

CHAPTER 215

LIQUID TRANSPORT CARRIERS

H. F. 758

AN ACT relating to liquid transport carrier fees.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-seven A point nineteen
 2 (327A.19), Code 1966, is hereby amended by striking all of line seven (7)
 3 after the word "dollars" and lines eight (8) through ten (10), inclusive, and
 4 inserting in lieu thereof the following:
 5 " , except that the fee for a tractor or truck-tractor shall be fifteen dol-
 6 lars, and except that the fee herein provided shall not be imposed on any
 7 trailer or semitrailer."

Approved June 6, 1969.

CHAPTER 216

AVIATION AUTHORITY

S. F. 472

AN ACT to provide for aviation authorities.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This Act shall be known and may be cited as the "Aviation
 2 Authority Act".

1 SEC. 2. **Definitions.** The following terms whenever used, or re-
 2 ferred to, in this Act shall have the following meanings, except in those in-
 3 stances where the context clearly indicates otherwise:

4 1. The term "authority" shall mean any aviation authority created pur-
 5 suant to the provisions of this Act.

6 2. The term "board" shall mean the governing body of an authority.

7 3. The term "municipality" shall mean any county, city, and town of
 8 this state, and any political subdivision of any state whose borders are at
 9 any point coterminous* with those of this state and whose laws shall permit
 10 the entry of and submission by such political subdivision to an authority
 11 created and operating pursuant to the provisions of this Act.

12 4. The term "member municipality" shall mean any municipality which
 13 shall join in the creation of an aviation authority as provided herein.

14 5. The term "state" shall mean the state of Iowa.

15 6. The term "state government" shall mean and include the state, the
 16 governor of the state, and any department thereof, or corporation, agency,
 17 or instrumentality heretofore or hereafter created, designated, or estab-
 18 lished by the state, exclusive of counties, cities, or towns.

19 7. The term "federal government" shall mean and include the United
 20 States of America, the president of the United States of America, and any
 21 department of, or corporation, agency, or instrumentality heretofore or
 22 hereafter created, designated, or established by the United States of Amer-
 23 ica.

*According to enrolled Act.

24 8. The term "aviation facilities" shall mean and include airports, build-
25 ings, structures, terminal buildings, or space, hangars, lands, warehouses,
26 or other aviation facilities of any kind or nature, or any other facilities of
27 any kind or nature related to or connected with said airports and other
28 aviation facilities which an authority is authorized by law to construct,
29 acquire, own, lease, or operate, including but not limited to parking facili-
30 ties, restaurants, and related facilities together with all fixtures, equip-
31 ment, and property, real or personal, tangible or intangible, necessary,
32 appurtenant, or incidental thereto.

33 9. The term "person" shall mean any individual, firm, partnership,
34 corporation, company, association, or joint stock association, and includes
35 any trustee, receiver, assignee, or similar representative thereof.

1 **SEC. 3. Creation.** Two or more municipalities may under the provi-
2 sions of this Act enter into an agreement creating an authority in the man-
3 ner and for the purposes hereinafter provided. Such authority so created
4 shall be a joint public instrumentality and public body corporate to be
5 known as "_____ Airport Authority", and which is hereby authorized
6 to exercise its jurisdiction, powers, and duties as herein set forth.

