

Senate Amendment 3258

PAG LIN

1 1 Amend House File 875, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking lines 13 through 15 and
1 4 inserting the following:
1 5 <b. For rent payments for the community-based
1 6 corrections facility located in Davenport and the
1 7 department of corrections training center:>
1 8 #2. Page 1, by inserting after line 28, the
1 9 following:
1 10 <DIVISION ____
1 11 STORMWATER DISCHARGE PERMIT FEES
1 12 Sec. ____ STORMWATER DISCHARGE PERMIT FEES
1 13 APPROPRIATION == AIR QUALITY MONITORING.
1 14 Notwithstanding any contrary provision of state law,
1 15 there is appropriated from stormwater discharge permit
1 16 fees as authorized to be collected pursuant to section
1 17 455B.103A to the department of natural resources for
1 18 the fiscal year beginning July 1, 2005, and ending
1 19 June 30, 2006, the following amount, or so much
1 20 thereof as is necessary, to be used for the purposes
1 21 designated:
1 22 For full-time personnel to conduct air quality
1 23 monitoring, which may include but is not limited to
1 24 staffing required to perform field monitoring and
1 25 laboratory functions, including salaries, support,
1 26 maintenance, and miscellaneous purposes:
1 27 \$ 275,000>
1 28 #3. Page 2, line 2, by inserting after the word
1 29 <projects> the following: <, notwithstanding section
1 30 8.57, subsection 6, paragraph "c">.
1 31 #4. Page 2, line 13, by inserting after the word
1 32 <payments> the following: <, notwithstanding section
1 33 8.57, subsection 6, paragraph "c">.
1 34 #5. Page 2, line 16, by inserting after the word
1 35 <facilities> the following: <, notwithstanding
1 36 section 8.57, subsection 6, paragraph "c">.
1 37 #6. Page 2, line 22, by striking the figure
1 38 <3,291,891> and inserting the following: <291,891>.
1 39 #7. Page 2, line 31, by striking the figure
1 40 <1,311,045> and inserting the following: <1,161,045>.
1 41 #8. Page 3, line 11, by striking the figure
1 42 <1,090,000> and inserting the following: <940,000>.
1 43 #9. Page 3, line 15, by inserting after the figure
1 44 <103,000> the following: <, notwithstanding section
1 45 8.57, subsection 6, paragraph "c">.
1 46 #10. Page 3, line 20, by inserting after the word
1 47 <Illinois> the following: <, notwithstanding section
1 48 8.57, subsection 6, paragraph "c">.
1 49 #11. Page 3, line 30, by inserting after the word
1 50 <program> the following: <, notwithstanding section
2 1 8.57, subsection 6, paragraph "c">.
2 2 #12. Page 3, line 31, by striking the figure
2 3 <600,000> and inserting the following: <700,000>.
2 4 #13. Page 3, line 33, by inserting after the word
2 5 <network> the following: <, notwithstanding section
2 6 8.57, subsection 6, paragraph "c">.
2 7 #14. Page 4, line 1, by inserting after the word
2 8 <transmitters> the following: <, notwithstanding
2 9 section 8.57, subsection 6, paragraph "c">.
2 10 #15. Page 4, line 18, by inserting after the word
2 11 <initiative> the following: <, notwithstanding
2 12 section 8.57, subsection 6, paragraph "c">.
2 13 #16. Page 4, line 19, by striking the figure
2 14 <500,000> and inserting the following: <400,000>.
2 15 #17. Page 4, by inserting after line 27 the
2 16 following:
2 17 <The national program for playground safety shall
2 18 submit a report by January 15, 2006, to the joint
2 19 appropriations subcommittee on transportation,
2 20 infrastructure, and capitals detailing the use of the
2 21 moneys appropriated in this subsection. The report
2 22 shall specify the projects for which moneys were used
2 23 and the cost of each project including the amounts
2 24 spent on administration.>

