



THOMAS J. VILSACK  
GOVERNOR

**OFFICE OF THE GOVERNOR**

SALLY J. PEDERSON  
LT. GOVERNOR

April 14, 2004

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL


Dear Mr. Secretary:

I hereby transmit:

**Senate File 2284**, an Act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

The above Senate File is hereby approved this date.

Sincerely,

  
Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 2284

AN ACT

RELATING TO THE ESTABLISHMENT OF A REGIONAL TRANSIT DISTRICT WITHIN THE UNINCORPORATED AREAS OF CERTAIN COUNTIES AND WITHIN CERTAIN CITIES, REQUIRING CREATION OF A REGIONAL TRANSIT DISTRICT COMMISSION, AUTHORIZING THE VOLUNTARY IMPOSITION OF A REGIONAL TRANSIT PROPERTY TAX LEVY, AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS AND REVENUE BONDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 28M.1 REGIONAL TRANSIT DISTRICT DEFINED.

As used in this chapter, unless the context otherwise requires:

1. "Commission" means a regional transit district commission appointed pursuant to section 28M.4.

2. "Regional transit district" means a public transit district created by agreement pursuant to chapter 28E by one or more counties and participating cities to provide support for transportation of passengers by one or more public transit systems which may be designated as a public transit system under chapter 324A.

Sec. 2. NEW SECTION. 28M.2 REGIONAL TRANSIT DISTRICT CREATED.

1. A county with a population in excess of three hundred thousand and participating cities may create, by chapter 28E agreement, a regional transit district in the county pursuant to this chapter. Two or more contiguous counties and participating cities may create, by chapter 28E agreement, a regional transit district pursuant to this chapter if one of the counties has a population in excess of three hundred thousand. A district shall consist of the unincorporated area of any participating county and the incorporated area of any city in the county that does not have an urban transit system. However, a city without an urban transit system may decline, by resolution forwarded to the board of supervisors, to participate in a regional transit district.

2. A city with an urban transit system may participate in a regional transit district if the city council, by resolution forwarded to the board of supervisors, notifies the county that the city wishes to participate.

3. A city that is located in a nonparticipating county that is contiguous to a county with a population in excess of three hundred thousand that is creating a regional transit district may notify that county, by resolution forwarded to the board of supervisors of that county, that the city wishes to participate.

4. The chapter 28E agreement shall include a map showing the area and boundaries of the regional transit district.

Sec. 3. NEW SECTION. 28M.3 REGIONAL TRANSIT DISTRICT AUTHORITY -- COUNTY ENTERPRISE -- BONDING AUTHORITY.

A regional transit district shall have all the rights, powers, and duties of a county enterprise pursuant to sections 331.462 through 331.469 as they relate to the purpose for which the regional transit district is created, including the authority to issue revenue bonds for the establishment,

construction, reconstruction, repair, equipping, remodeling, extension, maintenance, and operation of works, vehicles, and facilities of a regional transit district. In addition, a regional transit district, with the approval of the board of supervisors, may issue general obligation bonds as an essential county purpose pursuant to chapter 331, division IV, part 3, for the establishment, construction, reconstruction, repair, equipping, remodeling, extension, maintenance, operation of works, vehicles, and facilities of a regional transit district. Such general obligation bonds are payable from the property tax levy authorized in section 28M.5.

The commission appointed pursuant to section 28M.4 shall exercise all powers of the board of supervisors in management and administration of the regional transit district as if it were a board of supervisors under sections 331.462 through 331.469.

Sec. 4. NEW SECTION. 28M.4 REGIONAL TRANSIT DISTRICT COMMISSION -- MEMBERSHIP -- POWERS.

1. The governing bodies of counties and cities participating in a regional transit district shall appoint a commission to manage and administer the regional transit district. Commission members shall serve for staggered six-year terms. The agreement creating the regional transit district shall set the compensation of commission members.

2. The title to all property of a regional transit district shall be held in the name of the district, and the commission has all the powers and authorities of a board of supervisors with respect to the acquisition by purchase, condemnation or otherwise, lease, sale, or other disposition of the property, and the management, control, and operation of the property, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the regional transit district, and which are then outstanding.

3. A commission shall adopt and certify an annual budget for the regional transit district. A commission in its budget shall allocate the revenue responsibilities of each county and city participating in the regional transit district. A commission shall be considered a municipality for purposes of adopting and certifying a budget pursuant to chapter 24.

