

## **IC 20-40-11**

### **Chapter 11. Repair and Replacement Fund**

#### **IC 20-40-11-1**

##### **"Fund"**

Sec. 1. As used in this chapter, "fund" refers to a repair and replacement fund established under section 2 of this chapter.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-2**

##### **Establishment of fund**

Sec. 2. The governing body of each school corporation may establish a repair and replacement fund under this chapter.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-3**

##### **Resolution governing fund**

Sec. 3. (a) The procedure for establishing a fund is the same as the procedure to be used in making an additional appropriation under IC 6-1.1-18-5.

(b) The resolution of the governing body must be in the form prescribed by the department of local government finance and must contain at least the following:

(1) The annual amount permitted to be expended from the fund each year.

(2) The duration of the fund, which may not exceed five (5) years.

(3) That the sources for the fund for each year must be from either the general fund or the capital projects fund, or both.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-4**

##### **Source of fund balances**

Sec. 4. The fund consists of:

(1) any balance in the fund at the beginning of the year; and

(2) any transfers into the fund from the capital projects fund or the general fund.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-5**

##### **Transfer to fund; required appropriation**

Sec. 5. A transfer to the fund from the general fund or capital projects fund may be made without appropriation.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-6**

##### **Uses**

Sec. 6. The fund shall be used solely for the repair of buildings

and the repair and replacement of building fixtures that are:

- (1) owned or leased by the school corporation; and
- (2) of a type constituting loss capable of being covered by casualty insurance.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-7**

##### **Expenditures; required appropriation**

Sec. 7. Expenditures from the fund may be made only after appropriation in the school corporation's annual budget or by an additional appropriation under IC 6-1.1-18-5.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-8**

##### **Balance; nonreverting**

Sec. 8. Any balance remaining in the fund at the end of a year does not revert to the general fund.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-9**

##### **Investment**

Sec. 9. Any balance in the fund may be invested in the manner provided for investment of general fund money and the net proceeds from the investment become a part of the fund.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-10**

##### **Duration**

Sec. 10. The fund may extend for a specified number of years, not to exceed five (5), and for a specified annual amount permitted to be expended during each year.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-11**

##### **Termination or reduction in balance of fund**

Sec. 11. (a) The fund may be reduced or rescinded before its expiration by resolution of the governing body of the school corporation.

(b) Not later than August 1 of any year, ten (10) or more taxpayers in a taxing district in which the school corporation is located may file with the county auditor of the county in which the taxing district is located a petition for reduction or rescission of the fund. The petition must set forth the taxpayers' objections to the fund. The petition shall be certified to the department of local government finance.

(c) Upon receipt of a petition under subsection (b), the department of local government finance shall, within a reasonable time, fix a date for a hearing on the petition. The hearing must be held in the county in which the taxing district is located. Notice of the hearing shall be given to the executive officer of the school corporation and to the

first ten (10) taxpayers whose names appear on the petition. The notice must be in the form of a letter signed by the commissioner or deputy commissioner of the department of local government finance, sent by mail with full prepaid postage to the executive officer and the taxpayers at their usual places of residence at least five (5) days before the date fixed for the hearing.

(d) After the hearing under subsection (c), the department of local government finance shall approve, disapprove, or modify the request for reduction or rescission of the fund and shall certify that decision to the county auditor of the county in which the taxing district is located.

(e) If the fund is rescinded under this section, any balance remaining shall be transferred to the school corporation's capital projects fund.

*As added by P.L.2-2006, SEC.163.*

#### **IC 20-40-11-12**

#### **Levy prohibited**

Sec. 12. This chapter does not authorize an additional levy increase.

*As added by P.L.2-2006, SEC.163.*