

**CHAPTER 37**  
REGIONAL TRANSIT DISTRICTS  
*S.F. 339*

**AN ACT** relating to regional transit districts.

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

Section 1. Section 28M.3, unnumbered paragraph 2, Code 2005, is amended to read as follows:

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

Sec. 2. Section 28M.4, subsection 1, Code 2005, is amended to read as follows:

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 Un-  
less otherwise provided in the chapter 28E agreement, commission members shall serve for staggered six-year terms. The agreement creating the regional transit district shall set the compensation of commission members.

Sec. 3. Section 28M.5, Code 2005, is amended to read as follows:

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 in the chapter 28E agreement, 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 to the extent provided in this section. The chapter 28E agreement may authorize the commission to levy the tax at different rates within the participating cities and counties in amounts sufficient to meet the revenue responsibilities of such cities and counties as allocated in the budget adopted by the commission. 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.

2. The If a regional transit district budget allocates revenue responsibilities to the board of supervisors of a participating county, the amount of the regional transit district levy that is the responsibility of a the 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, unless the county meets its revenue responsibilities as allocated in the budget from other available revenue sources. However, for a regional transit district that includes a county with a population of less than three hundred thousand, the amount of the regional transit district levy that is the responsibility of a such participating county shall be deducted from the maximum rate of taxes authorized to be levied by the county pursuant to section 331.423, subsection 1.

3. 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.~~ 4. 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. 4. NEW SECTION. 28M.6 EFFECT OF AGREEMENT ON COUNTY DUTY TO PROVIDE TRANSIT SERVICES.

Notwithstanding any provision of this chapter to the contrary, a county that enters into a chapter 28E agreement to create a regional transit district under this chapter, does not, by virtue of such agreement, create a duty on the part of the county to provide transit services to any area of the county.

Sec. 5. Section 331.461, subsection 2, paragraph h, Code 2005, is amended by striking the paragraph.

Approved April 19, 2005

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## CHAPTER 38

### PROBATE — MISCELLANEOUS REVISIONS — TRUSTS

S.F. 379

**AN ACT** relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

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

Section 1. Section 249A.3, subsection 11, paragraph d, Code 2005, is amended to read as follows:

d. Failure of a surviving spouse to take ~~against a will~~ an elective share pursuant to chapter 633, division V, constitutes a transfer of assets for the purpose of determining eligibility for medical assistance to the extent that the value received by taking ~~against the will~~ an elective share would have exceeded the value of the inheritance received under the will.

Sec. 2. Section 633.3, subsection 15, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

15. ESTATE — the real and personal property of either a decedent or a ward, and may also refer to the real and personal property of a trust as defined in section 633.10.

Sec. 3. Section 633.3, subsection 17, Code 2005, is amended to read as follows:

17. FIDUCIARY — includes personal representative, executor, administrator, guardian, conservator, and the trustee of any trust as defined in section 633.10.

Sec. 4. Section 633.3, subsection 34, Code 2005, is amended to read as follows:

34. TRUSTEE — the person or persons ~~appointed as trustee by the instrument creating the trust, or the person or persons appointed by the court to administer the trust~~ servicing as trustee of a trust as defined in section 633.10.

Sec. 5. Section 633.3, subsection 35, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

35. TRUSTS — includes only those trusts defined in section 633.10.