4. A commission may establish a schedule of fares and collect fares for the transportation of passengers.

5. A commission shall levy for and control any tax revenues paid to the regional transit district the commission administers and all moneys derived from the operation of the regional transit district, the sale of its property, interest on investments, or from any other source related to the regional transit district.

6. All moneys received by the commission shall be held by the county treasurer in a separate fund. If more than one county is participating in the regional transit district, the moneys shall be paid to the county treasurer of the participating county with the largest population. Moneys may be paid out of the fund only at the direction of the commission.

7. A commission is subject to section 331.341, subsections 1, 2, 4, and 5, and section 331.342, in contracting for public improvements.

8. Immediately following a regular or special meeting of a commission, the secretary of the commission shall prepare a condensed statement of the proceedings of the commission and cause the statement to be published not more than twenty days following the meeting in one or more newspapers which meet the requirements of section 618.14. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the commission, for services regularly performed by the persons shall be published once annually showing the gross amount of the salary.

9. A commission shall submit to the governing body of each participating county and city a detailed annual report, including a complete financial statement.

Sec. 5. NEW SECTION. 28M.5 REGIONAL TRANSIT DISTRICT LEVY.

1. The commission, with the approval of the board of supervisors of participating counties and the city council of participating cities, may levy annually a tax not to exceed ninety-five cents per thousand dollars of the assessed value

of all taxable property in a regional transit district. However, for a city participating in a regional transit district, the total of all the tax levies imposed in the city pursuant to section 384.12, subsection 10, and this section shall not exceed the aggregate of ninety-five cents per thousand dollars of the assessed value of all taxable property in the participating city.

The amount of the regional transit district levy that is the responsibility of a participating county shall be deducted from the maximum rates of taxes authorized to be levied by the county pursuant to section 331.423, subsections 1 and 2, as applicable.

The regional transit district tax levy imposed in a participating city located in a nonparticipating contiguous county shall, when collected, be paid to the county treasurer of the participating county.

2. The proceeds of the tax levy shall be used for the operation and maintenance of a regional transit district, for payment of debt obligations of the district, and for the creation of a reserve fund. The commission may divide the territory of a regional transit district outside the boundaries of a city into separate service areas and impose a regional transit district levy not to exceed the maximum rate authorized by this section in each service area.

Sec. 6. Section 331.441, subsection 2, paragraph b, Code 2003, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) The establishment, construction, reconstruction, repair, equipping, remodeling, extension, maintenance, and operation of works, vehicles, and facilities of a regional transit district.

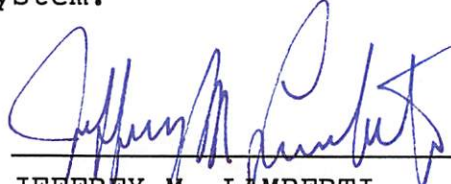
Sec. 7. Section 331.461, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. A regional transit district but only as provided for in chapter 28M.

Sec. 8. Section 384.12, subsection 10, Code 2003, is amended to read as follows:

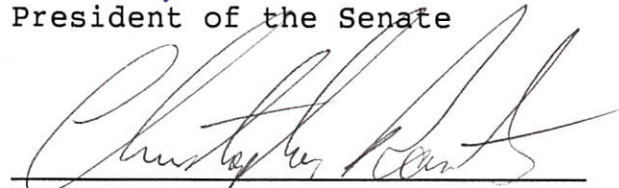
10. A tax for the operation and maintenance of a municipal transit system or for operation and maintenance of a regional transit district, and for the creation of a reserve fund for the system or district, in an amount not to exceed ninety-five

cents per thousand dollars of assessed value each year, when the revenues from the transit system or district are insufficient for such purposes, ~~but proceeds of the tax may not be used to pay interest and principal on bonds issued for the purposes of the transit system.~~



---

JEFFREY M. LAMBERTI  
President of the Senate



---

CHRISTOPHER C. RANTS  
Speaker of the House

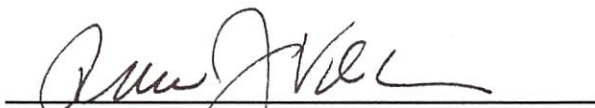
I hereby certify that this bill originated in the Senate and is known as Senate File 2284, Eightieth General Assembly.



---

MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 14, 2004



---

THOMAS J. VILSACK  
Governor