

## **IC 16-22-5**

### **Chapter 5. Financing Hospital Buildings**

#### **IC 16-22-5-1**

##### **Methods authorized**

Sec. 1. The methods set out in this chapter may be employed to establish, construct, enlarge, remodel, and acquire county hospital buildings.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-2**

##### **Continuation of existing cumulative building funds**

Sec. 2. Cumulative building funds established under the following statutes are continued in full force and effect, and the county officers authorized and empowered to levy the taxes to provide those funds may continue to do so in accordance with the proposal or plans establishing those funds:

(1) IC 16-12-16 (before its repeal on September 2, 1971).

(2) IC 16-12-15 (before its repeal on July 1, 1993).

(3) IC 16-12.1-4 (before its repeal on July 1, 1993).

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-3**

##### **Establishment of cumulative building funds; petition**

Sec. 3. (a) A cumulative building fund for the establishment, enlargement, construction, acquisition, equipping, or remodeling of county hospital buildings may be established in accordance with this article.

(b) The board may petition the county executive to levy a tax to establish the fund, setting out in the petition the amount of the proposed tax levy and the number of years for which the tax is to be levied. The county executive shall approve or disapprove the petition and, if approved, establish the amount of the tax levy and the term to be levied.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-4**

##### **Tax levy for cumulative building fund**

Sec. 4. To provide for the cumulative building fund, a tax on all taxable property within the county may be levied annually for not more than twelve (12) years and may not exceed eleven and sixty-seven hundredths cents (\$0.1167) on each one hundred dollars (\$100) of assessed valuation of property in the county.

*As added by P.L.2-1993, SEC.5. Amended by P.L.6-1997, SEC.167.*

#### **IC 16-22-5-5**

##### **Hearing on tax levy**

Sec. 5. The county executive shall set a date for a hearing on the approval of the tax levy and the county auditor shall publish a notice at least ten (10) days before the date of the public hearing. The notice

shall state the date, time, and place of the hearing and the proposed tax levy and term to be levied.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-6**

##### **Resolution for tax levy**

Sec. 6. If approved following the hearing, the county executive shall by resolution determine the amount of the tax levy and the time to be levied and shall certify the resolution to the county fiscal body for review.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-7**

##### **Filing of resolution for approval**

Sec. 7. Upon review and approval by the county fiscal body, the county auditor shall file a copy of the resolution and the county fiscal body's action if any with the department of local government finance for approval.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.381.*

#### **IC 16-22-5-8**

##### **Notice of submitted resolution; petition of objectors**

Sec. 8. The department of local government finance shall publish notice of the submission one (1) time. At least twenty-five (25) taxpayers in the county who will be affected by the proposed tax levy may file a petition with the county auditor not later than ten (10) days after publication, setting forth the taxpayers' objections to the proposed tax levy.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.382.*

#### **IC 16-22-5-9**

##### **Certification of objectors' petition**

Sec. 9. Upon the filing of a petition, the county auditor shall immediately certify the petition to the department of local government finance.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.383.*

#### **IC 16-22-5-10**

##### **Notice of hearing on petition**

Sec. 10. (a) The department of local government finance shall, within a reasonable time, fix a date for a hearing to be held in the county and give notice of the hearing to the following:

- (1) The executive director of the hospital.
- (2) The first twenty-five (25) taxpayers whose names appear on the petition.

(b) The notice must be in the form of a letter signed by the secretary or any member of the department of local government finance and sent by mail with full prepaid postage to the executive director at the hospital and to each of the taxpayers at the taxpayer's last and usual place of residence at least five (5) days before the date

fixed for the hearing.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.384.*

#### **IC 16-22-5-11**

##### **Department of local government finance action; appeal**

Sec. 11. (a) After the hearing, the department of local government finance shall approve, disapprove, or modify the proposal and certify the department's action to the auditor of the county.

(b) A:

(1) taxpayer who signed a petition filed under section 8 of this chapter; or

(2) county against which a petition under section 8 of this chapter is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the department's action under subsection (a).

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.385; P.L.256-2003, SEC.34.*

#### **IC 16-22-5-12**

##### **Budgeting and levy of approved tax levy**

Sec. 12. If a tax levy is approved by the department of local government finance, the following shall occur:

(1) The county auditor shall include the levy in the annual budget and tax levies of the county for the term fixed in the order of the department of local government finance.