2 25 #18. By striking page 4, line 29, through page 5,
2 26 line 9, and inserting the following:
2 27 <For lake dredging and the construction of bike
2 28 trails at Lake Cornelia in Wright county,
2 29 notwithstanding section 8.57, subsection 6, paragraph
2 30 "c":
2 31 \$ 429,000>
2 32 #19. Page 5, line 18, by inserting after the
2 33 figure <28K> the following: <, notwithstanding
2 34 section 8.57, subsection 6, paragraph "c">.
2 35 #20. Page 5, by inserting after line 19 the
2 36 following:
2 37 <____. For costs associated with the planning,
2 38 design, and construction of a destination park:
2 39 \$ 3,000,000>
2 40 #21. Page 5, line 23, by inserting after the word
2 41 <system> the following: <, notwithstanding section
2 42 8.57, subsection 6, paragraph "c">.
2 43 #22. Page 5, line 27, by striking the words <a regional
2 44 training facility> and inserting the following: <fire training
2 45 facilities>.
2 46 #23. Page 5, line 28, by striking the figure <500,000> and
2 47 inserting the following: <800,000>.
2 48 #24. Page 5, line 30, by striking the figure <100,000> and
2 49 inserting the following: <300,000>.
2 50 #25. Page 5, by striking lines 31 through 33 and
3 1 inserting the following: <training center.
3 2 Of the amount appropriated in this lettered
3 3 paragraph, \$200,000 shall be allocated to the Dubuque
3 4 fire training center.
3 5 The division of fire safety shall submit a report
3 6 by January 15, 2006, to the joint appropriations
3 7 subcommittee on transportation, infrastructure, and
3 8 capitals detailing the use of the moneys appropriated
3 9 in this subsection.>
3 10 #26. Page 6, line 1, by inserting after the word
3 11 <departments> the following: <, notwithstanding
3 12 section 8.57, subsection 6, paragraph "c">.
3 13 #27. Page 6, line 4, by inserting after the word
3 14 <For> the following: <major>.
3 15 #28. Page 6, line 12, by inserting after the word
3 16 <program> the following: <, notwithstanding section
3 17 8.57, subsection 6, paragraph "c">.
3 18 #29. Page 6, by inserting after line 17 the
3 19 following:
3 20 <In awarding assistance under the vertical
3 21 infrastructure improvement grant program, the
3 22 department shall give preference to projects that
3 23 demonstrate a collaborative effort between airports.>
3 24 #30. Page 7, line 4, by striking the figure <1,371,045> and
3 25 inserting the following: <1,521,045>.
3 26 #31. Page 7, line 11, by striking the figure <1,690,000>
3 27 and inserting the following: <1,840,000>.
3 28 #32. Page 9, by striking lines 3 through 7.
3 29 #33. Page 9, by inserting after line 20, the following:
3 30 <Sec. ____ Section 328.1, subsection 9, Code 2005, is amended
3 31 to read as follows:
3 32 9. "Airport" means any landing area used regularly
3 33 by aircraft for receiving or discharging passengers or
3 34 cargo, and all appurtenant areas used or suitable for
3 35 airport buildings or other airport facilities, and all
3 36 appurtenant rights of way, whether heretofore or
3 37 hereafter established. "Airport" includes land within a city
3 38 with a population greater than one hundred seventy-five thousand
3 39 which is acquired to replace or mitigate land used in an airport
3 40 runway project at an existing airport when federal law, grant, or
3 41 action requires such replacement or mitigation.>
3 42 #34. Page 12, line 31, by striking the word <each>
3 43 and inserting the following: <the hungry canyons>.
3 44 #35. Page 12, line 33, by inserting after the word
3 45 <costs.> the following: <No more than 10 percent of
3 46 the moneys allocated to the loess hills alliance
3 47 account in this lettered paragraph may be used for
3 48 administrative costs.>
3 49 #36. Page 14, by inserting after line 23 the
3 50 following:
4 1 <Sec. ____ Section 161A.80, subsection 2,
4 2 paragraphs a and b, Code 2005, are amended to read as
4 3 follows:
4 4 a. This section is repealed on July 1, ~~2005~~ 2015.
4 5 b. The principal and interest from any blufflands

4 6 protection loan outstanding on July 1, ~~2005~~ 2015, and
4 7 payable to the bluffslands protection revolving fund,
4 8 shall be paid to the administrative director of the
4 9 division of soil conservation on or after July 1, ~~2005~~
4 10 2015, pursuant to the terms of the loan agreement and
4 11 shall be credited to the rebuild Iowa infrastructure
4 12 fund.>

4 13 #37. Page 15, by striking lines 22 through 35 and
4 14 inserting the following: <the statehouse that
4 15 experienced such water damage.>

4 16 #38. Page 16, by inserting after line 12 the
4 17 following:

4 18 <(____) For major renovation and major repair
4 19 needs, including health, life, and fire safety needs,
4 20 and for compliance with the federal Americans With
4 21 Disabilities Act, for state buildings and facilities
4 22 under the purview of the department:

4 23 \$ 3,000,000>

4 24 #39. Page 17, line 6, by inserting after the word
4 25 <network> the following: <notwithstanding section
4 26 12E.12, subsection 1, paragraph "b", subparagraph
4 27 (1)>.

4 28 #40. Page 18, line 18, by inserting after the word
4 29 <institutions> the following: <notwithstanding
4 30 section 12E.12, subsection 1, paragraph "b",
4 31 subparagraph (1)>.

4 32 #41. Page 18, line 28, by inserting after the
4 33 figure <16.177> the following: <notwithstanding
4 34 section 12E.12, subsection 1, paragraph "b",
4 35 subparagraph (1)>.

4 36 #42. Page 18, by striking lines 30 through 35.

4 37 #43. Page 19, line 12, by inserting before the
4 38 word <section> the following: <section 25, subsection
4 39 3, paragraph "b", and>.

4 40 #44. Page 19, by inserting after line 17 the
4 41 following:

4 42 <Sec. ____ 2002 Iowa Acts, chapter 1173, section
4 43 1, subsection 7, paragraph a, as amended by 2004 Iowa
4 44 Acts, chapter 1175, section 310, is amended to read as
4 45 follows:

4 46 a. For parking improvements and provision of
4 47 street access for the judicial building:

4 48 FY 2002=2003	\$	700,000
4 49 FY 2003=2004	\$	0
4 50 FY 2004=2005	\$	0
5 1 FY 2005=2006	\$	0

5 2 Of the amount appropriated in this lettered
5 3 paragraph for FY 2002=2003, up to \$330,000 may be used
5 4 for costs associated with ~~operation of the judicial
5 5 building, notwithstanding section 12E.12, subsection
5 6 1, paragraph "b", subparagraph (1) site work in the
5 7 vicinity of the judicial building.~~

5 8 Sec. ____ 2003 Iowa Acts, chapter 177, section 22,
5 9 subsection 6, paragraph a, is amended by striking the
5 10 paragraph.>

5 11 #45. Page 19, by inserting after line 21 the
5 12 following:

5 13 <Sec. ____ EFFECTIVE DATE. The section of this
5 14 division of this Act amending 2002 Iowa Acts, chapter
5 15 1173, section 1, subsection 7, being deemed of
5 16 immediate importance, takes effect upon enactment.

