IC 20-44

ARTICLE 44. PROPERTY TAX LEVIES; GENERAL PROVISIONS

IC 20-44-1

Chapter 1. Taxable Property

IC 20-44-1-1

Determination; taxable property

Sec. 1. (a) This section applies in:

(1) the formulation of a budget by the proper legal officers of a school corporation;
(2) estimating the probable amount of tax revenue that the school corporation will collect on taxable property within the school corporation's jurisdiction for and during the year for which the budget is formulated and for which appropriations will be made; and
(3) calculating the tax levy to be made for the ensuing year.

(b) The officers shall:

(1) consider the average percentage of actual tax collections, including delinquencies, from the taxable property during the past three (3) years not exceeding one hundred per cent (100%); and
(2) estimate the probable amount of tax revenue by the use of the average percentage.

As added by P.L.2-2006, SEC.167.

IC 20-44-1-2

Exclusion; property; bankrupt taxpayer

Sec. 2. IC 6-1.1-1-3(b) applies to funds and levies described in IC 6-1.1-1-3(b).

As added by P.L.2-2006, SEC.167.
IC 20-44-2
Chapter 2. General Levy Powers

IC 20-44-2-1
Application
Sec. 1. This chapter applies to each school corporation.
As added by P.L.2-2006, SEC.167.

IC 20-44-2-2
General levy powers
Sec. 2. Each governing body may annually levy the amount of taxes that:
   (1) in the judgment of the governing body; and
   (2) after being made a matter of record in the minutes;
should be levied to produce income sufficient to conduct and carry on the public schools committed to the governing body.
As added by P.L.2-2006, SEC.167.

IC 20-44-2-3
Duty; rate necessary to pay obligations
Sec. 3. The governing body shall annually levy a rate that will produce a sum sufficient to meet all payments of principal and interest as they mature in the year for which the levy is made on the:
   (1) bonds;
   (2) notes; or
   (3) other obligations;
of the school corporation.
As added by P.L.2-2006, SEC.167.

IC 20-44-2-4
Levy; emergency loans
Sec. 4. A school corporation may impose a levy for a fund, as permitted in IC 20-48-1-7, to repay an emergency loan to the fund.
As added by P.L.2-2006, SEC.167.

IC 20-44-2-5
Levy; joint schools
Sec. 5. The school trustee or board of school trustees of Indiana may levy taxes in maintaining a joint school established with a school corporation in an adjacent state under IC 20-23-11 as are otherwise provided by law for maintaining the public schools in Indiana.
As added by P.L.2-2006, SEC.167.

IC 20-44-2-6
Application of statutory limits
Sec. 6. The power of the governing body in making tax levies shall be exercised within existing statutory limits. The levies are subject to the review required by law.
As added by P.L.2-2006, SEC.167.
IC 20-44-3
Chapter 3. Application of Levy Excess to Reduce Property Taxes

IC 20-44-3-1
"Fund"
Sec. 1. As used in this chapter, "fund" refers to a levy excess fund established under IC 20-40-10-2.

IC 20-44-3-2
"Levy excess" defined; limitation
Sec. 2. As used in this chapter, "levy excess" means that part of the property tax levy actually collected by a school corporation for taxes first due and payable during a particular calendar year that exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.

IC 20-44-3-3
Validity; levy excess
Sec. 3. A school corporation's levy excess is valid.

IC 20-44-3-4
Required deposit of levy excess; levy excess fund
Sec. 4. Except as provided in section 9 of this chapter, a school corporation shall deposit its levy excess in a fund to be known as the school corporation's levy excess fund.
As added by P.L.2-2006, SEC.167.

IC 20-44-3-5
Inclusion of balance in budget
Sec. 5. The department of local government finance shall require a school corporation to include the amount in the school corporation's fund in the school corporation's budget fixed under IC 6-1.1-17.
As added by P.L.2-2006, SEC.167.

IC 20-44-3-6
Expenditure after appropriation; reduction of maximum levy
Sec. 6. Except as provided in section 7 of this chapter, a school corporation may not spend money in its fund until the expenditure of the money has been included in a budget that has been approved by
the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the property tax levy limits fixed by law, a school corporation shall treat the money in its fund that the department of local government finance permits the school corporation to spend during a particular calendar year as part of the school corporation's property tax levy for that same calendar year.

As added by P.L.2-2006, SEC.167.

**IC 20-44-3-7**

**Transfer between funds**

Sec. 7. A school corporation may transfer money from its fund to its other funds to reimburse those funds for amounts withheld from the school corporation as a result of refunds paid under IC 6-1.1-26.

As added by P.L.2-2006, SEC.167.

**IC 20-44-3-8**

**Uses**

Sec. 8. Subject to the limitations imposed by this chapter, a school corporation may use money in its fund for any lawful purpose for which money in any of its other funds may be used.

As added by P.L.2-2006, SEC.167.

**IC 20-44-3-9**

**Minimum balance**

Sec. 9. If the amount that would be deposited in the fund of a school corporation for a particular calendar year is less than one hundred dollars ($100), no money shall be deposited in the fund of the school corporation for that year.

As added by P.L.2-2006, SEC.167.