(2) The county fiscal body shall annually levy the tax.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.386.*

#### **IC 16-22-5-13**

##### **Reduction or rescission of tax levy**

Sec. 13. The county fiscal body may, upon request of the board of the hospital, reduce or rescind the tax levy.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-14**

##### **Appeals to department of local government finance**

Sec. 14. (a) Except when the county fiscal body reduces or rescinds the tax levy upon request of the board of the hospital, if the tax levy is reduced, rescinded, or not levied by the county fiscal body as fixed in the order of the department of local government finance, the board of the hospital may appeal to the department.

(b) An appeal shall be taken and heard in the same manner and within the same time prescribed by law when appeals are taken by taxpayers or municipal corporations. The notice of the hearing shall be given to the county auditor and to the board of the hospital.

(c) Upon the conclusion of the hearing, the department of local government finance shall affirm the levy and the annual budget. The order of the department of local government finance is final.

*As added by P.L.2-1993, SEC.5. Amended by P.L.90-2002, SEC.387.*

#### **IC 16-22-5-15**

##### **Uses of funds from tax levies for cumulative building fund**

Sec. 15. As the tax is collected, the levies become a part of the hospital funds without further appropriation by the county fiscal body and may be invested in accordance with IC 16-22-3-20. The levies shall be separately accounted for as a hospital cumulative building fund and may not be used for any purposes other than that for which the cumulative building fund was established, except for the following:

- (1) A lease entered into with an authority or the Indiana finance authority under IC 5-1-16 may provide that the lease agreement to pay lease rentals be paid in whole or in part from the hospital cumulative building fund.
- (2) If a loan has been obtained for the same purposes for which the cumulative building fund was established, the fund may be used to pay principal and interest on the bonds, notes, or other evidences of indebtedness of the hospital.

*As added by P.L.2-1993, SEC.5. Amended by P.L.43-1993, SEC.18; P.L.235-2005, SEC.194; P.L.162-2007, SEC.37.*

#### **IC 16-22-5-16**

##### **Hospital enlargement or remodeling; general obligation bonds**

Sec. 16. After a hospital is established and the governing board appointed, the county executive may issue and sell general obligation bonds of the county to finance the costs of or the enlargement or remodeling of hospital buildings in an amount certified by the board to the county executive to be necessary for that purpose. The bonds shall be authorized, issued, and sold in accordance with laws governing the authorization, issuance, and sale of general obligation bonds by counties. The county fiscal body shall appropriate the proceeds of sale of the bonds to the board for the purposes for which the bonds have been sold. The county budget shall provide for payment of the bonds and the council shall annually levy a tax sufficient to produce each year the necessary funds for payment of the principal and interest on the bonds according to the terms of the bonds.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-5-17**

##### **Loans**

Sec. 17. (a) The governing board may borrow money and may secure the borrowing by a pledge of the following:

- (1) Amounts from the cumulative building fund.
- (2) Accounts receivable.
- (3) A security interest in capital equipment for which the proceeds of the loan is used.
- (4) Other security, including the excess of unobligated revenues over operating expenses.

(b) The term of a loan may not exceed thirty-five (35) years.  
*As added by P.L.2-1993, SEC.5.*

**IC 16-22-5-18**

**Appropriation, tax levy, or grant**

Sec. 18. Funds may be received by appropriation, tax levy, or grant from any of the following:

- (1) The county in which the hospital is located.
- (2) An adjoining county or counties if permitted by law.
- (3) The state.
- (4) An agency or instrumentality of the United States government.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-5-19**

**Federal funds**

Sec. 19. The governing board, county executive, or county fiscal body may enter into agreements with the United States or a department, an agency, or an instrumentality of the United States:

- (1) with respect to loans or loan guarantees in accordance with IC 16-22-3-26; or
- (2) to permit the hospital or county to accept a subsidy or payment of all or part of the interest payable on obligations issued and sold for hospital purposes.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-5-20**

**Gifts**

Sec. 20. The governing board may accept contributions, gifts, devises, or bequests with any lawful limitations, provisions, or conditions for the use that the donor establishes.

*As added by P.L.2-1993, SEC.5.*