

IC 20-45-7

Chapter 7. Supplemental County Levy; Lake County

IC 20-45-7-1

Application

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

As added by P.L.2-2006, SEC.168.

IC 20-45-7-2

Policy

Sec. 2. The following is declared to be the policy of this chapter:

(1) That in certain areas in Indiana there exists a condition created by the shift in population from urban centers to outlying areas that has created administrative and financial problems in the maintenance and operation of school systems in these areas, resulting in maladjustment of taxable wealth in these areas for levying taxes for the operation of the schools.

(2) That improvement in the administrative and financial structures of the qualified school corporations existing in these outlying areas to the urban centers is essential for the following:

(A) The establishment and maintenance of a general uniform and efficient system of public schools to provide a more equalized educational opportunity for public school pupils.

(B) The achievement of greater equity in school tax rates among the inhabitants of the various existing qualified school corporations in these areas.

(C) The provision for more use of the public funds expended for the support of the public school system.

(3) That existing statutes with respect to the granting of financial assistance on a countywide basis, allowing a more favorable use of the taxable wealth of the county for the support of the various school districts within the county, are inadequate to effectuate the need for this improvement in those areas.

(4) That modification in the present statutory provisions pertaining to the levying of tax rates for school purposes for the areas that qualify within the definitions in this chapter is essential to carry out the purposes of IC 20-23-4, and to that end it is the intent of the general assembly, by this chapter, to make provision for a more satisfactory use of the taxable wealth of counties that qualify under this chapter for the promotion, betterment, and improvement of their educational systems.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-3

"ADA"

Sec. 3. As used in this chapter, "ADA" means, as to any qualified school corporation, the average number of pupils in daily attendance in the qualified school corporation, determined in accordance with the rules established by the state board. If territory is transferred from one (1) school corporation to another after April 4, 1973, under

IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-4

"ADA ratio"

Sec. 4. As used in this chapter, "ADA ratio" means, as to any qualified school corporation, the quotient resulting from a division of that qualified school corporation's current ADA by that qualified school corporation's ADA for the school year ending in 1973. However, in any case in which the quotient is less than one (1), the ADA ratio for the qualified school corporation is one (1). If territory is transferred from one (1) school corporation to another after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-5

"Assessed value"

Sec. 5. As used in this chapter, "assessed valuation" of any qualified school corporation means the net assessed value of its real and taxable personal property adjusted by a percentage factor. For each qualified school corporation, this factor shall be the most recent adjustment factor computed by the department of local government finance under IC 6-1.1-34.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-6

"County auditor"

Sec. 6. As used in this chapter, "county auditor" refers to the county auditor of a qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-7

"County council"

Sec. 7. As used in this chapter, "county council" refers to the county council of a qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-8

"County treasurer"

Sec. 8. As used in this chapter, "county treasurer" refers to the county treasurer of a qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-9

"Current ADA"

Sec. 9. As used in this chapter, "current ADA" means the most recently determined ADA for the qualified school corporation in question. If territory is transferred from one (1) school corporation to another after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, current ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-10**"Eligible pupil"**

Sec. 10. As used in this chapter, "eligible pupil" has the meaning set forth in IC 20-43-1-11.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-11**"Entitlement"**

Sec. 11. As used in this chapter, "entitlement" of a qualified school corporation is that part of the fund:

(1) to which any qualified school corporation is entitled for any calendar year; and

(2) on the basis of which the tax is set under this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-12**"Fund"**

Sec. 12. As used in this chapter, "fund" refers to the county school distribution fund:

(1) into which the receipts from the tax must be credited; and

(2) from which distributions to qualified school corporations must be charged.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-13**"Qualified county"**

Sec. 13. As used in this chapter, "qualified county" means Lake County.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-14**"Qualified school corporation"**

Sec. 14. As used in this chapter, "qualified school corporation" means any school corporation that has under its jurisdiction any territory located in the qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-15**"Tax"**

Sec. 15. As used in this chapter, "tax" refers to the county

supplemental school financing property tax to be levied by the county council under this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-16

Duty; levy of countywide tax

Sec. 16. Each calendar year, the county council shall impose a tax on the real and personal property subject to taxation by the county under this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-17

Adoption procedure

Sec. 17. The tax shall be imposed at the same time the county council adopts the qualified county's budget, tax levy, and tax rate for the next calendar year under IC 6-1.1-17.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-18

Calculation; tax rate

Sec. 18. The county council shall set a rate for the tax that will produce the total amount of the entitlements of the qualified school corporations for the next calendar year. However, the amount of the tax levy may not be greater than the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the total dollar amount of that tax levy for 1972, payable in calendar year 1973, assuming one hundred percent (100%) tax collection.

