

# House File 559 - Enrolled

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1 1 HOUSE FILE 559  
1 2  
1 3 AN ACT  
1 4 RELATING TO THE MIDWEST INTERSTATE PASSENGER RAIL COMPACT AND  
1 5 PROVIDING AN EFFECTIVE DATE.  
1 6  
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. NEW SECTION. 327K.1 MIDWEST INTERSTATE  
1 10 PASSENGER RAIL COMPACT.  
1 11 The midwest interstate passenger rail compact is enacted  
1 12 into law and entered into with all other states legally  
1 13 joining in the compact in substantially the following form:  
1 14 ARTICLE I  
1 15 STATEMENT OF PURPOSE  
1 16 The purposes of this compact are, through joint or  
1 17 cooperative action:  
1 18 a. To promote development and implementation of  
1 19 improvements to intercity passenger rail service in the  
1 20 midwest.  
1 21 b. To coordinate interaction among midwestern state  
1 22 elected officials and their designees on passenger rail  
1 23 issues.  
1 24 c. To promote development and implementation of long-range  
1 25 plans for high-speed rail passenger service in the midwest and  
1 26 among other regions of the United States.  
1 27 d. To work with the public and private sectors at the  
1 28 federal, state, and local levels to ensure coordination among  
1 29 the various entities having an interest in passenger rail  
1 30 service and to promote midwestern interests regarding  
1 31 passenger rail.  
1 32 e. To support efforts of transportation agencies involved  
1 33 in developing and implementing passenger rail service in the  
1 34 midwest.  
1 35 ARTICLE II  
2 1 ESTABLISHMENT OF COMMISSION  
2 2 To further the purposes of the compact, a commission is  
2 3 created to carry out the duties specified in this compact.  
2 4 ARTICLE III  
2 5 COMMISSION MEMBERSHIP  
2 6 The manner of appointment of commission members, terms of  
2 7 office consistent with the terms of this compact, provisions  
2 8 for removal and suspension, and manner of appointment to fill  
2 9 vacancies shall be determined by each party state pursuant to  
2 10 its laws, but each commissioner shall be a resident of the  
2 11 state of appointment. Commission members shall serve without  
2 12 compensation from the commission.  
2 13 The commission shall consist of four resident members of  
2 14 each state as follows: the governor or the governor's  
2 15 designee who shall serve during the tenure of office of the  
2 16 governor, or until a successor is named; one member of the  
2 17 private sector who shall be appointed by the governor and  
2 18 shall serve during the tenure of office of the governor, or  
2 19 until a successor is named; and two legislators, one from each  
2 20 legislative chamber (or two legislators from any unicameral  
2 21 legislature), who shall serve two-year terms, or until  
2 22 successors are appointed, and who shall be appointed by the  
2 23 appropriate appointing authority in each legislative chamber.  
2 24 All vacancies shall be filled in accordance with the laws of  
2 25 the appointing states. A commissioner appointed to fill a  
2 26 vacancy shall serve until the end of the incomplete term.  
2 27 Each member state shall have equal voting privileges, as  
2 28 determined by the commission bylaws.  
2 29 ARTICLE IV  
2 30 POWERS AND DUTIES OF THE COMMISSION  
2 31 a. The duties of the commission are to:  
2 32 (1) Advocate for the funding and authorization necessary  
2 33 to make passenger rail improvements a reality for the region.  
2 34 (2) Identify and seek to develop ways that states can form  
2 35 partnerships, including with rail industry and labor, to  
3 1 implement improved passenger rail service in the region.  
3 2 (3) Seek development of a long-term, interstate plan for  
3 3 high-speed rail passenger service implementation.

3 4 (4) Cooperate with other agencies, regions, and entities  
3 5 to ensure that the midwest is adequately represented and  
3 6 integrated into national plans for passenger rail development.  
3 7 (5) Adopt bylaws governing the activities and procedures  
3 8 of the commission and addressing, among other subjects: the  
3 9 powers and duties of officers; and the voting rights of  
3 10 commission members, voting procedures, commission business,  
3 11 and any other purposes necessary to fulfill the duties of the  
3 12 commission.

3 13 (6) Expend such funds as required to carry out the powers  
3 14 and duties of the commission.

3 15 (7) Report on the activities of the commission to the  
3 16 legislatures and governors of the member states on an annual  
3 17 basis.

3 18 b. In addition to its exercise of these duties, the  
3 19 commission may:

3 20 (1) Provide multistate advocacy necessary to implement  
3 21 passenger rail systems or plans, as approved by the  
3 22 commission.

3 23 (2) Work with local elected officials, economic  
3 24 development planning organizations, and similar entities to  
3 25 raise the visibility of passenger rail service benefits and  
3 26 needs.

3 27 (3) Educate other state officials, federal agencies, other  
3 28 elected officials, and the public on the advantages of  
3 29 passenger rail as an integral part of an intermodal  
3 30 transportation system in the region.

3 31 (4) Work with federal agency officials and members of  
3 32 Congress to ensure the funding and authorization necessary to  
3 33 develop a long-term, interstate plan for high-speed rail  
3 34 passenger service implementation.

3 35 (5) Make recommendations to member states.

4 1 (6) If requested by each state participating in a  
4 2 particular project and under the terms of a formal agreement  
4 3 approved by the participating states and the commission,  
4 4 implement or provide oversight for specific rail projects.

4 5 (7) Establish an office and hire staff as necessary.

4 6 (8) Contract for or provide services.