5 17 Sec. ____ EFFECTIVE DATE. The section of this
5 18 division of this Act amending 2003 Iowa Acts, chapter
5 19 177, section 22, subsection 6, being deemed of
5 20 immediate importance, takes effect upon enactment.>

5 21 #46. Page 20, line 35, by inserting after the word
5 22 <facilities> the following: <, notwithstanding
5 23 section 8.57B, subsection 3>.

5 24 #47. Page 24, by inserting after line 14 the
5 25 following:

5 26 <DIVISION ____
5 27 IOWA COMMUNICATIONS NETWORK
5 28 Sec. ____ Section 8D.3, subsection 3, paragraph i,
5 29 Code 2005, is amended to read as follows:
5 30 i. Evaluate existing and projected rates for use
5 31 of the system and ensure that rates are sufficient to
5 32 pay for the operation of the system excluding the cost
5 33 of construction and lease costs for Parts I, II, and
5 34 III. The commission shall establish all hourly rates
5 35 to be charged to all authorized users for the use of
5 36 the network and shall consider all costs of the

5 37 ~~network in establishing the rates.~~ A fee established
5 38 by the commission to be charged to a hospital licensed
5 39 pursuant to chapter 135B, a physician clinic, or the
5 40 federal government shall be at an appropriate rate so
5 41 that, at a minimum, there is no state subsidy related
5 42 to the costs of the connection or use of the network
5 43 related to such user.

5 44 Sec. _____. Section 8D.13, subsection 11, Code 2005,
5 45 is amended to read as follows:

5 46 11. The fees charged for use of the network and
5 47 state communications shall be based on the ongoing
5 48 ~~operational costs~~ expenses of the network and of
5 49 providing state communications ~~only~~. For the services
5 50 rendered to state agencies by the commission, the
6 1 commission shall prepare a statement of services
6 2 rendered and the agencies shall pay in a manner
6 3 consistent with procedures established by the
6 4 department of administrative services.>

6 5 #48. Page 24, by inserting after line 14, the
6 6 following:

6 7 <DIVISION ____
6 8 ACCESS IOWA HIGHWAYS

6 9 Sec. ____.

6 10 1. INTENT. It is the intent of the general
6 11 assembly to formulate an access Iowa plan which shall
6 12 designate portions of the commercial and industrial
6 13 network of highways as access Iowa highways. The goal
6 14 of the access Iowa plan shall be to enhance the
6 15 existing Iowa economy and ensure its continuing
6 16 development and growth in the national and global
6 17 competitive marketplace by providing for early
6 18 completion of the construction of the most important
6 19 portions of the Iowa highway system. These portions
6 20 of the system shall be those that are essential for
6 21 support of intrastate transportation and commerce and
6 22 essential for ensuring Iowans direct access to the
6 23 nation's system of interstate highways and
6 24 transportation services.

6 25 The general assembly's past actions are consistent
6 26 with the access Iowa plan. The general assembly has
6 27 set general policy guidelines for the state
6 28 transportation commission's planning and programming
6 29 development, directed that road service be equalized
6 30 throughout the state, determined that a commercial and
6 31 industrial network of highways would benefit Iowa
6 32 transportation services, directed the commission to
6 33 focus at least part of their legislatively provided
6 34 resources on the commercial and industrial network,
6 35 and directed that the commission consider equalization
6 36 of accessibility for economic development as one of
6 37 the factors in establishing its plan and program
6 38 priorities for the commercial and industrial network.
6 39 These actions recognize that interstate commerce and
6 40 national economic development are furthered and
6 41 supported by the national system of interstate and
6 42 defense highways and the national highway system, and
6 43 that Iowa commerce and economic development are
6 44 supported by Iowa's commercial and industrial network
6 45 of highways.

6 46 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
6 47 department of transportation shall designate portions
6 48 of the commercial and industrial network of highways
6 49 as access Iowa highways and shall expedite and
6 50 accelerate development of access Iowa highways. When
7 1 designating those portions of the commercial and
7 2 industrial network as access Iowa highways, the
7 3 department shall consider the direct and priority
7 4 linkages between economic centers within the state
7 5 with populations of 20,000 or more and the enhancement
7 6 of intrastate mobility and Iowa regional accessibility
7 7 and national accessibility.

7 8 3. REPEAL. This section is repealed effective
7 9 July 1, 2015.>

7 10 #49. Page 24, by inserting before line 15, the
7 11 following:

7 12 <DIVISION ____
7 13 HONEY CREEK PREMIER DESTINATION
7 14 PARK BOND PROGRAM

7 15 Sec. _____. Section 12.30, subsection 1, paragraph
7 16 a, Code 2005, is amended to read as follows:

7 17 a. "Authority" means a department, or public or

7 18 quasi-public instrumentality of the state including,
7 19 but not limited to, the authority created under
7 20 chapter 12E, 16, 16A, 175, 257C, 261A, ~~or~~ 327I, or
7 21 463C, which has the power to issue obligations, except
7 22 that "authority" does not include the state board of
7 23 regents or the Iowa finance authority to the extent it
7 24 acts pursuant to chapter 260C.

7 25 Sec. _____. NEW SECTION. 463C.1 TITLE.
7 26 This chapter shall be known and may be cited as the
7 27 "Honey Creek Premier Destination Park Bond Program".

