

## **IC 5-1-18**

### **Chapter 18. Reports Concerning Bonds and Leases of Political Subdivisions**

#### **IC 5-1-18-1**

##### **"Bonds"**

Sec. 1. As used in this chapter, "bonds" means any bonds, notes, or other evidences of indebtedness, including guaranteed energy savings contracts and advances from the common school fund, whether payable from property taxes, other taxes, revenues, or any other source. However, the term does not include notes, warrants, or other evidences of indebtedness made in anticipation of and to be paid from current revenues of a political subdivision actually levied and in the course of collection for the fiscal year in which the notes, warrants, or other evidences of indebtedness are issued.

*As added by P.L.199-2005, SEC.2.*

#### **IC 5-1-18-2**

##### **"Department"**

Sec. 2. As used in this chapter, "department" refers to the department of local government finance.

*As added by P.L.199-2005, SEC.2.*

#### **IC 5-1-18-3**

##### **"Lease"**

Sec. 3. As used in this chapter, "lease" means a lease of real property that is entered into by a political subdivision for a term of at least twelve (12) months, whether payable from property taxes, other taxes, revenues, or any other source.

*As added by P.L.199-2005, SEC.2.*

#### **IC 5-1-18-4**

##### **"Lease rentals"**

Sec. 4. As used in this chapter, "lease rentals" means the payments required under a lease.

*As added by P.L.199-2005, SEC.2.*

#### **IC 5-1-18-5**

##### **"Political subdivision"**

Sec. 5. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*As added by P.L.199-2005, SEC.2.*

#### **IC 5-1-18-6**

##### **Information report for bonds and leases**

Sec. 6. A political subdivision that issues bonds or enters into a lease after December 31, 2005, shall supply the department with a debt issuance report not later than one (1) month after the date on which the bonds are issued or the lease is executed.

*As added by P.L.199-2005, SEC.2. Amended by P.L.219-2007,*

*SEC.8; P.L.137-2012, SEC.4.*

**IC 5-1-18-7**

**Bond report requirements; uniformity; electronic submission**

Sec. 7. (a) Except as provided by subsection (b), the debt issuance report required by section 6 of this chapter must be submitted on a form prescribed by the department and must include the following information concerning bonds:

- (1) The par value of the bond issue.
- (2) A schedule of maturities and interest rates.
- (3) The purposes of the bond issue.
- (4) The itemized costs of issuance information, including fees for bond counsel, other legal counsel, underwriters, and financial advisors.
- (5) The type of bonds that are issued.
- (6) Other information as required by the department.

A copy of the official statement and bond covenants, if any, must be supplied with this information.

(b) A political subdivision or a person acting on behalf of a political subdivision shall submit the debt issuance report information described in subsection (a) to the department electronically, in the manner prescribed by the department.

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.

*As added by P.L.199-2005, SEC.2. Amended by P.L.137-2012, SEC.5.*

**IC 5-1-18-8**

**Lease report requirements; uniformity; electronic submission**

Sec. 8. (a) Except as provided by subsection (b), the lease information required by section 6 of this chapter must be submitted on a form prescribed by the department and must include the following information concerning leases:

- (1) The term of the lease.
- (2) The annual and total amount of lease rental payments due under the lease.
- (3) The purposes of the lease.
- (4) The itemized costs incurred by the political subdivision with respect to the preparation and execution of the lease, including fees for legal counsel and other professional advisors.
- (5) If all or part of the lease rental payments are used by the lessor as debt service payments for bonds issued for the acquisition, construction, renovation, improvement, expansion,

or use of a building, structure, or other public improvement for the political subdivision:

- (A) the name of the lessor;
- (B) the par value of the bond issue; and
- (C) the purposes of the bond issue.

(6) Other information as required by the department.

(b) A political subdivision or a person acting on behalf of a political subdivision shall submit the debt issuance report information described in subsection (a) to the department electronically, in the manner prescribed by the department.

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.

*As added by P.L.199-2005, SEC.2. Amended by P.L.137-2012, SEC.6.*

#### **IC 5-1-18-9**

##### **Bonds or leases outstanding; annual summary; annual verification**

Sec. 9. (a) This subsection applies to reporting that occurs before January 1, 2013. Each political subdivision that has any outstanding bonds or leases shall submit a report to the department before March 1 of 2006 and each year thereafter that includes a summary of all the outstanding bonds of the political subdivision as of January 1 of that year. The report must:

- (1) distinguish the outstanding bond issues and leases on the basis of the type of bond or lease, as determined by the department;
- (2) include a comparison of the political subdivision's outstanding indebtedness compared to any applicable statutory or constitutional limitations on indebtedness;
- (3) include other information as required by the department; and
- (4) be submitted on a form prescribed by the department or through the Internet or other electronic means, as determined by the department.

(b) This subsection applies to reporting that occurs after December 31, 2012. The department may annually require each political subdivision to verify to the department that the list of indebtedness and related details in the department's database are current and accurate.

*As added by P.L.199-2005, SEC.2. Amended by P.L.137-2012, SEC.7.*

#### **IC 5-1-18-10**

##### **Compiled reports; electronic data base; Internet publication**

Sec. 10. The department shall:

- (1) compile an electronic data base that includes the information submitted under this chapter; and
- (2) after December 31, 2006, post the information submitted under this chapter on the Internet at least annually.

*As added by P.L.199-2005, SEC.2.*

**IC 5-1-18-11**

**Information submitted; public record**

Sec. 11. Information submitted to the department under this chapter is a public record that may be inspected and copied under IC 5-14-3.

*As added by P.L.199-2005, SEC.2.*

**IC 5-1-18-12**

**Rulemaking power**

Sec. 12. The department may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

*As added by P.L.199-2005, SEC.2.*