay all bonds issued under section 24 of this chapter, the board **or commission** shall levy annually a special tax upon all of the real and personal property located in the district sufficient to pay the principal of the bonds as they mature, including accrued interest. The board **or commission** shall have the tax to be levied each year certified to the auditor of the county in which the district is located at the time for certification of tax levies. The tax shall be collected and enforced by the county treasurer in the same manner as other taxes are collected and enforced.

~~(b)~~ **(c)** As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the park district bond fund. The tax shall be applied to the payment of the district bonds and interest as they mature and may not be used for another purpose.

SECTION 29. IC 36-10-3-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) This section applies only to parks within the jurisdiction of a county board. **This section also applies a park district established under IC 36-10-15.**

(b) A person who knowingly discharges a firearm or shoots an arrow with a bow into or inside a park commits a Class B misdemeanor.

(c) This section does not apply to an area that the board **or commission** designates as a hunting, firearm sport, or archery area.

SECTION 30. IC 36-10-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Floyd County Park District

Sec. 1. This chapter applies only to Floyd County.

Sec. 2. A used in this chapter, "commission" means the park commission of the park district appointed under IC 36-10-3-5.

Sec. 3. As used in this chapter, "commissioner" means a member of the commission.

Sec. 4. As used in this chapter, "district" means a countywide park district established under this chapter.

Sec. 5. The definitions in IC 36-1-2 and IC 36-10-1 apply to this chapter.

Sec. 6. (a) The powers and duties of each unit in Floyd County regarding parks are transferred on January 1, 2012, to Floyd County.

(b) On January 1, 2012:

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(1) all parks departments within the county are abolished;

(2) the transfer of all property and obligations of the park departments shall be made to the district; and

(3) the district becomes responsible for carrying out the exercise of all powers vested in the district by this chapter.

The transfer of all property of the parks departments includes any park fund balances of Floyd County and the city of New Albany, including any balances in a nonreverting park fund, a shelter house fund, a cumulative park fund, and a park operating fund.

(c) If the commission before January 1, 2022, sells, transfers, leases, or otherwise conveys any real property that was transferred to the district by a park department under subsection (b), the commission shall distribute any proceeds or other remuneration from the sale, transfer, lease, or conveyance to the county or city from which the property was transferred under subsection (b). However, this subsection does not apply to any of the following:

(1) The sale, transfer, lease, or conveyance of real property by the commission back to the county or city from which the property was transferred under subsection (b).

(2) A lease of real property, if:

(A) the real property is leased as of December 31, 2011, to a lessee for a purpose related to parks and recreation; and

(B) after December 31, 2011, the commission enters into or renews a lease of the real property for substantially the same purpose related to parks and recreation.

Sec. 7. (a) The district is a separate municipal corporation.

(b) The boundaries of the district are coterminous with the boundaries of the county.

Sec. 8. (a) All personnel employed by the city, town, and township park departments within the county are, upon the establishment of a district, eligible to transfer to the district. The commissioners shall determine whether an employee transfers to the district. The employees shall receive salaries and other benefits as determined by the commissioners.

(b) All personnel described in subsection (a) that participate in the public employees' retirement fund as employees of a city, town, or township park department shall continue to participate in the public employees' retirement fund upon becoming employed by the district. The employees' public employees' retirement fund accounts shall be transferred to the district for administrative purposes.

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Sec. 9. The following apply to the creation of a district under this chapter:

(1) Indebtedness that was incurred by a unit before the creation of the district:

(A) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the district was created; and

(B) must be paid by the taxpayers that were responsible for payment of the indebtedness before creation of the district.

(2) Pension obligations existing on the date the district is created:

(A) may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the district was created; and

(B) must be paid by the taxpayers that were responsible for payment of the pension obligations before the district was created.

Sec. 10. On January 1, 2012, the following occur:

(1) All property, tangible and intangible, real and personal, including without limitation, vehicles, equipment of all kinds, buildings, trees, roadways, money, bank accounts, receivables, grants, bequests, and any other property of the municipal or township parks departments shall be transferred to the district.

(2) All obligations of the municipal and township parks departments in the county, including claims existing or threatened or claims that have not yet been made known to the park department and as to which the statute of limitations has not run, all pension obligations, and all contractual obligations become obligations of the district.

Sec. 11. (a) Notwithstanding any other law, the maximum permissible ad valorem property tax levy for the district for property taxes first due and payable in 2012 is equal to one million dollars ($1,000,000). In 2013 and thereafter, the maximum permissible ad valorem property tax levy for the district shall be determined as provided in IC 6-1.1-18.5.

(b) Subject to subsection (c), the joint board of the New Albany-Floyd County park and recreation department shall in 2011 adopt under IC 6-1.1-17 the district's initial budget, tax rate, and tax levy for 2012.

(c) Notwithstanding any other law, the department of local government shall:

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(1) reduce the maximum permissible ad valorem property tax levy for Floyd County by five hundred seventy-five thousand dollars ($575,000); and

(2) reduce the maximum permissible ad valorem property tax levy for the city of New Albany by five hundred thousand dollars ($500,000).

The reduction in maximum permissible ad valorem property tax levies under this subsection shall first apply to property taxes first due and payable in 2012.

Sec. 12. A unit located within the county may not establish a department of parks and recreation under any other law. No local government entity other than the district may, for property taxes first due and payable after 2011, impose property taxes for park and recreation purposes.

SECTION 31. [EFFECTIVE UPON PASSAGE] **(a) The legislative services agency, if directed by the legislative council, shall prepare legislation for introduction in the 2012 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.**

(b) This SECTION expires July 1, 2012.

SECTION 32. **An emergency is declared for this act.**

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