

House - Cities & Towns 4/13  
Do Pass 4/19

SENATE FILE 448

FILLED MAR 29 1973

BY COMMITTEE ON CITIES AND TOWNS

Passed Senate, Date 4-11-73 (838) Passed House, Date 5-15-73 (1366)

Vote: Ayes 42 Nays 0 Vote: Ayes 87 Nays 0

Approved 5-23-73

Passed Senate as amended by House  
5-22-73 (1365)  
40-0

After to reconsider filed 5/15 (1367)  
Revised 5/18 (1435)

Passed House 5-18-73 (1436)  
86-1

# A BILL FOR

1 An Act relating to the establishment and acquisition of  
2 mass transit systems by political subdivisions of the  
3 state.

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

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1 Section 1. NEW SECTION. It is the public policy of this  
2 state to encourage the establishment or acquisition of urban  
3 mass transit systems and the equipment, enlargement, extension,  
4 improvement, maintenance and operation thereof by cities,  
5 towns, counties and school districts as political subdivisions  
6 of this state in cooperation with, and the assistance of, the  
7 urban mass transportation administration of the United States  
8 department of transportation, pursuant to the provisions of  
9 the federal Urban Mass Transportation Act of 1964, as amended,  
10 which requires unification or official coordination of local  
11 mass transportation services on an area-wide basis as a condi-  
12 tion of such assistance.

13 Sec. 2. NEW SECTION. Any two or more such political sub-  
14 divisions of the state may enter into an agreement pursuant to  
15 the provisions of chapter twenty-eight E (28E) of the Code to  
16 jointly and cooperatively create a separate public agency for  
17 the purpose of establishing or acquiring any urban mass  
18 transit system and to provide for its equipment, enlargement,  
19 extension, improvement, maintenance, and operation under the  
20 terms of, and subject to, any conditions of such federal as-  
21 sistance. The agreement shall be entered into by the govern-  
22 ing body of each participating political subdivision and may  
23 be entered into and implemented without an election.

24 Sec. 3. NEW SECTION. The political subdivisions creating  
25 an urban mass transit system by an agreement under chapter  
26 twenty-eight E (28E) of the Code may jointly exercise through  
27 a public agency all rights, powers, privileges and immunities  
28 granted to municipal corporations, except that a political  
29 subdivision or the public agency shall not have authority to  
30 incur bonded indebtedness. All exemptions from taxation and  
31 exceptions from regulation pertaining to the ownership or  
32 operation of transit systems by municipal corporations under  
33 chapter three hundred eighty-six B (386B) of the Code shall  
34 extend to transit systems created pursuant to this Act.

35 Sec. 4. NEW SECTION. Upon agreement, the head of the

1 governing body of each political subdivision which is a party  
2 to the agreement shall appoint trustees, pursuant to the  
3 provisions of section three hundred eighty-six B point six  
4 (386B.6) of the Code. The number of trustees appointed shall  
5 be determined by the agreement. All trustees appointed and  
6 qualified shall constitute a joint board of trustees which  
7 shall jointly have all the powers, privileges, and immunities  
8 prescribed for transit trustees under chapter three hundred  
9 eighty-six B (386B) of the Code and shall jointly carry out those  
10 functions and responsibilities. However, the authority may  
11 be restricted by the terms of the agreement, which in addi-  
12 tion to the other requirements contained in chapter twenty-  
13 eight E (28E) of the Code may contain such provision as may  
14 be deemed necessary to give recognition to differentials in  
15 population and public function of the participating political  
16 subdivisions, and provide for a quorum appropriate to the  
17 total membership.

18 Sec. 5. NEW SECTION. The agreement may be amended from  
19 time to time as the parties may agree and may provide for  
20 subsequent inclusion of other political subdivisions upon  
21 terms which are equitable to existing parties.

22 Sec. 6. NEW SECTION. A joint board created pursuant to  
23 this Act shall be known and referred to as the joint board  
24 of transit trustees of \_\_\_\_\_ metropolitan transit  
25 authority (inserting in the blank provided the name chosen  
26 for the separate entity).