1 **SEC. 4. Committee.** Each authority shall have a committee whose
2 duties shall consist of electing board members, as hereinafter provided,
3 and advising the board on all matters with respect to the needs and opera-
4 tion of the authority. Committee membership shall be established in the
5 following manner: Each member municipality shall appoint one person for
6 each fifty thousand of its population or fraction thereof as shown in the
7 last certified federal census to a committee which shall be known as the
8 airport authority committee. In the computation of such population, a
9 member county shall include only that portion thereof residing in the un-
10 incorporated areas of that county. Members of such a committee shall be
11 appointed by the governing body of the member municipality they repre-
12 sent for a term of six years and may succeed themselves if reappointed.
13 Each member of such committee shall qualify by taking an oath to faith-
14 fully perform the duties of his office. To be eligible for appointment as a
15 member, each appointee must be a resident of the member municipality he
16 represents and be willing to serve on the board if elected. However, no
17 official or employee of any member municipality is eligible for such appoint-
18 ment. Within forty-five days after any vacancy occurs on such committee
19 by death, resignation, change of residence or removal of any member, or
20 from any other cause, the successor of such member shall be appointed
21 in the same manner as his predecessor was appointed and shall serve for the
22 unexpired term of his predecessor. The committee shall elect one of its
23 members as chairman, who shall hold office for two years, and it shall also
24 elect one of its members as secretary, who shall hold office for two years.
25 Each committee member and officer shall serve until his successor is duly
26 appointed and qualified unless he becomes disqualified for such member-
27 ship, in which event his position shall be deemed vacant. In no event shall
28 a salary be paid to a committee member, however, each committee mem-
29 ber shall be reimbursed for actual expenses incurred by him in the per-
30 formance of his duties.

1 **SEC. 5. Board.** Each authority shall have a board and said board
2 shall be the governing body of the authority exercising all of the rights,
3 duties, and powers conferred by this Act upon the authority. Board mem-
4 bership shall be established in the following manner: Committee members
5 shall elect in separate ballots from among their membership seven persons,
6 provided, however, that the maximum number of municipalities is represent-
7 ed on said board. Committee members elected to the board shall resign
8 from the committee. Where a committee consists of less than seven mem-
9 bers such committee shall elect sufficient nonmembers to the board so that
10 the board consists of seven persons. However, no official or employee of any
11 member municipality is eligible for election to the board. The term of the
12 two persons first so elected shall be for five years, of the next three per-
13 sons so elected for three years, and of the next two persons so elected for
14 one year. Thereafter, as those terms expire, the terms of successors shall be
15 for five years. Each member of the board shall qualify by taking an oath
16 to faithfully perform the duties of his office. Within forty-five days after
17 any vacancy occurs on the board by death, resignation, change of resi-
18 dence or removal of any member, or from any other cause, the successor
19 of such member shall be elected in the same manner as his predecessor was
20 elected and shall serve for the unexpired term of his predecessor. The board
21 shall elect one of its members as chairman who shall hold office for two
22 years, and it shall also elect one of its members as secretary, who shall
23 hold office for two years, and it shall also elect one of its members as treas-
24 urer, who shall hold office for two years and who shall execute an adequate
25 surety bond in a penal sum to be fixed from time to time by the authority,
26 conditioned upon the faithful performance of the duties of his office, the
27 premium on which shall be paid by the authority. Board members and officers
28 shall serve until a successor is duly elected and qualified. In no event shall
29 a salary be paid to a board member, however, each board member shall be
30 reimbursed for actual expenses incurred by him in the performance of his
31 duties. All actions by an authority shall require the affirmative vote of a
32 majority of the board of an authority as it may exist at the time.

1 **SEC. 6. Creation of an authority.**

2 1. Whenever the governing body of any municipality shall desire to
3 participate in the creation of an authority it shall adopt a resolution signi-
4 fying its intention to do so and shall publish said resolution at least one
5 time in a newspaper of general circulation in such municipality giving no-
6 tice of a hearing to be held on the question of the municipality's entry into
7 such authority. Such resolution shall be published at least fourteen days
8 prior to the date of hearing, and shall contain therein the following infor-
9 mation:

10 *a.* Intention to join in the creation of an authority pursuant to the pro-
11 visions of this Act.

12 *b.* The names of other municipalities which have expressed their intention
13 to join in the creation of the authority.

14 *c.* Number of committee members to be appointed from such municipal-
15 ity.

16 *d.* Name of authority.

17 *e.* Place, date, and time of hearing.

18 2. After the hearing, and if in the best interests of the municipality,
19 the municipality shall enact an ordinance authorizing the joining of the au-
20 thority.