7 28 Sec. _____. NEW SECTION. 463C.2 DEFINITIONS.
7 29 As used in this chapter, unless the context
7 30 otherwise requires:

7 31 1. "Authority" means the honey creek premier
7 32 destination park authority created in section 463C.4.
7 33 2. "Board" means the governing board of the
7 34 authority.
7 35 3. "Bonds" means bonds, notes, and other
7 36 obligations and financing arrangements issued or
7 37 entered into by the authority pursuant to this
7 38 chapter.
7 39 4. "Department" means the department of natural
7 40 resources.
7 41 5. "Fund" means the honey creek premier
7 42 destination park bond fund created in section 463C.11.
7 43 6. "Program" means the honey creek premier
7 44 destination park bond program established in section
7 45 463C.10.

7 46 Sec. _____. NEW SECTION. 463C.3 LEGISLATIVE
7 47 FINDINGS.

7 48 1. The establishment of the honey creek premier
7 49 destination park bond program and honey creek premier
7 50 destination park authority is in all respects for the
8 1 benefit of the people of the state of Iowa, for the
8 2 improvement of their health and welfare, and for the
8 3 promotion of the economy, which are public purposes.
8 4 2. The authority will be performing an essential
8 5 governmental function in the exercise of the powers
8 6 and duties conferred upon it by this chapter.
8 7 3. The authority will assist in the establishment
8 8 of the honey creek premier destination park in the
8 9 state which will provide important recreational and
8 10 economic benefits to the state.
8 11 4. Current efforts to develop the honey creek
8 12 premier destination park in the state have fallen
8 13 short and the creation of an authority which has the
8 14 mission of engaging and assisting in these efforts
8 15 will increase the likelihood of reaching the desired
8 16 goal.
8 17 5. It is necessary to create the honey creek
8 18 premier destination park bond program and authority to
8 19 encourage the investment of private capital to
8 20 stimulate the development and construction of the park
8 21 including lodges, campgrounds, cabins, and golf
8 22 courses through the use of public financing, and to
8 23 this extent it is the public policy of this state to
8 24 support the honey creek premier destination park bond
8 25 program in the procurement of necessary moneys for
8 26 deposit into the honey creek premier destination park
8 27 bond fund.

8 28 Sec. _____. NEW SECTION. 463C.4 ESTABLISHMENT OF
8 29 HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.

8 30 1. The honey creek premier destination park
8 31 authority is created and constitutes a public
8 32 instrumentality and agency of the state, separate and
8 33 distinct from the state, exercising public and
8 34 essential governmental functions.

8 35 2. The purposes of the authority include all of
8 36 the following:

8 37 a. To implement and administer the honey creek
8 38 premier destination park bond program and to establish
8 39 a stable source of revenue to be used for the purposes
8 40 designated in this chapter.
8 41 b. To issue bonds and enter into funding options,
8 42 consistent with this chapter, including refunding and
8 43 refinancing its debt and obligations.
8 44 c. To provide for and secure the issuance and
8 45 repayment of its bonds.
8 46 d. To invest funds available under this chapter to
8 47 provide for a source of revenue in accordance with the
8 48 program plan.

8 49 e. To refund and refinance the authority's debts
8 50 and obligations, and to manage its funds, obligations,
9 1 and investments as necessary and if consistent with
9 2 its purpose.

9 3 f. To implement the purposes of this chapter.

9 4 3. The authority shall invest its funds and
9 5 accounts in accordance with this chapter and shall not
9 6 take action or invest in any manner that would cause
9 7 the state to become a stockholder in any corporation
9 8 or that would cause the state to assume or agree to
9 9 pay the debt or liability of any corporation in
9 10 violation of the United States Constitution or the
9 11 Constitution of the State of Iowa.

9 12 4. The authority shall not create any obligation
9 13 of this state or any political subdivision of this
9 14 state within the meaning of any constitutional or
9 15 statutory debt limitation.

9 16 5. The authority shall not pledge the credit or
9 17 taxing power of this state or any political
9 18 subdivision of this state, or make its debts payable
9 19 out of any moneys except those of the authority
9 20 specifically pledged for their payment.

9 21 Sec. ____ NEW SECTION. 463C.5 GOVERNING BOARD.

9 22 1. The powers of the authority are vested in and
9 23 shall be exercised by a board consisting of the
9 24 treasurer of state, the auditor of state, and the
9 25 director of the department of management.

9 26 Notwithstanding the provisions of section 12.30,
9 27 subsection 2, regarding ex officio nonvoting status,
9 28 the treasurer of state shall act as a voting member of
9 29 the authority.

9 30 2. Two members of the board constitute a quorum.

9 31 3. The members shall elect a chairperson, vice
9 32 chairperson, and secretary, annually, and other
9 33 officers as the members determine necessary. The
9 34 treasurer of state shall serve as treasurer of the
9 35 authority.

9 36 4. Meetings of the board shall be held at the call
9 37 of the chairperson or when a majority of the members
9 38 so requests.

9 39 5. The members of the board shall not receive
9 40 compensation by reason of their membership on the
9 41 board.

9 42 Sec. ____ NEW SECTION. 463C.6 STAFF ==
9 43 ASSISTANCE BY STATE OFFICERS, AGENCIES, AND
9 44 DEPARTMENTS.

9 45 1. The staff of the office of the treasurer of
9 46 state shall also serve as staff of the authority under
9 47 the supervision of the treasurer.

9 48 2. State officers, agencies, and departments may
9 49 render services to the authority within their
9 50 respective functions, as requested by the authority.

10 1 Sec. ____ NEW SECTION. 463C.7 LIMITATION OF
10 2 LIABILITY.