27 Sec. 7. This Act, being deemed of immediate importance,  
28 shall take effect and be in force from and after its publica-  
29 tion in the Council Bluffs Nonpareil, a newspaper published in  
30 Council Bluffs, Iowa, and in The Des Moines Register, a news-  
31 paper published in Des Moines, Iowa.

32 EXPLANATION

33 This bill permits political subdivisions of the state to  
34 establish a separate authority to acquire urban mass transit  
35 facilities.

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6/11 Proof of Publication (House 1860) LSB 1249  
Nonpareil 5/25 bk/iw  
D. M. Register 5/24

H-426

1 Amend Senate File 448, as passed by the Senate,  
2 page 3, by inserting after line 26, the following new  
3 section:

4 Sec. \_\_\_\_\_. NEW SECTION. That portion of road use  
5 tax funds which are distributed to any city with a  
6 population of ten thousand or over and which represents  
7 revenue derived from division IV of chapter four  
8 hundred twenty-two (422) of the Code may be used for  
9 the acquisition, construction, operation, and mainten-  
10 ance of an urban mass transit system.

H-426 Filed *W.D. 5/15*  
May 2, 1973

By BRINCK of Lee

H-528

1 Amend Senate File 448, as passed by the Senate, as  
2 follows:

- 3 1. Page 2, lines 5 and 6, by striking the words  
4 "political subdivisions of this state" and inserting  
5 in lieu thereof the words "public agencies".
- 6 2. Page 2, lines 13 and 14, by striking the words  
7 "such political subdivisions of the state" and insert-  
8 ing in lieu thereof the words "public agencies, as  
9 defined in section twenty-eight E point two (28E.2)  
10 of the Code,".
- 11 3. Page 2, line 22, by striking the words "polit-  
12 ical subdivision" and inserting in lieu thereof the  
13 words "public agency".
- 14 4. Page 2, line 24, by striking the words "polit-  
15 ical subdivisions" and inserting in lieu thereof the  
16 words "public agencies".
- 17 5. Page 2, lines 28 and 29, by striking the words  
18 "political subdivision or the".
- 19 6. Page 3, line 1, by striking the words "polit-  
20 ical subdivision" and inserting in lieu thereof the  
21 words "public agency".
- 22 7. Page 3, lines 15 and 16, by striking the words  
23 "political subdivisions" and inserting in lieu thereof  
24 the words "public agencies".
- 25 8. Page 3, line 20, by striking the words "polit-  
26 ical subdivisions" and inserting in lieu thereof the  
27 words "public agencies".
- 28 9. Amend the title, page 1, lines 1 through 3, by  
29 striking the words "and acquisition of mass transit  
30 systems by political subdivisions of the state" and  
31 inserting in lieu thereof the words "or acquisition  
32 of mass transit systems by public agencies".

H-528 Filed *Adopted 5/15*  
May 16, 1973

By SCHROEDER of Pottawattamie

H-519

1 Amend Senate File 448, page 2, by striking from  
2 lines 13 and 14 the following: "such political sub-  
3 divisions of the state" and inserting in lieu thereof  
4 the following: "public agencies".

H-519 Filed and adopted, By SCHROEDER of Pottawattamie  
May 15, 1973 *Reconsidered and withdrawn* KNOKE of Pottawattamie  
*5/18*

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H-539

1 Amend Senate File 448 as passed by the Senate,  
2 Page 3, by striking from lines 2, 3, and 4 the  
3 following:  
4 ", pursuant to the provisions of section three  
5 hundred eighty-six B point six (386B.6) of the Code  
6 and inserting in lieu thereof the following:  
7 "who shall be appointed from the members of the  
8 elected governing body of the public agency, if said  
9 public agency has an elected governing body."

H-539 Filed *W.B. 5/15*  
May 17, 1973

By NIELSEN of Polk  
CONNORS of Polk  
READINGER of Polk

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HOUSE AMENDMENT TO SENATE FILE 448

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Page 2

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7 of mass transit systems by public agencies".

Received from the House  
May 21, 1973

*Senate concurred 5/22*