

Reprinted 3/14

FILED MAR 2 1984

SENATE FILE 2273

BY COMMITTEE ON TRANSPORTATION

Approved 3/2 (p. 646)

Passed Senate, Date 3-9-84 (p. 757) Passed House, Date 3-30-84 (p. 1519)

Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0

Approved May 11, 1984

A BILL FOR

1 An Act to ratify and enter into an interstate compact between
2 Iowa, Kansas, Missouri, and Nebraska for the development of
3 the Missouri river for barge traffic.

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

SENATE FILE 2273

S-5325

1 Amend Senate File 2273 as follows:

2 1. Page 2, lines 32 through 35, by striking the
3 words "and the member states' officials or agencies,
4 and in consultation with the state conservation
5 commission and the department of water, air and waste
6 management," and inserting in lieu thereof the words
7 "the state conservation commission, the department
8 of water, air and waste management, and the member
9 states' officials or agencies,".

S-5325 FILED
MARCH 9, 1984
ADOPTED (p. 757)

BY JACK W. HESTER

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1 Section 1. NEW SECTION. 307C.1 MISSOURI RIVER BARGE
2 COMPACT. The Missouri river interstate barge compact is
3 enacted into law and entered into with all other states which
4 legally join in the compact in substantially the following
5 form:

6 COMPACT BETWEEN IOWA, KANSAS, MISSOURI AND NEBRASKA FOR
7 THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC

8 ARTICLE I

9 The purposes of this compact are to provide for planning
10 for the most efficient use of the waters of the Missouri
11 river, to increase the amount of barge traffic on that seg-
12 ment of the Missouri river below Sioux City, Iowa, to take
13 necessary steps to develop the Missouri river and its banks
14 to handle more barge traffic than is presently handled, to
15 encourage barge use on that segment of the Missouri river
16 for transporting bulk goods, especially farm commodities,
17 to insure that the intended increase in barge traffic does
18 not impose unacceptable damage on the Missouri river in all
19 its various uses, including agriculture, wildlife management,
20 and recreational opportunities, to consider the effects of
21 diversion of the waters of the Missouri river on navigation,
22 and to promote joint action between the compact parties to
23 accomplish these purposes. The purposes of the compact do
24 not include lobbying activities against user fees for barge
25 traffic and such activities under this compact are prohibited.

26 ARTICLE II

27 It is the responsibility of the four states to accomplish
28 the purposes in Article I through the official in each state
29 charged with the duty of administering the public waters and
30 to collect and correlate through those officials the data
31 necessary for the proper administration of the compact. Those
32 officials may, by unanimous action, adopt rules and regula-
33 tions to accomplish the purposes of this compact.

34 ARTICLE III

35 The states of Iowa, Missouri, Kansas, and Nebraska agree

1 that within a reasonable time they shall fulfill the obliga-
2 tions of this compact and that each shall authorize the proper
3 official or agency in its state to take the necessary steps
4 to promote barge use and develop the Missouri river as it
5 flows between and within the compact states for additional
6 barge traffic.

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ARTICLE IV

8 This compact does not limit the powers granted in any other
9 act to enter into interstate or other agreements relating
10 to the Missouri river flowing between and within the compact
11 states, alter the relations between the respective internal
12 responsibilities of the government of a party state and its
13 subdivisions, or impair or affect any rights, powers, or
14 jurisdiction of the United States, or those acting by or under
15 its authority, in, over, and to those waters of the Missouri
16 river. Adoption of this compact by the general assembly shall
17 not require the signatory states to adopt any legislation
18 or to appropriate funds for its implementation.

19

ARTICLE V

20 Other states having an interest in the promotion of barge
21 traffic on the Missouri river can join in this compact by
22 unanimous consent of the member states.

23 Any member state can withdraw at any time by appropriate
24 action of its legislature.

25 Sec. 2. NEW SECTION. 307C.2 JURISDICTION AND CONTROL.
26 The state department of transportation has jurisdiction and
27 authority to implement the Missouri river barge compact,
28 notwithstanding Article II of the compact.

29 Sec. 3. NEW SECTION. 307C.3 DUTIES OF THE STATE
30 DEPARTMENT OF TRANSPORTATION. The state department of
31 transportation shall, with the cooperation of the Iowa
32 development commission and the member states' officials or
33 agencies, and in consultation with the state conservation
34 commission and the department of water, air and waste
35 management, take the necessary steps to achieve the purposes

1 set forth in this chapter.

2 Sec. 4. NEW SECTION. 307C.4 LIBERAL INTERPRETATION.

3 This compact shall be liberally construed so as to effectuate
4 its purposes. The compact is severable and if any phrase,
5 clause, sentence or provision of this compact is declared
6 to be contrary to the constitution of any state or of the
7 United States or the applicability of the compact to any
8 government, agency, person or circumstance is held invalid,
9 the validity of the remainder of this compact and the
10 applicability of it to any government, agency, person or
11 circumstance shall not be affected. If this compact is held
12 to be contrary to the constitution of any state participating
13 in the compact, the compact shall remain in full force and
14 effect as to the remaining party states and in full force
15 and effect as to the state affected as to all severable
16 matters.