STEP TWO: Multiply the STEP ONE amount by the ADA ratio.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-19

Certification; information needed to set tax rate

Sec. 19. Before July 11 of each year, the state superintendent shall certify to the county auditor:

(1) the consolidated ADA ratio of the qualified school corporations;

(2) the number of pupils in the current ADM of each qualified school corporation for the immediately preceding school year, as determined:

(A) for a calendar year ending before January 1, 2013, in the fall count of ADM for the school year ending in the calendar year; and

(B) for a calendar year ending after December 31, 2012, in the spring count of ADM for the school year ending in the calendar year; and

(3) an estimate of these statistics for the succeeding school year.

As added by P.L.2-2006, SEC.168. Amended by P.L.205-2013, SEC.303.

IC 20-45-7-20**County auditor certification; tax rate**

Sec. 20. (a) The county auditor shall compute the amount of the tax to be levied each year. Before August 2, the county auditor shall certify the amount to the county council.

(b) The tax rate shall be advertised and fixed by the county council in the same manner as other property tax rates. The tax rate shall be subject to all applicable law relating to review by the county board of tax adjustment and the department of local government finance.

(c) The department of local government finance shall certify the tax rate at the time it certifies the other county tax rates.

(d) The department of local government finance shall raise or lower the tax rate to the tax rate provided in this chapter, regardless of whether the certified tax rate is below or above the tax rate advertised by the county.

As added by P.L.2-2006, SEC.168. Amended by P.L.224-2007, SEC.114; P.L.146-2008, SEC.492.

IC 20-45-7-21**Tax subject to maximum county levy limit**

Sec. 21. The maximum levy limit that the county may levy for a particular year equals the maximum levy limit otherwise prescribed for the county for that year by IC 6-1.1-18.5. The amount levied for that year under the tax is included within the maximum levy limit.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-22**Collection**

Sec. 22. The county officials charged with the duty of collecting and receiving receipts from county taxes shall collect and receive the tax in the same manner as other county taxes.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-23**Treasurer; deposits; county school distribution fund**

Sec. 23. The county treasurer shall deposit the money collected from the tax in a county school distribution fund.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-24**Effect of distribution of excise taxes**

Sec. 24. For purposes of allocating distributions of tax revenues collected under IC 6-5.5, IC 6-6-5, IC 6-6-5.5, or IC 6-6-6.5, the tax shall be treated as if it were property taxes imposed by a separate taxing unit. The appropriate part of those distributions shall be deposited in the fund.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-25**Distribution of tax collections to school corporations**

Sec. 25. The county auditor and the county treasurer shall distribute the money credited to the fund during a calendar year to the qualified school corporations based on their entitlements for the year, adjusted as provided in this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-26

Calculation; school corporation's distribution

Sec. 26. The entitlement of each qualified school corporation from the fund for each calendar year is the greater of:

(1) the amount of its entitlement for calendar year 2000 from the tax levied under this chapter; or

(2) an amount equal to twenty-seven dollars and fifty cents (\$27.50) times its current ADM as determined in the fall count of ADM conducted in the school year ending in the current calendar year.

As added by P.L.2-2006, SEC.168. Amended by P.L.205-2013, SEC.304.

IC 20-45-7-27

Correction of errors

Sec. 27. (a) If the tax rate is incorrect because of an error in calculating its amount, including a mistake in the amount of assessment, the error shall be expeditiously corrected within the next two (2) years by decreasing or increasing the rate of the tax set during those two (2) years.

(b) If the entitlement received by a qualified school corporation in any calendar year is more or less than its entitlement on account of an error in calculation, the amount of entitlement of a qualified school corporation shall be similarly adjusted within the next two (2) calendar years.

(c) If the money credited to the fund during any year is more or less than the total entitlements of the qualified school corporations for the calendar year, except for a greater or lesser receipt incident due to an error in calculating an entitlement or its correction, the county auditor shall increase or reduce each qualified school corporation's entitlement by the same percentage.

(d) The entire balance of the fund for each calendar year shall be distributed.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-28

Distribution by warrant; schedule

Sec. 28. The county auditor shall issue a warrant to the county treasurer for the distributions from the fund to the qualified school corporations in the amounts to which they are entitled under this chapter. The distributions shall be made at the same time as other property tax levies in each semiannual tax settlement period. A qualified school corporation has the right to obtain advance draws.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-29**Deposit of distribution; general fund**

Sec. 29. Receipts from the fund shall be credited by each qualified school corporation to its general fund. The budgets of each qualified school corporation shall reflect the anticipated receipts from the tax. Appropriations shall be made from the general fund by the qualified school corporations as other appropriations are made either in the annual budgets or by additional appropriations.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-30**Certifications; additional information**

Sec. 30. The department of local government finance and the state superintendent shall make certifications of any information in their possession, or any other certifications required by this chapter that will facilitate its execution.

As added by P.L.2-2006, SEC.168.