

IC 36-9-14.5

Chapter 14.5. County Cumulative Capital Development Fund

IC 36-9-14.5-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by P.L.44-1984, SEC.16.

IC 36-9-14.5-2

Authorization of fund; purpose

Sec. 2. The county legislative body may establish a cumulative capital development fund under IC 6-1.1-41 to provide money for any purpose for which property taxes may be imposed within the county under the authority of:

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-14;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 36-9-14;
IC 36-9-15;
IC 36-9-16-2;
IC 36-9-16-3;
IC 36-9-27-100; or
IC 36-10-3-21.

As added by P.L.44-1984, SEC.16. Amended by P.L.5-1986, SEC.60; P.L.213-1986, SEC.7; P.L.199-1988, SEC.3; P.L.2-1993, SEC.206; P.L.1-1995, SEC.86; P.L.17-1995, SEC.28.

IC 36-9-14.5-3

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 36-9-14.5-4

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 36-9-14.5-5

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 36-9-14.5-6 Version a

Tax levy; rate of tax

Note: This version of section effective until 1-1-2017. See also following version of this section, effective 1-1-2017.

Sec. 6. (a) Except as provided in subsection (c), the county fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the county.

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which the county option income tax or the county adjusted gross income tax is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0167
1 or more	\$0.0333

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which neither the county option income tax nor the county adjusted gross income tax is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0133
1 or more	\$0.0233

As added by P.L.44-1984, SEC.16. Amended by P.L.17-1995, SEC.29; P.L.146-2008, SEC.791.

IC 36-9-14.5-6 Version b

Tax levy; rate of tax

Note: This version of section effective 1-1-2017. See also preceding version of this section, effective until 1-1-2017.

Sec. 6. (a) The county fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the county. For purposes of this section, a county in which only the county economic development income tax (IC 6-3.5-7, repealed) was in effect on January 1, 2016, is considered a county in which the local income tax is not in effect unless the county increases, after 2015, the allocation of its local income tax revenue to property tax relief, public safety, or certified shares by an amount that is at least equal to the revenue raised from an income tax rate of twenty-five hundredths percent (0.25%).

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which the local income tax is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0167
1 or more	\$0.0333

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which the local income tax is not in effect on January 1 of that year depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0133
1 or more	\$0.0233

As added by P.L.44-1984, SEC.16. Amended by P.L.17-1995, SEC.29; P.L.146-2008, SEC.791; P.L.197-2016, SEC.149.

IC 36-9-14.5-7

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 36-9-14.5-8

Cumulative capital development fund; transfer between funds; expenditures

Sec. 8. (a) The tax money collected under this chapter shall be held in a special fund to be known as the cumulative capital development fund.

(b) In a county having a consolidated city, money may be transferred from the fund to the fund of a department of the consolidated city responsible for carrying out a purpose for which the cumulative capital development fund was created. The department may not expend any money so transferred until an appropriation is made and the department may not expend any money so transferred for operating costs of the department.

(c) Money held in the cumulative capital development fund may be spent for purposes other than the purposes stated in section 2 of this chapter, if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to contribute to an authority established under IC 36-7-23. Money may be spent under the authority of this subsection only after the county executive:

- (1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or
- (2) certifies in the minutes of the county executive that the money is contributed to the authority for capital development

purposes.
*As added by P.L.44-1984, SEC.16. Amended by P.L.82-1985, SEC.4;
P.L.346-1989(ss), SEC.8; P.L.17-1995, SEC.30.*