

#### IC 5-1.4-4

##### Chapter 4. Issuance of Obligations

#### IC 5-1.4-4-1

##### **Bonds or notes; purposes; general obligation of bank; additional security**

Sec. 1. (a) The bank may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this article, including:

- (1) the purchase of securities;
- (2) the payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the bonds or notes or interest to be paid, funded, or refunded have or have not become due; and
- (3) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bank incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as otherwise provided in this article or by the board, every issue of bonds or notes shall be general obligations of the bank payable out of the revenues or funds of the bank, subject only to agreements with the holders of a particular series of bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States, the state, a qualified entity, or a person or a pledge of income or revenues, funds, or money of the bank from any source.  
*As added by P.L. 42-1985, SEC.1. Amended by P.L. 29-1986, SEC.10.*

#### IC 5-1.4-4-2

##### **Nature of bonds or notes; state pledge and agreement**

Sec. 2. (a) A bond or note of the bank:

- (1) is not a debt, liability, loan of the credit, or pledge of the faith and credit of any qualified entity;
- (2) is payable solely from the money pledged or available for its payment under this article, unless funded or refunded by bonds or notes of the bank; and
- (3) must contain on its face a statement that the bank is obligated to pay principal and interest, and redemption premiums if any, and that the faith, credit, and taxing power of any qualified entity is not pledged to the payment of the bond or note.

(b) The state pledges to and agrees with the holders of the bonds or notes issued under this article that the state will not:

- (1) limit or restrict the rights vested in the bank to fulfill the terms of any agreement made with the holders of its bonds or notes; or
- (2) in any way impair the rights or remedies of the holders of the bonds or notes;

until the bonds or notes, together with the interest on the bonds or notes and interest on unpaid installments of interest and all costs and

expenses in connection with an action or proceeding by or on behalf of the holders, are fully met, paid, and discharged.

*As added by P.L.42-1985, SEC.1. Amended by P.L.29-1986, SEC.11.*

#### **IC 5-1.4-4-3**

##### **Negotiability of bonds and notes**

Sec. 3. The bonds and notes of the bank are negotiable instruments for all purposes of the Uniform Commercial Code (IC 26-1), subject only to the provisions of the bonds and notes for registration.

*As added by P.L.42-1985, SEC.1.*

#### **IC 5-1.4-4-4**

##### **Authorization; issuance in series; requirements; consent of city or state agency**

Sec. 4. (a) Bonds or notes of the bank must be authorized by resolution of the board, may be issued in one (1) or more series, and must:

- (1) bear the date;
- (2) mature at the time or times;
- (3) bear interest at the rate or rates of interest or within a maximum rate or specify the method by which the interest rate or rates may be determined;
- (4) be in the denomination;
- (5) be in the form;
- (6) carry the conversion or registration privileges;
- (7) have the rank or priority;
- (8) be executed in the manner;
- (9) be payable from the sources in the medium of payment at the place inside or outside the state; and
- (10) be subject to the terms of redemption;

as the resolution of the board or the trust agreement securing the bonds or notes provides.

(b) Bonds or notes may be issued under this article without obtaining the consent of any agency of the state or city and without any other proceeding or condition other than the proceedings or conditions specified in this article.

*As added by P.L.42-1985, SEC.1.*

#### **IC 5-1.4-4-5**

##### **Resolution authorizing issuance; adoption; action to set aside resolution**

Sec. 5. Upon the adoption of a resolution authorizing the issuance of bonds or notes, any action or proceeding in any court to set aside the resolution authorizing the issuance of bonds or notes of the bank under this article or to obtain any relief upon the ground that the resolution is invalid must be filed within fifteen (15) days following the adoption of the resolution. After the expiration of this fifteen (15) day period, no right of action shall be asserted nor shall the validity of the resolution or any of its provisions be open to question in any

court or agency upon any grounds whatsoever.  
*As added by P.L.42-1985, SEC.1. Amended by P.L.2-1989, SEC.12.*

#### **IC 5-1.4-4-6**

##### **Public or private sale; notice**

Sec. 6. Bonds or notes of the bank may be sold at public or private sale at the price the board determines. If bonds or notes of the bank are to be sold at public sale, the bank shall follow IC 5-1-11 and shall publish notice of the sale as required by IC 5-3-1 for the sale of bonds or notes of the city.

*As added by P.L.42-1985, SEC.1. Amended by P.L.29-1986, SEC.12.*

#### **IC 5-1.4-4-7**

##### **Issuance of notes; payment of principal or interest**

Sec. 7. The bank may from time to time issue its notes under this article and pay and retire the principal of the notes or pay the interest due thereon or fund or refund the notes from proceeds of bonds or of other notes or from other funds or money of the bank available for that purpose in accordance with a contract between the bank and the holders of the notes.

*As added by P.L.42-1985, SEC.1.*

#### **IC 5-1.4-4-8**

##### **Trust agreement as security; provisions of trust agreement or resolution; expenses**

Sec. 8. (a) Any bonds or notes issued under this chapter may be secured by the board by a trust agreement by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the state.

(b) The trust agreement or the resolution providing for the issuance of the bonds or notes may contain provisions for protecting and enforcing the rights and remedies of the holders of any such bonds or notes as may be reasonable and proper and not in violation of law.

(c) The trust agreement or resolution may set forth the rights and remedies of the holders of any bonds or notes and of the trustee and may restrict the individual right of action by the holders.

(d) In addition to subsections (a), (b), and (c), any trust agreement or resolution may contain other provisions that the board considers reasonable and proper for the security of the holders of any bonds or notes.

(e) All expenses incurred in carrying out the provisions of the trust agreement or resolution may be paid from revenues or assets pledged or assigned to the payment of the principal of and the interest on bonds and notes or from any other funds available to the bank.

*As added by P.L.42-1985, SEC.1.*

#### **IC 5-1.4-4-9**

##### **Purchase of bonds or notes of bank; disposition**

Sec. 9. The bank may purchase bonds or notes of the bank out of its funds or money available for the purchase of its own bonds and notes. The bank may hold, cancel, or resell the bonds or notes subject to, and in accordance with, agreements with holders of its bonds or notes. Unless cancelled, bonds or notes so held shall be deemed to be held for resale or transfer and the obligation evidenced by the bonds or notes shall not be deemed to be extinguished.

*As added by P.L.42-1985, SEC.1. Amended by P.L.29-1986, SEC.13.*

#### **IC 5-1.4-4-10**

##### **Purchase of securities; documentation**

Sec. 10. All securities purchased, held, or owned by the bank, upon delivery to the bank, must be accompanied by all documentation required by the board.

*As added by P.L.42-1985, SEC.1.*