17 Sec. 5. NEW SECTION. 307C.5 NO CONFLICT OF LOCAL FUNC-
18 TIONS. The Missouri river barge compact does not supersede
19 or limit the functions, powers, duties and discretions of
20 counties, townships, school districts, cities, levee dis-
21 tricts, drainage districts, levee and drainage districts,
22 or any other governmental subdivisions or of their governing
23 officials.

24 EXPLANATION

25 The bill provides for the ratification of a compact between
26 the states of Iowa, Nebraska, Missouri and Kansas for the
27 development of barge traffic on the Missouri river. The state
28 department of transportation is the state agency responsible
29 for the administration of the compact with the cooperation
30 and assistance of the Iowa development commission, state
31 conservation commission and the department of water, air and
32 waste management. The bill takes effect July 1 following
33 enactment.

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SENATE FILE 2273

BY COMMITTEE ON TRANSPORTATION

Substituted for H.F. 2461 3/23

(AS AMENDED AND PASSED BY THE SENATE MARCH 9, 1984)

Re Passed Senate, Date 4-6-84 (p. 1363) Passed House, Date 3-30-84 (p. 1517)

Vote: Ayes 42 Nays 0 Vote: Ayes 95 Nays 0

Approved May 11, 1984

A BILL FOR

1 An Act to ratify and enter into an interstate compact between
2 Iowa, Kansas, Missouri, and Nebraska for the development of
3 the Missouri river for barge traffic.

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

SENATE FILE 2273

H-5667

1 Amend Senate File 2273 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, lines 27 and 28, by striking the words
4 ", notwithstanding Article II of the compact".

H-5667 FILED MARCH 14, 1984 BY PAVICH of Pottawattamie

Adopted 3/20 (p. 1518)

HOUSE AMENDMENT TO SENATE FILE 2273

S-5761

1 Amend Senate File 2273 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, lines 27 and 28, by striking the words
4 ", notwithstanding Article II of the compact".

S-5761 FILED
APRIL 4, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/6 (p. 1363)

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3 enacted into law and entered into with all other states which
4 legally join in the compact in substantially the following
5 form:

6 COMPACT BETWEEN IOWA, KANSAS, MISSOURI AND NEBRASKA FOR
7 THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC

8 ARTICLE I

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10 for the most efficient use of the waters of the Missouri
11 river, to increase the amount of barge traffic on that seg-
12 ment of the Missouri river below Sioux City, Iowa, to take
13 necessary steps to develop the Missouri river and its banks
14 to handle more barge traffic than is presently handled, to
15 encourage barge use on that segment of the Missouri river
16 for transporting bulk goods, especially farm commodities,
17 to insure that the intended increase in barge traffic does
18 not impose unacceptable damage on the Missouri river in all
19 its various uses, including agriculture, wildlife management,
20 and recreational opportunities, to consider the effects of
21 diversion of the waters of the Missouri river on navigation,
22 and to promote joint action between the compact parties to
23 accomplish these purposes. The purposes of the compact do
24 not include lobbying activities against user fees for barge
25 traffic and such activities under this compact are prohibited.

26 ARTICLE II

27 It is the responsibility of the four states to accomplish
28 the purposes in Article I through the official in each state
29 charged with the duty of administering the public waters and
30 to collect and correlate through those officials the data
31 necessary for the proper administration of the compact. Those
32 officials may, by unanimous action, adopt rules and regula-
33 tions to accomplish the purposes of this compact.

34 ARTICLE III

35 The states of Iowa, Missouri, Kansas, and Nebraska agree

1 that within a reasonable time they shall fulfill the obliga-
2 tions of this compact and that each shall authorize the proper
3 official or agency in its state to take the necessary steps
4 to promote barge use and develop the Missouri river as it
5 flows between and within the compact states for additional
6 barge traffic.

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ARTICLE IV

8 This compact does not limit the powers granted in any other
9 act to enter into interstate or other agreements relating
10 to the Missouri river flowing between and within the compact
11 states, alter the relations between the respective internal
12 responsibilities of the government of a party state and its
13 subdivisions, or impair or affect any rights, powers, or
14 jurisdiction of the United States, or those acting by or under
15 its authority, in, over, and to those waters of the Missouri
16 river. Adoption of this compact by the general assembly shall
17 not require the signatory states to adopt any legislation
18 or to appropriate funds for its implementation.

19

ARTICLE V

20 Other states having an interest in the promotion of barge
21 traffic on the Missouri river can join in this compact by
22 unanimous consent of the member states.

23 Any member state can withdraw at any time by appropriate
24 action of its legislature.

25 Sec. 2. NEW SECTION. 307C.2 JURISDICTION AND CONTROL.

26 The state department of transportation has jurisdiction and
27 authority to implement the Missouri river barge compact,
28 notwithstanding Article II of the compact.