1 **SEC. 7.**

2 1. Whenever an authority has been created by two or more municipali-
3 ties, any one or more of such municipalities may withdraw therefrom but
4 no municipality shall be permitted to withdraw from any authority after
5 any obligations thereof have been incurred unless in the opinion of the au-
6 thority satisfactory provision has been made by the withdrawing municipi-
7 pality for the payment of its portion of such outstanding obligations. When-
8 ever an authority has been created by two or more municipalities, any
9 municipality not having joined in the original agreement may subsequ-
10 ently join in the authority.

11 2. Any municipality wishing to withdraw from or to become a member
12 of an existing authority shall signify its desire by resolution and shall pub-
13 lish said resolution at least one time in a newspaper of general circulation
14 in such municipality giving notice of a hearing to be held on the question
15 of withdrawing or joining and its intention to withdraw or join. Said reso-
16 lution shall be published in a newspaper of general circulation in such with-
17 drawing or joining municipality at least fourteen days prior to the date of
18 hearing. A withdrawing municipality shall state in said resolution why it
19 wishes to withdraw and how it intends to pay its portion of the outstanding
20 obligation, if any. A joining municipality shall state in said resolution the
21 information required in section six (6) herein. A copy of said resolution
22 shall be certified to the authority by the municipality at least fourteen days
23 in advance of said hearing. After the hearing and if in the best interest of
24 the municipality, the municipality shall enact an ordinance authorizing the
25 withdrawing or joining. The authority shall by resolution express its consent
26 to such withdrawal, or joining, if satisfactory provision has been made as
27 aforesaid.

28 3. An application to withdraw or join shall be submitted to the authority
29 and shall in all cases be executed by the proper officers of the withdrawing
30 or incoming municipality under its municipal seal and accompanied by a
31 certified copy of the authorizing ordinance, and shall be joined in by the
32 proper officers of the governing body of the authority.

33 4. A municipality that joins initially or subsequently or withdraws
34 shall file notice of such joining or withdrawal with the secretary of state
35 and the county recorder in which such municipality is located. Upon its
36 creation, the authority shall file with the secretary of state and with the
37 county recorder wherein each municipality or part thereof is located a copy
38 of the agreement creating the authority.

1 **SEC. 8. Purposes and powers — general.** An authority is hereby
2 granted the following rights and powers, and shall have and may exercise
3 all powers necessary, appurtenant, convenient, or incidental to the carrying
4 out of the powers enumerated in this Act;

5 1. To sue and be sued in all courts.

6 2. To adopt, use, and alter at will a seal.

7 3. To acquire, hold, construct, improve, maintain, operate, own, and
8 lease as lessor or lessee, aviation facilities, provided that no lease of the
9 authority's property whose primary term is in excess of three years shall
10 be entered by the authority until after publication of notice of the terms of
11 the proposed lease once in the county in which said property is located, in
12 the manner provided by section six hundred eighteen point fourteen (618.14)
13 of the Code, together with the date, time, and place of a public hearing
14 which shall be held not less than fourteen days thereafter, at which the

15 authority will hear proponents for and objectors against the lease and may,
16 thereafter, cause it to be executed.

17 4. To acquire, purchase, hold, own, operate, and lease as lessee and use
18 any franchise, property, real, personal or mixed, tangible or intangible, or
19 any interest therein, necessary or desirable for carrying out the purposes
20 of an authority and this Act, and to sell, mortgage, lease as lessor, trans-
21 fer, and dispose of any property or interest therein at any time acquired by
22 it.

23 5. To enter into and make leases, either as lessee or lessor, for such period
24 or periods of time and under such terms and conditions as an authority
25 shall determine. Such leases may be entered into for buildings, structures,
26 or facilities constructed or acquired or to be constructed or acquired by an
27 authority, or may be entered into for lands owned by an authority where the
28 lessee of said lands agrees as a consideration for said lease to construct or
29 acquire buildings, structures, or facilities on said lands which will become
30 the property of an authority under such terms, rentals, and other conditions
31 as the authority shall deem proper.

32 6. To acquire by purchase, lease, or otherwise, and to construct, im-
33 prove, maintain, repair, and operate aviation facilities.

