

16.131 Water pollution control works and drinking water facilities financing program — funding — bonds and notes.

1. The authority shall cooperate with the department of natural resources in the creation, administration, and financing of the water pollution control works and drinking water facilities financing program established in [sections 455B.291 through 455B.299](#).

2. The authority may issue its bonds and notes for the purpose of funding the funds created under [section 16.133A](#) and the state matching funds required pursuant to the Clean Water Act and the Safe Drinking Water Act.

3. The authority may issue its bonds and notes for the purposes established and may enter into one or more loan agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amount payable under the loan agreements or any other instruments securing the debt obligations under the loan agreements.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or other instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or other instruments, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

4. The powers granted the authority under [this section](#) are in addition to other powers contained in [this chapter](#). All other provisions of [this chapter](#), except [section 16.28, subsection 4](#), apply to bonds or notes issued and powers granted to the authority under [this section](#) except to the extent they are inconsistent with [this section](#).

5. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax.

6. The authority shall determine the interest rate and repayment terms for loans made under the program, in cooperation with the department, and the authority shall enter into loan agreements with eligible entities in compliance with and subject to the terms and conditions of the Clean Water Act, the Safe Drinking Water Act, and any other applicable federal law.

7. The authority shall process, review, and approve or deny loan applications pursuant to eligibility requirements established by rule of the authority and in accordance with the intended use plan applications approved by the department.

8. The authority may charge loan recipients fees and assess costs against such recipients necessary for the continued operation of the program. Fees and costs collected pursuant to [this subsection](#) shall be deposited in the appropriate fund or funds described in [section 16.133A](#).

9. Notwithstanding any provision of [this chapter](#) to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the revolving loan funds may be used in any manner permitted or required by applicable federal law.

[88 Acts, ch 1217, §20](#)

[C89, §220.131](#)

[C93, §16.131](#)

[97 Acts, ch 4, §1; 2002 Acts, 2nd Ex, ch 1003, §234, 262; 2009 Acts, ch 30, §1 – 4; 2009 Acts, ch 100, §3, 21; 2014 Acts, ch 1080, §73, 78](#)

2014 amendment to subsection 1 takes effect January 1, 2015; 2014 Acts, ch 1080, §78

Subsection 1 amended