29 Sec. 3. NEW SECTION. 307C.3 DUTIES OF THE STATE

30 DEPARTMENT OF TRANSPORTATION. The state department of
31 transportation shall, with the cooperation of the Iowa
32 development commission, the state conservation commission,
33 the department of water, air and waste management, and the
34 member states' officials or agencies, take the necessary steps
35 to achieve the purposes set forth in this chapter.

1 Sec. 4. NEW SECTION. 307C.4 LIBERAL INTERPRETATION.
2 This compact shall be liberally construed so as to effectuate
3 its purposes. The compact is severable and if any phrase,
4 clause, sentence or provision of this compact is declared
5 to be contrary to the constitution of any state or of the
6 United States or the applicability of the compact to any
7 government, agency, person or circumstance is held invalid,
8 the validity of the remainder of this compact and the
9 applicability of it to any government, agency, person or
10 circumstance shall not be affected. If this compact is held
11 to be contrary to the constitution of any state participating
12 in the compact, the compact shall remain in full force and
13 effect as to the remaining party states and in full force
14 and effect as to the state affected as to all severable
15 matters.

16 Sec. 5. NEW SECTION. 307C.5 NO CONFLICT OF LOCAL FUNC-
17 TIONS. The Missouri river barge compact does not supersede
18 or limit the functions, powers, duties and discretions of
19 counties, townships, school districts, cities, levee dis-
20 tricts, drainage districts, levee and drainage districts,
21 or any other governmental subdivisions or of their governing
22 officials.

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SENATE FILE 2273

AN ACT

TO RATIFY AND ENTER INTO AN INTERSTATE COMPACT BETWEEN IOWA, KANSAS, MISSOURI, AND NEBRASKA FOR THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC.

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

Section 1. NEW SECTION. 307C.1 MISSOURI RIVER BARGE COMPACT. The Missouri river interstate barge compact is enacted into law and entered into with all other states which legally join in the compact in substantially the following form:

COMPACT BETWEEN IOWA, KANSAS, MISSOURI AND NEBRASKA FOR THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC

ARTICLE I

The purposes of this compact are to provide for planning for the most efficient use of the waters of the Missouri river, to increase the amount of barge traffic on that segment of the Missouri river below Sioux City, Iowa, to take necessary steps to develop the Missouri river and its banks to handle more barge traffic than is presently handled, to encourage barge use on that segment of the Missouri river for transporting bulk goods, especially farm commodities, to insure that the intended increase in barge traffic does not impose unacceptable damage on the Missouri river in all its various uses, including agriculture, wildlife management,

and recreational opportunities, to consider the effects of diversion of the waters of the Missouri river on navigation, and to promote joint action between the compact parties to accomplish these purposes. The purposes of the compact do not include lobbying activities against user fees for barge traffic and such activities under this compact are prohibited.

ARTICLE II

It is the responsibility of the four states to accomplish the purposes in Article I through the official in each state charged with the duty of administering the public waters and to collect and correlate through those officials the data necessary for the proper administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact.

ARTICLE III

The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote barge use and develop the Missouri river as it flows between and within the compact states for additional barge traffic.

ARTICLE IV

This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri river flowing between and within the compact states, alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to those waters of the Missouri river. Adoption of this compact by the general assembly shall not require the signatory states to adopt any legislation or to appropriate funds for its implementation.

S.F. 2273

ARTICLE V

Other states having an interest in the promotion of barge traffic on the Missouri river can join in this compact by unanimous consent of the member states.

Any member state can withdraw at any time by appropriate action of its legislature.

Sec. 2. NEW SECTION. 307C.2 JURISDICTION AND CONTROL. The state department of transportation has jurisdiction and authority to implement the Missouri river barge compact.

Sec. 3. NEW SECTION. 307C.3 DUTIES OF THE STATE DEPARTMENT OF TRANSPORTATION. The state department of transportation shall, with the cooperation of the Iowa development commission, the state conservation commission, the department of water, air and waste management, and the member states' officials or agencies, take the necessary steps to achieve the purposes set forth in this chapter.

Sec. 4. NEW SECTION. 307C.4 LIBERAL INTERPRETATION. This compact shall be liberally construed so as to effectuate its purposes. The compact is severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability of the compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of it to any government, agency, person or circumstance shall not be affected. If this compact is held to be contrary to the constitution of any state participating in the compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 5. NEW SECTION. 307C.5 NO CONFLICT OF LOCAL FUNCTIONS. The Missouri river barge compact does not supersede or limit the functions, powers, duties and discretions of counties, townships, school districts, cities, levee dis-

tricts, drainage districts, levee and drainage districts, or any other governmental subdivisions or of their governing officials.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2273, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *May 11*, 1984

TERRY F. BRANSTAD
Governor