34 7. To fix, alter, charge, establish, and collect rates, fees, rentals, and
35 other charges for the services and facilities of aviation facilities, or any part
36 thereof, at reasonable and uniform rates to be determined exclusively by
37 an authority for the purposes of carrying out the provisions of this Act.

38 8. To borrow money, make and issue negotiable bonds, certificates,
39 refunding bonds, and other obligations (herein called "bonds") and notes
40 of an authority and to secure the payment of such bonds or any part
41 thereof by a pledge of any or all of an authority's revenues, rates, fees,
42 rentals, or other charges, and any other funds which it has a right to, or
43 may hereafter have the right to pledge for such purposes (hereafter some-
44 times referred to as "revenues"), and to mortgage its property as security
45 for the payment of such bonds; and in general, to provide for the security
46 of said bonds and the rights and remedies of the holders thereof. Such bonds
47 may be issued to finance either one or more or a combination of aviation
48 facilities and the revenues of any one or more aviation facilities may, sub-
49 ject to any prior rights of bondholders, be pledged for any one or more or a
50 combination of aviation facilities. Any revenues from existing aviation facili-
51 ties theretofore constructed or acquired pursuant to this Act or existing
52 acts, or existing aviation facilities constructed or acquired by an authority
53 from any source may be pledged for any one or more or a combination of
54 aviation facilities financed under this Act, regardless of whether or not such
55 existing aviation facilities are then being improved or financed by the pro-
56 ceeds of the bonds to be issued to finance the one or more or the combination
57 of aviation facilities for which such revenues of such existing aviation facil-
58 ities are to be pledged.

59 9. To make contracts of every kind and nature and to execute all instru-
60 ments necessary or convenient for the carrying on of its business.

61 10. Without limitation of the foregoing, to borrow money and accept
62 grants, contributions or loans from, and to enter into contracts, leases,
63 or other transactions with, municipal, county, state, or federal government.

64 11. To have the power of eminent domain, such power to be exercised
65 in the manner provided by law for municipal corporations of this state.

66 12. To pledge, hypothecate, or otherwise encumber all or any part of
67 the revenues, rates, fees, rentals, or other charges or receipts of an author-
68 ity as security for all or any of the obligations issued by an authority.

69 13. To pledge, mortgage, hypothecate, or otherwise encumber all or any
70 part of the property, real or personal, of the authority as security for all or
71 any of the obligations issued by an authority.

72 14. To employ technical experts necessary to assist an authority in carry-
73 ing out or exercising any powers granted hereby, including but not limited
74 to architects, engineers, attorneys, fiscal advisors, fiscal agents, investment
75 bankers, and aviation consultants.

76 15. To do all acts and things necessary or convenient for the promotion
77 of its business and the general welfare of an authority, in order to carry
78 out the powers granted to it by this Act or any other laws. An authority
79 shall have no power at any time or in any manner to pledge the taxing power
80 of the state or any political subdivision or agency thereof, nor shall any of
81 the obligations issued by an authority be deemed to be an obligation of the
82 state or any political subdivision or agency thereof secured by and payable
83 from ad valorem taxes thereof, nor shall the state or any political subdivi-
84 sion or agency thereof be liable for the payment of principal of or interest
85 on such obligations except from the special funds provided for in this Act.