10 3 Members of the board and persons acting on the
10 4 authority's behalf, while acting within the scope of
10 5 their employment or agency, are not subject to
10 6 personal liability resulting from carrying out the
10 7 powers and duties conferred on them under this
10 8 chapter.

10 9 Sec. ____ NEW SECTION. 463C.8 GENERAL POWERS OF
10 10 AUTHORITY.

10 11 1. The authority has all the general powers
10 12 necessary to carry out its purposes and duties and to
10 13 exercise its specific powers, including but not
10 14 limited to all of the following powers:

10 15 a. The power to issue its bonds and to enter into
10 16 other funding options as provided in this chapter.

10 17 b. The power to have perpetual succession as a
10 18 public instrumentality and agency of the state, until
10 19 dissolved in accordance with this chapter.

10 20 c. The power to sue and be sued in its own name.

10 21 d. The power to make and execute agreements,
10 22 contracts, and other instruments, with any public or
10 23 private person, in accordance with this chapter.

10 24 e. The power to hire and compensate legal counsel,
10 25 notwithstanding chapter 13.

10 26 f. The power to hire investment advisors and other
10 27 persons as necessary to fulfill its purpose.

10 28 g. The power to invest or deposit moneys of or
10 29 held by the authority in any manner determined by the

10 30 authority, notwithstanding chapter 12B or 12C.
10 31 h. The power to procure insurance, other credit
10 32 enhancements, and other financing arrangements, and to
10 33 execute instruments and contracts and to enter into
10 34 agreements convenient or necessary to facilitate
10 35 financing arrangements of the authority and to fulfill
10 36 the purposes of the authority under this chapter,
10 37 including but not limited to such arrangements,
10 38 instruments, contracts, and agreements as bond
10 39 insurance, liquidity facilities, interest rate
10 40 agreements, and letters of credit.
10 41 i. The power to accept appropriations, gifts,
10 42 grants, loans, or other aid from public or private
10 43 entities.
10 44 j. The power to adopt rules consistent with this
10 45 chapter and in accordance with chapter 17A, as the
10 46 board determines necessary.
10 47 k. The power to acquire, own, hold, administer,
10 48 and dispose of property.
10 49 l. The power to determine, in connection with the
10 50 issuance of bonds, and subject to the sales agreement,
11 1 the terms and other details of financing, and the
11 2 method of implementation of the program plan.
11 3 m. The power to perform any act not inconsistent
11 4 with federal or state law necessary to carry out the
11 5 purposes of the authority.
11 6 2. The authority is exempt from the requirements
11 7 of chapter 8A, subchapter III.
11 8 Sec. _____. NEW SECTION. 463C.9 POWERS NOT
11 9 RESTRICTED == LAW COMPLETE IN ITSELF.
11 10 This chapter shall not restrict or limit the powers
11 11 which the authority has under any other law of this
11 12 state, but is cumulative as to any such powers. A
11 13 proceeding, notice, or approval is not required for
11 14 the creation of the authority or the issuance of
11 15 obligations or an instrument as security, except as
11 16 provided in this chapter.
11 17 Sec. _____. NEW SECTION. 463C.10 HONEY CREEK
11 18 PREMIER DESTINATION PARK BOND PROGRAM.
11 19 The authority shall assist in the development and
11 20 expansion of the honey creek premier destination park
11 21 in the state through the establishment of the honey
11 22 creek premier destination park bond program. The
11 23 authority may issue its bonds or notes, or series of
11 24 bonds or notes, for the purpose of defraying the cost
11 25 of one or more projects for the development and
11 26 expansion of the honey creek premier destination park
11 27 in the state, including lodges, campgrounds, cabins,
11 28 and golf courses, and make secured and unsecured loans
11 29 for the acquisition and construction of such projects
11 30 on terms the authority determines.
11 31 Sec. _____. NEW SECTION. 463C.11 HONEY CREEK
11 32 PREMIER DESTINATION PARK BOND FUND.
11 33 1. The honey creek premier destination park bond
11 34 fund is established as a separate and distinct fund in
11 35 the state treasury consisting of honey creek premier
11 36 destination park revenues, any moneys appropriated by
11 37 the general assembly to the fund, and any other moneys
11 38 available to and obtained or accepted by the authority
11 39 for placement in the fund. The moneys in the fund
11 40 shall be used to develop the honey creek premier
11 41 destination park in the state by funding the
11 42 development and construction of facilities in the park
11 43 including but not limited to lodges, campgrounds,
11 44 cabins, and golf courses.
11 45 2. Payments of interest, repayments of moneys
11 46 loaned pursuant to this chapter, and recaptures of
11 47 awards shall be deposited in the fund.
11 48 3. Moneys in the fund may be used by the authority
11 49 for the purpose of providing grants, loans, forgivable
11 50 loans, loan guarantees under the honey creek premier
12 1 destination park bond program established in this
12 2 chapter, and otherwise funding the development and
12 3 construction of facilities in the park including but
12 4 not limited to lodges, campgrounds, cabins, and golf
12 5 courses. The moneys in the fund shall be used for the
12 6 development and construction of facilities in the
12 7 honey creek premier destination park.
12 8 4. The authority, in consultation with the
12 9 department, shall determine which projects qualify for
12 10 assistance from the fund, and which projects shall be

12 11 funded.

12 12 Sec. ____ . NEW SECTION. 463C.12 PREMIER

12 13 DESTINATION PARK BONDS.