1 **SEC. 9. Purposes and powers — bonds and notes.**

2 1. The bonds issued by an authority pursuant to this Act shall be au-
3 thorized by resolution of the board thereof and shall be either term or serial
4 bonds, shall bear such date or dates, mature at such time or times, not
5 exceeding forty years from their respective dates, bear interest at such rate
6 or rates, not exceeding eight per centum per annum payable semiannually,
7 be in such denominations, be in such form, either coupon or fully regis-
8 tered, shall carry such registration, exchangeability and interchange-
9 ability privileges, be payable in such medium of payment and at such place
10 or places, within or without the state, be subject to such terms of redemp-
11 tion and be entitled to such priorities on the revenues, rates, fees, rentals,
12 or other charges or receipts of the authority as such resolution or any reso-
13 lution subsequent thereto may provide. The bonds shall be executed either
14 by manual or facsimile signature by such officers as an authority shall de-
15 termine, provided that such bonds shall bear at least one signature which
16 is manually executed thereon, and the coupons attached to such bonds shall
17 bear the facsimile signature or signatures of such officer or officers as shall
18 be designated by an authority and the bonds shall have the seal of the au-
19 thority, affixed, imprinted, reproduced, or lithographed thereon, all as may
20 be prescribed in such resolution or resolutions. Said bonds shall be sold at
21 public sale at such price or prices as the authority shall determine to be in
22 the best interests of the authority provided that such bonds shall not be
23 sold at less than the par value thereof, plus accrued interest and provided
24 that the net interest cost shall not exceed eight per centum per annum.
25 Pending the preparation of definitive bonds, interim certificates or tempor-
26 ary bonds may be issued to the purchaser or purchasers of such bonds, and
27 may contain such terms and conditions as the authority may determine.

28 2. An authority shall have the power, at any time and from time to time
29 after the issuance of bonds thereof shall have been authorized, to borrow
30 money for the purposes for which such bonds are to be issued in anticipa-
31 tion of the receipt of the proceeds of the sale of such bonds and within the
32 authorized maximum amount of such bond issue. Any such loan shall be

33 paid within three years after the date of the initial loan. Bond anticipation
34 notes shall be issued for all moneys so borrowed under the provisions of
35 this section, and such notes may be renewed from time to time, but all such
36 renewal notes shall mature within the time above limited for the payment
37 of the initial loan. Such notes shall be authorized by resolution of the board
38 and shall be in such denomination or denominations, shall bear interest at
39 such rate or rates not exceeding the maximum rate permitted by the reso-
40 lution authorizing the issuance of the bonds, shall be in such form and shall
41 be executed in such manner, all as such authority shall prescribe. Such
42 notes shall be sold at public sale or, if such notes shall be renewal notes,
43 they may be exchanged for notes then outstanding on such terms as the
44 board shall determine. The board may, in its discretion, retire any such
45 notes from the revenues derived from its aviation facilities or from such other
46 moneys of the authority which are lawfully available therefor or from a com-
47 bination of each, in lieu of retiring them by means of bond proceeds;
48 provided, however, that before the retirement of such notes by any means
49 other than the issuance of bonds it shall amend or repeal the resolution
50 authorizing the issuance of the bonds, in anticipation of the proceeds of the
51 sale of which such notes shall have been issued, so as to reduce the author-
52 ized amount of the bond issue by the amount of the notes so retired. Such
53 amendatory or repealing resolution shall take effect upon its passage.

54 3. Any such resolution or resolutions authorizing any bonds hereunder
55 may contain provisions which shall be part of the contract with the holders
56 of such bonds, as to:

57 *a.* The pledging of all or any part of the revenues, rates, fees, rentals, or
58 other charges or receipts of an authority derived by an authority from all
59 or any of its aviation facilities.

60 *b.* The construction, improvement, operation, extensions, enlargement,
61 maintenance, repair, or lease of such aviation facilities and the duties of an
62 authority with reference thereto.

63 *c.* Limitations on the purposes to which the proceeds of the bonds, then
64 or thereafter to be issued, or of any loan or grant by the federal govern-
65 ment or the state government or the county or any municipality therein,
66 may be applied.

67 *d.* The fixing, charging, establishing, and collecting of rates, fees, rentals,
68 or other charges for use of the services and facilities of the aviation facili-
69 ties of an authority, or any part thereof.

70 *e.* The setting aside of reserves or sinking funds or repair and replacement
71 funds or other funds and the regulation and disposition thereof.

72 *f.* Limitations on the issuance of additional bonds.

73 *g.* The terms and provisions of any deed of trust, mortgage, or indenture
74 securing the bonds or under which the same may be issued.

75 *h.* Any other or additional agreements with the holders of the bonds as
76 are customary and proper and which in the judgment of an authority will
77 make said bonds more marketable.

78 4. An authority may enter into any deeds of trust, mortgages, indentures,
79 or other agreements, with any bank or trust company or any other lender
80 within or without the state as security for such bonds, and may assign and
81 pledge all or any of the revenues, rates, fees, rentals, or other charges or
82 receipts of an authority thereunder. Such deeds of trust, mortgages, inden-
83 tures, or other agreements, may contain such provisions as may be custo-
84 mary in such instruments, or, as an authority may authorize, including, but
85 without limitation, provisions as to:

86 *a.* The construction, improvement, operation, leasing, maintenance, and
87 repair of the aviation facilities and duties of an authority with reference
88 thereto.

89 *b.* The application of funds and the safeguarding and investment of
90 funds on hand or on deposit.

91 *c.* The appointment of consulting engineers or architects and approval
92 thereof by the holders of the bonds.

93 *d.* The rights and remedies of said trustee and the holders of the bonds.

94 *e.* The terms and provisions of the bonds or the resolution authorizing
95 the issuance of the same.

96 Any of the bonds issued pursuant to this Act are, and are hereby de-
97 clared to be, negotiable instruments, and shall have all the qualities and
98 incidents of negotiable instruments.

1 **SEC. 10. Funds of an authority.** Moneys of an authority shall be
2 paid to the treasurer of the authority who shall not comingle* said moneys
3 with any other moneys, but shall deposit them in a separate account or
4 accounts. The moneys in said accounts shall be paid out on check of the
5 treasurer on requisition of the chairman of the authority, or of such other
6 person, or persons, as the authority may authorize to make such requisition.
7 Notwithstanding the aforementioned provisions an authority is hereby
8 authorized, and shall have the right, to deposit any of its rates, fees, rent-
9 als, or other charges, receipts or income with any bank or trust company
10 within the state and to deposit the proceeds of any bonds issued hereunder
11 with any bank or trust company within the state, all as may be provided
12 in any agreement with the holders of bonds issued hereunder.

1 **SEC. 11. Transfer of existing facilities to authority.**
2 1. Any municipality, airport commission, authority, or person may, and
3 they are hereby authorized to sell, lease, lend, grant, or convey to the au-
4 thority, any aviation facilities or any part or parts thereof, or any interest
5 in real or personal property, which are within or without geographical
6 boundaries of one or more of the municipal members and which may be
7 used by an authority in the construction, improvement, maintenance, leas-
8 ing, or operation of any aviation facilities. Any municipality, airport com-
9 mission, authority, or person is additionally authorized hereby to transfer,
10 assign, and set over to an authority any contract or contracts which may
11 have been awarded by said municipality, airport commission, authority, or
12 person for the construction of aviation facilities not begun or, if begun, not
13 completed.

14 2. The proposed action of an authority, and the proposed agreement to
15 acquire, shall be approved by the governing body of the owner of the avia-
16 tion facilities. Whenever the governing body of any municipality, airport
17 commission, or authority, shall desire to sell, lease, lend, grant, or convey
18 to the authority, any aviation facilities or any part or parts thereof, as
19 aforesaid, it shall adopt a resolution signifying its intention to do so and
20 shall publish said resolution at least one time in a newspaper of general
21 circulation in said municipality and in a newspaper or newspapers, if neces-
22 sary, of general circulation of the area served by said airport commission
23 or authority giving notice of a hearing to be held on the question of said
24 sale, lease, loan, grant, or conveyance. Such resolution shall be published
25 at least fourteen days prior to the date of hearing. After the hearing and
26 if in the public interest, said municipality shall enact an ordinance author-

*According to enrolled Act.

27 izing said sale, lease, loan, grant, or conveyance and said airport commis-
28 sion or authority shall pass a resolution authorizing said sale, lease, loan,
29 grant, or conveyance.

30 3. An owner, transferring existing facilities to an authority under the
31 provisions of this section must notify the authority of and make provision
32 in the transfer documents for, where necessary, existing rights, liens, secur-
33 ities, and rights of reentry belonging to the state and federal government.