12 14 1. The authority may issue bonds for the purpose
12 15 of funding the honey creek premier destination park
12 16 bond fund established in section 463C.11 and for the
12 17 purpose of refunding any bonds issued under this
12 18 section. The authority may issue bonds in principal
12 19 amounts which, in the opinion of the board, are
12 20 necessary to provide sufficient funds for the honey
12 21 creek premier destination park bond fund established
12 22 in section 463C.11, the payment of interest on the
12 23 bonds, the establishment of reserves to secure the
12 24 bonds, the costs of issuance of the bonds, other
12 25 expenditures of the authority incident to and
12 26 necessary or convenient to carry out the bond issue
12 27 for the fund, and all other expenditures of the board
12 28 necessary or convenient to administer the fund;
12 29 provided, however, excluding the issuance of refunding
12 30 bonds, bonds issued pursuant to this section shall not
12 31 be issued in an aggregate principal amount which
12 32 exceeds twenty-eight million dollars.

12 33 2. The bonds are investment securities and
12 34 negotiable instruments within the meaning of and for
12 35 the purposes of the uniform commercial code.

12 36 3. The authority may pledge amounts deposited in
12 37 the honey creek premier destination park bond fund
12 38 established in section 463C.11 as security for the
12 39 payment of the principal of premium, if any, and
12 40 interest on the bonds. Bonds issued under this
12 41 section are payable solely and only out of the moneys,
12 42 assets, or revenues of the honey creek premier
12 43 destination park bond fund and any bond reserve funds
12 44 established pursuant to section 463C.13, all of which
12 45 may be deposited with trustees or depositories in
12 46 accordance with bond or security documents, and are
12 47 not an indebtedness of this state, or a charge against
12 48 the general credit or general fund of the state, and
12 49 the state shall not be liable for the bonds except
12 50 from amounts on deposit in the funds. Bonds issued
13 1 under this section shall contain a statement that the
13 2 bonds do not constitute an indebtedness of the state.

13 3 4. The bonds shall be:

13 4 a. In a form, issued in denominations, executed in
13 5 a manner, payable over terms and with rights of
13 6 redemption, and subject to such other terms and
13 7 conditions as prescribed in the trust indenture,
13 8 resolution, or other instrument authorizing their
13 9 issuance.

13 10 b. Negotiable instruments under the laws of this
13 11 state and may be sold at prices, at public or private
13 12 sale, and in a manner as prescribed by the authority.
13 13 Chapters 73A, 74, 74A, and 75 do not apply to the sale
13 14 or issuance of the bonds.

13 15 c. Subject to the terms, conditions, and covenants
13 16 providing for the payment of the principal, redemption
13 17 premiums, if any, interest, and other terms,
13 18 conditions, covenants, and protective provisions
13 19 safeguarding payment, not inconsistent with this
13 20 section and as determined by the trust indenture,
13 21 resolution, or other instrument authorizing their
13 22 issuance.

13 23 5. The bonds are securities in which public
13 24 officers and bodies of this state, political
13 25 subdivisions of this state, insurance companies and
13 26 associations and other persons carrying on an
13 27 insurance business, banks, trust companies, savings
13 28 associations, savings and loan associations, and
13 29 investment companies, administrators, guardians,
13 30 executors, trustees, and other fiduciaries, and other
13 31 persons authorized to invest in bonds or other
13 32 obligations of the state, may properly and legally
13 33 invest funds, including capital, in their control or
13 34 belonging to them.

13 35 6. Bonds must be authorized by a trust indenture,
13 36 resolution, or other instrument of the authority that
13 37 is approved by the authority. However, a trust
13 38 indenture, resolution, or other instrument authorizing
13 39 the issuance of bonds may delegate to an officer of
13 40 the authority the power to negotiate and fix the
13 41 details of an issuance of bonds.

13 42 7. Neither the resolution, trust agreement, or any
13 43 other instrument by which a pledge is created is
13 44 required to be recorded or filed under the uniform
13 45 commercial code to be valid, binding, or effective.

13 46 8. All bonds issued by the authority in connection
13 47 with the program are exempt from taxation by the state
13 48 of Iowa and the interest on the bonds is exempt from
13 49 state income taxes and state inheritance and estate
13 50 taxes.

14 1 9. The authority may issue bonds for the purpose
14 2 of refunding any bonds or notes issued pursuant to
14 3 this section then outstanding, including the payment
14 4 of any redemption premiums thereon and any interest
14 5 accrued or to accrue to the date of redemption of the
14 6 outstanding bonds or notes. Until the proceeds of
14 7 bonds issued for the purpose of refunding outstanding
14 8 bonds or notes are applied to the purchase or
14 9 retirement of outstanding bonds or notes or the
14 10 redemption of outstanding bonds or notes, the proceeds
14 11 may be placed in escrow and be invested and reinvested
14 12 in accordance with the provisions of this section.
14 13 The interest, income, and profits earned or realized
14 14 on an investment may also be applied to the payment of
14 15 the outstanding bonds or notes to be refunded by
14 16 purchase, retirement, or redemption. After the terms
14 17 of the escrow have been fully satisfied and carried
14 18 out, any balance of proceeds and interest earned or
14 19 realized on the investments may be returned to the
14 20 board for deposit in the honey creek premier
14 21 destination park bond fund established in section
14 22 463C.11. All refunding bonds shall be issued and
14 23 secured and subject to the provisions of this chapter
14 24 in the same manner and to the same extent as other
14 25 bonds issued pursuant to this section.

14 26 Sec. ____ NEW SECTION. 463C.13 BOND RESERVE
14 27 FUNDS.