34 4. This section, without reference to any other law, shall be deemed
35 complete authority for the acquisition by agreement, of aviation facilities
36 as defined in this Act, any provision of other laws to the contrary not-
37 withstanding, and no proceedings or other action shall be required except
38 as herein prescribed.

1 **SEC. 12. Award of contract.** All contracts entered into by an au-
2 thority for the construction, reconstruction, and improvement of aviation
3 facilities shall be entered into pursuant to and shall comply with chapter
4 twenty-three (23) of the Code. However, where an authority determines an
5 emergency exists, it may enter into contracts obligating the authority for
6 not in excess of twenty-five thousand dollars per emergency without re-
7 gard to the requirements of chapter twenty-three (23) of the Code, and the
8 authority may proceed with the necessary action as expeditiously as pos-
9 sible to the extent necessary to resolve such emergency.

1 **SEC. 13. Acquisition of lands and property.** An authority shall
2 have the power to acquire, within or without the geographical boundaries
3 of the member municipalities, by purchase or eminent domain proceedings,
4 either the fees or such rights, title, interest, or easement in such lands and
5 property, including but not limited to air rights and aviation easements,
6 as the authority may deem necessary for any of the purposes of this Act. The
7 right of eminent domain herein conferred shall be exercised by the author-
8 ity in the manner provided by law, as though the authority were a municipi-
9 pal corporation.

1 **SEC. 14. Use of aviation facilities.** The use of aviation facilities and
2 the services and facilities thereof, by an authority and the operation of its
3 business shall be subject to the rules and regulations, from time to time,
4 adopted by the authority and applicable federal laws and regulations; pro-
5 vided, however, that an authority shall not be authorized to do anything
6 which will impair the security of the holders of the obligations of the au-
7 thority or violate any agreements with them or for their benefit.

1 **SEC. 15. Tax for purposes of an authority.** The governing body of
2 a municipality after joining an authority and after determination by the
3 authority pursuant to planning studies may by ordinance provide for the
4 assessment of an annual levy not to exceed one mill upon all the taxable
5 property in such municipality for a period not to exceed forty years as
6 shall be agreed by the member municipalities or for such longer time as
7 any revenue bonds of an authority shall be outstanding or until such
8 municipality withdraws from the authority, whichever is sooner. A county
9 which is a member municipality may levy such tax only upon the property
10 in the unincorporated area of such county. Such tax may be levied in ex-
11 cess of any millage tax limitation imposed by statute. Such ordinance shall
12 be enacted only after publication of notice and hearing in the manner pre-
13 scribed in section six (6) hereof. Upon such enactment, a copy thereof shall

14 be certified to the authority. An authority shall have the power to enforce
15 the collection of such levy by mandamus or other appropriate remedy and
16 such levy shall be collected in the manner other taxes are collected and
17 allocated and paid to the authority for the exclusive and proper use of the
18 authority, including but not limited to the purchase of land, and the ac-
19 quiring, establishing, constructing, enlarging, operating, and maintaining of
20 aviation facilities. In addition to the purposes listed above, moneys in said
21 fund may be pledged to the payment of the principal, interest, and redemp-
22 tion premium, if any, on bonds of the authority. Money paid to the author-
23 ity pursuant to this section shall be deposited by the authority in a special
24 trust fund to be called the "_____ Authority Capital Reserve Fund".
25 Member municipalities may, in addition, deposit money from current oper-
26 ating funds in the capital reserve fund pursuant to agreement for the pur-
27 pose of providing initial funds to the authority to be used for funding stud-
28 ies, plans, and other expenses of an authority pending receipt of funds
29 from the annual levy herein authorized. Any such money so deposited shall
30 be considered a gift and is not repayable.

1 **SEC. 16. Exemption from taxation.** The effectuation of the author-
2 ized purposes of an authority shall be in all respects for the benefit of the
3 people of the state and the member municipalities, for the increase of their
4 commerce and prosperity, and for the improvement of their welfare,
5 health, and living conditions, and since an authority will be performing
6 essential governmental functions in effectuating such purposes, an author-
7 ity shall not be required to pay any taxes or assessments of any kind or
8 nature whatsoever upon any property required or used by it for such pur-
9 poses, or any rates, fees, rentals, receipts, or incomes at any time received
10 by it, and the bonds issued by an authority, their transfer and the income
11 therefrom (including any profits made on the sale thereof) shall at all times
12 be free from taxation of any kind by the state, or any political subdivision
13 or taxing agency or instrumentality thereof.

1 **SEC. 17. Act complete and additional authority.** The powers con-
2 ferred by this Act shall be in addition and supplemental to any other law
3 and this Act shall not be construed so as to repeal any other law, except
4 to the extent of any conflict between the provisions of this Act and the
5 provisions of any other law, in which event the provisions of this Act shall
6 be controlling and shall, to the extent of any such conflict, supersede the
7 provisions of any other law. This Act is intended to and shall provide an
8 alternative and complete method for the exercise of the powers granted by
9 this Act, and the aviation facilities authorized by this Act may be con-
10 structed, acquired, or improved and bonds or other obligations issued pur-
11 suant to this Act upon compliance with the provisions of this Act without
12 regard to or necessity for compliance with the limitations or restrictions
13 contained in any other law. No approval of the qualified electors or qual-
14 ified freeholders of the state, or of any other political subdivision or taxing
15 unit or agency thereof, or of the member municipalities shall be required
16 for the issuance of any bonds by an authority pursuant to this Act.

1 **SEC. 18. Cooperation between municipalities and authorities.**
2 The effectuation of the authorized purposes of an authority being in all
3 respects for the benefit of the people of the state and the member munici-
4 palities, each member municipality is hereby authorized to aid and cooper-
5 ate with an authority in carrying out any authorized purposes of the au-

6 thority. Each member municipality is hereby authorized to enter into
 7 cooperation agreements for the making of a loan, gift, grant, or contribu-
 8 tion to the authority for the carrying out of its authorized purposes. Each
 9 member municipality is hereby further authorized to grant and convey
 10 to an authority real or personal property, of any kind or nature, or any
 11 interest therein, for the carrying out of its authorized purposes. Each mem-
 12 ber municipality is, further and additionally, authorized to covenant in
 13 any such cooperation agreement made pursuant to this section to pay all
 14 or any part of the costs of operation and maintenance of the aviation fa-
 15 cilities of an authority from moneys derived from ad valorem taxation or
 16 from any other available funds of the municipality. Any such cooperation
 17 agreement may be made and entered into pursuant to this Act for such time
 18 or times not exceeding forty years as shall be agreed by the parties thereto
 19 or for such longer time as any revenue bonds of an authority, including re-
 20 fundings thereof, remain outstanding and unpaid and may contain such
 21 other details, terms, provisions, and conditions as shall be agreed upon by
 22 the parties thereto. Any such cooperation agreement may be made and
 23 entered into for the benefit of the holders of any revenue bonds of an au-
 24 thority as well as the parties thereto and shall be enforceable in any court
 25 of competent jurisdiction by the holders of any such revenue bonds or of
 26 the coupons appertaining thereto.

1 **SEC. 19. Eligibility as investments and security for public funds.**

2 Notwithstanding the provisions of any other law or laws, all bonds issued
 3 by an authority pursuant to this Act shall be and constitute legal invest-
 4 ments for banks, savings banks, trustees, executors, and all other fiduciaries,
 5 and all such bonds shall be and constitute securities eligible for deposit for
 6 the securing of all state, municipal, and other public funds.

1 **SEC. 20.** This Act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in The Cedar
 3 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and in The
 4 Des Moines Register, a newspaper published at Des Moines, Iowa.

Approved May 8, 1969.

I hereby certify that the foregoing Act, Senate File 472, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 15, 1969 and in The Des Moines Register, Des Moines, Iowa, May 15, 1969.

MELVIN D. SYNHORST, *Secretary of State.*