14 28 1. The authority may create and establish one or
14 29 more special funds, to be known as bond reserve funds,
14 30 and shall pay into each bond reserve fund any moneys
14 31 appropriated and made available by the authority for
14 32 the purpose of the bond reserve fund, any proceeds of
14 33 sale of notes or bonds to the extent provided in the
14 34 trust indenture, resolution, or other instrument of
14 35 the treasurer of state authorizing their issuance, and
14 36 any other moneys which may be available to the
14 37 authority for the purpose of the bond reserve fund
14 38 from any other sources. All moneys held in a bond
14 39 reserve fund, except as otherwise provided in this
14 40 section, shall be used as required solely for the
14 41 payment of the principal of bonds secured in whole or
14 42 in part by the bond reserve fund or of the sinking
14 43 fund payments with respect to the bonds, the purchase
14 44 or redemption of the bonds, the payment of interest on
14 45 the bonds, or the payments of any redemption premium
14 46 required to be paid when the bonds are redeemed prior
14 47 to maturity.

14 48 2. Moneys in a bond reserve fund shall not be
14 49 withdrawn from the bond reserve fund at any time in an
14 50 amount that will reduce the amount of the bond reserve
15 1 fund to less than the bond reserve fund requirement
15 2 established for the bond reserve fund, as provided in
15 3 this section, except for the purpose of making, with
15 4 respect to bonds secured in whole or in part by the
15 5 bond reserve fund, payment when due of principal,
15 6 interest, redemption premiums, and the sinking fund
15 7 payments with respect to the bonds for the payment of
15 8 which other moneys are not available. Any income or
15 9 interest earned by, or incremental to, a bond reserve
15 10 fund due to the investment of moneys in the bond
15 11 reserve fund may be transferred by the authority to
15 12 other reserve funds or the honey creek premier
15 13 destination park bond fund to the extent the transfer
15 14 does not reduce the amount of that bond reserve fund
15 15 below the bond reserve fund requirement for the bond
15 16 reserve fund.

15 17 3. The authority shall not at any time issue
15 18 bonds, secured in whole or in part by a bond reserve
15 19 fund, if, upon the issuance of the bonds, the amount
15 20 in the bond reserve fund will be less than the bond
15 21 reserve fund requirement for the bond reserve fund,
15 22 unless the authority at the time of issuance of the

15 23 bonds deposits in the bond reserve fund from the
15 24 proceeds of the bonds issued or from other sources an
15 25 amount which, together with the amount then in the
15 26 bond reserve fund, will not be less than the bond
15 27 reserve fund requirement for the bond reserve fund.
15 28 For the purposes of this section, the term "bond
15 29 reserve fund requirement" means, as of any particular
15 30 date of computation, an amount of money, as provided
15 31 in the trust indenture, resolution, or other
15 32 instrument of the authority authorizing the bonds with
15 33 respect to which the bond reserve fund is established,
15 34 equal to not more than ten percent of the outstanding
15 35 principal amount of bonds secured in whole or in part
15 36 by the bond reserve fund.

15 37 4. To assure the continued operation and solvency
15 38 of the authority for the carrying out of its corporate
15 39 purposes, provision is made in subsection 1 for the
15 40 accumulation in each bond reserve fund of an amount
15 41 equal to the bond reserve fund requirement for the
15 42 fund. In order further to assure maintenance of the
15 43 bond reserve funds, the chairperson of the authority
15 44 shall, on or before July 1 of each calendar year, make
15 45 and deliver to the governor the chairperson's
15 46 certificate stating the sum, if any, required to
15 47 restore each bond reserve fund to the bond reserve
15 48 fund requirement for that fund. Within thirty days
15 49 after the beginning of the session of the general
15 50 assembly next following the delivery of the
16 1 certificate, the governor may submit to both houses
16 2 printed copies of a budget including the sum, if any,
16 3 required to restore each bond reserve fund to the bond
16 4 reserve fund requirement for that fund. Any sums
16 5 appropriated by the general assembly and paid to the
16 6 authority pursuant to this section shall be deposited
16 7 by the authority in the applicable bond reserve fund.

16 8 Sec. ____ NEW SECTION. 463C.14 PLEDGES.
16 9 It is the intention of the general assembly that a
16 10 pledge made in respect of bonds or notes shall be
16 11 valid and binding from the time the pledge is made,
16 12 that the money or property so pledged and received
16 13 after the pledge by the treasurer of state shall
16 14 immediately be subject to the lien of the pledge
16 15 without physical delivery or further act, and that the
16 16 lien of the pledge shall be valid and binding as
16 17 against all parties having claims of any kind in tort,
16 18 contract, or otherwise against the treasurer of state
16 19 whether or not the parties have notice of the lien.

16 20 Sec. ____ NEW SECTION. 463C.15 MONEYS OF THE
16 21 AUTHORITY.

16 22 1. Moneys of the authority from whatever source
16 23 derived, except as otherwise provided in this chapter,
16 24 shall be paid to the authority and shall be deposited
16 25 in the honey creek premier destination park bond fund.
16 26 The moneys shall be withdrawn on the order of the
16 27 person authorized by the authority. Deposits shall,
16 28 if required by the authority, be secured in the manner
16 29 determined by the authority. The auditor of state and
16 30 the auditor's legally authorized representatives may
16 31 periodically examine the accounts and books of the
16 32 authority, including its receipts, disbursements,
16 33 contracts, leases, sinking funds, investments and any
16 34 other records and papers relating to its financial
16 35 standing, and the authority shall not be required to
16 36 pay a fee for the examination.

16 37 2. The authority may contract with holders of its
16 38 bonds or notes as to the custody, collection,
16 39 security, investment, and payment of moneys of the
16 40 authority, of moneys held in trust or otherwise for
16 41 the payment of bonds or notes, and to carry out the
16 42 contract. Moneys held in trust or otherwise for the
16 43 payment of bonds or notes or in any way to secure
16 44 bonds or notes and deposits of the moneys may be
16 45 secured in the same manner as moneys of the authority,
16 46 and banks and trust companies may give security for
16 47 the deposits.

16 48 3. Subject to the provisions of any contract with
16 49 bondholders or noteholders and to the approval of the
16 50 director of the department of administrative services,
17 1 the authority shall prescribe a system of accounts.

17 2 4. The authority shall submit to the governor, the
17 3 auditor of state, the department of management, and

17 4 the department of administrative services, within
17 5 thirty days of its receipt by the authority, a copy of
17 6 the report of every external examination of the books
17 7 and accounts of the authority other than copies of the
17 8 reports of examinations made by the auditor of state.
17 9 Sec. ____ NEW SECTION. 463C.16 ANNUAL REPORT.
17 10 1. The authority shall submit to the governor, the
17 11 general assembly, and the attorney general, on or
17 12 before December 31, annually, a report including
17 13 information regarding all of the following:
17 14 a. Its operations and accomplishments.
17 15 b. Its receipts and expenditures during the
17 16 previous fiscal year, in accordance with
17 17 classifications it establishes for its operating and
17 18 capital accounts.
17 19 c. Its assets and liabilities at the end of the
17 20 previous fiscal year and the status of reserve,
17 21 special, and other funds.
17 22 d. A schedule of its bonds outstanding at the end
17 23 of the previous fiscal year, and a statement of the
17 24 amounts redeemed and issued during the previous fiscal
17 25 year.
17 26 e. A statement of its proposed and projected
17 27 activities.
17 28 f. Recommendations to the governor and the general
17 29 assembly, as deemed necessary.
17 30 g. A statement of all projects funded in the
17 31 previous fiscal year.
17 32 h. Any other information deemed necessary.
17 33 2. The annual report shall identify performance
17 34 goals of the authority, and clearly indicate the
17 35 extent of progress during the reporting period in
17 36 attaining these goals.
17 37 Sec. ____ NEW SECTION. 463C.17 EXEMPTION FROM
17 38 COMPETITIVE BID LAWS.
17 39 The authority and contracts entered into by the
17 40 authority in carrying out its public and essential
17 41 governmental functions are exempt from the laws of the
17 42 state which provide for competitive bids and hearings
17 43 in connection with contracts, except as provided in
17 44 section 12.30.
17 45 Sec. ____ NEW SECTION 463C.18 BANKRUPTCY.
17 46 Prior to the date which is three hundred sixty-six
17 47 days after which the authority no longer has any bonds
17 48 outstanding, the authority is prohibited from filing a
17 49 voluntary petition under chapter 9 of the federal
17 50 bankruptcy code or such corresponding chapter or
18 1 section as may, from time to time, be in effect, and a
18 2 public official or organization, entity, or other
18 3 person shall not authorize the authority to be or
18 4 become a debtor under chapter 9 or any successor or
18 5 corresponding chapter or sections during such periods.
18 6 The provisions of this section shall be part of any
18 7 contractual obligation owed to the holders of bonds
18 8 issued under this chapter. Any such contractual
18 9 obligation shall not subsequently be modified by state
18 10 law, during the period of the contractual obligation.
18 11 Sec. ____ NEW SECTION. 463C.19 DISSOLUTION OF
18 12 THE AUTHORITY.
18 13 The authority shall dissolve no later than two
18 14 years after the date of final payment of all
18 15 outstanding bonds and the satisfaction of all
18 16 outstanding obligations of the authority, except to
18 17 the extent necessary to remain in existence to fulfill
18 18 any outstanding covenants or provisions with
18 19 bondholders or third parties made in accordance with
18 20 this chapter. Upon dissolution of the authority, all
18 21 assets of the authority shall be returned to the state
18 22 and shall be deposited in the general fund of the
18 23 state, unless otherwise directed by the general
18 24 assembly, and the authority shall execute any
18 25 necessary assignments or instruments, including any
18 26 assignment of any right, title, or ownership to the
18 27 state for receipt of payments.
18 28 Sec. ____ NEW SECTION. 463C.20 LIBERAL
18 29 INTERPRETATION.
18 30 This chapter, being deemed necessary for the
18 31 welfare of the state and its people, shall be
18 32 liberally construed to effect its purpose.
18 33 Sec. ____ MATCHING FUNDS. Moneys appropriated in
18 34 this Act, if enacted, to be used for the purpose of

18 35 funding the development and construction of the honey
18 36 creek premier destination park shall be available only
18 37 for projects that contain a match of four dollars of
18 38 private funds for each three dollars of state funds.
18 39 Sec. _____. EFFECTIVE DATE. This division of this
18 40 Act, being deemed of immediate importance, takes
18 41 effect upon enactment.>
18 42 #50. Title page, line 5, by inserting after the
18 43 word <atters,> the following: <and creating the
18 44 honey creek premier destination park bond program and
18 45 authority and providing for the issuance of tax-exempt
18 46 bonds,>.
18 47 #51. By renumbering, relettering, or redesignating
18 48 and correcting internal references as necessary.
18 49
18 50
19 1 _____
19 2 STEVEN H. WARNSTADT
19 3 STEVE KETTERING
19 4 DARYL BEALL
19 5 JEFF ANGELO
19 6 HF 875.320 81
19 7 mg/cf/4627