4 7 (9) Assess dues, in accordance with the terms of this  
4 8 compact.

4 9 (10) Conduct research.

4 10 (11) Establish committees.

#### 4 11 ARTICLE V

##### 4 12 OFFICERS

4 13 The commission shall annually elect from among its members  
4 14 a chair, a vice chair who shall not be a resident of the state  
4 15 represented by the chair, and others as approved in the  
4 16 commission bylaws. The officers shall perform such functions  
4 17 and exercise such powers as are specified in the commission  
4 18 bylaws.

#### 4 19 ARTICLE VI

##### 4 20 MEETINGS AND COMMISSION ADMINISTRATION

4 21 The commission shall meet at least once in each calendar  
4 22 year and at such other times as may be determined by the  
4 23 commission. Commission business shall be conducted in  
4 24 accordance with the procedures and voting rights specified in  
4 25 the bylaws.

#### 4 26 ARTICLE VII

##### 4 27 FINANCE

4 28 Except as otherwise provided, the moneys necessary to  
4 29 finance the general operations of the commission in carrying  
4 30 forth its duties, responsibilities, and powers as stated in  
4 31 this compact shall be appropriated to the commission by the  
4 32 compacting states, when authorized by the respective  
4 33 legislatures, by equal apportionment among the compacting  
4 34 states. Nothing in this compact shall be construed to commit  
4 35 a member state to participate in financing a rail project  
5 1 except as provided by law of a member state.

5 2 The commission may accept, for any of its purposes and  
5 3 functions, donations, gifts, grants, and appropriations of  
5 4 money, equipment, supplies, materials, and services from the  
5 5 federal government, from any party state or from any  
5 6 department, agency, or municipality thereof, or from any  
5 7 institution, person, firm, or corporation. All expenses  
5 8 incurred by the commission in executing the duties imposed  
5 9 upon it by this compact shall be paid by the commission out of  
5 10 the funds available to it. The commission shall not issue any  
5 11 debt instrument. The commission shall submit to the officer  
5 12 designated by the laws of each party state, periodically as  
5 13 required by the laws of each party state, a budget of its  
5 14 actual past and estimated future expenditures.

5 15 ARTICLE VIII

5 16 ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

5 17 The states of Illinois, Indiana, Iowa, Kansas, Michigan,  
5 18 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South  
5 19 Dakota, and Wisconsin are eligible to join this compact. Upon  
5 20 approval of the commission, according to its bylaws, other  
5 21 states may also be declared eligible to join the compact. As  
5 22 to any eligible party state, this compact shall become  
5 23 effective when its legislature shall have enacted the same  
5 24 into law; provided that it shall not become initially  
5 25 effective until enacted into law by any three party states  
5 26 incorporating the provisions of this compact into the laws of  
5 27 such states. Amendments to the compact shall become effective  
5 28 upon their enactment by the legislatures of all compacting  
5 29 states.

5 30 ARTICLE IX

5 31 WITHDRAWAL, DEFAULT, AND TERMINATION

5 32 Withdrawal from this compact shall be by enactment of a  
5 33 statute repealing the same and shall take effect one year  
5 34 after the effective date of such statute. A withdrawing state  
5 35 shall be liable for any obligations which it may have incurred  
6 1 prior to the effective date of withdrawal.

6 2 If any compacting state defaults in the performance of any  
6 3 of its obligations, assumed or imposed, in accordance with  
6 4 this compact, all rights, privileges, and benefits conferred  
6 5 by this compact or agreements under this compact shall be  
6 6 suspended from the effective date of such default as fixed by  
6 7 the commission, and the commission shall stipulate the  
6 8 conditions and maximum time for compliance under which the  
6 9 defaulting state may resume its regular status. Unless such  
6 10 default is remedied under the stipulations and within the time  
6 11 period set forth by the commission, this compact may be  
6 12 terminated with respect to such defaulting state by  
6 13 affirmative vote of a majority of the other commission  
6 14 members. Any such defaulting state may be reinstated, upon  
6 15 vote of the commission, by performing all acts and obligations  
6 16 as stipulated by the commission.

6 17 ARTICLE X

6 18 CONSTRUCTION AND SEVERABILITY

6 19 The provisions of this compact shall be severable and if  
6 20 any phrase, clause, sentence, or provision of this compact is  
6 21 declared to be contrary to the constitution of any compacting  
6 22 state or of the United States, or the applicability thereof to  
6 23 any government, agency, person, or circumstance is held  
6 24 invalid, the validity of the remainder of this compact and the  
6 25 applicability thereof to any government, agency, person, or  
6 26 circumstance shall not be affected by the declaration or  
6 27 holding. If this compact is held to be contrary to the  
6 28 constitution of any compacting state, the compact shall remain  
6 29 in full force and effect as to the remaining states and in  
6 30 full force and effect as to the state affected as to all  
6 31 severable matters. This compact shall be liberally construed  
6 32 to effectuate the purposes of the compact.

6 33 Sec. 2. LIMITATION ON EXPENDITURE OF FUNDS FOR FINANCING  
6 34 COSTS OF PARTICIPATING IN THE COMPACT. It is the intent of

6 35 the general assembly that moneys directed to be deposited in  
7 1 the road use tax fund under section 312.1 shall not be used by  
7 2 the state for participation in the midwest interstate  
7 3 passenger rail compact.

7 4 Sec. 3. EFFECTIVE DATE. This Act takes effect only if the  
7 5 general assembly appropriates funds for the fiscal year  
7 6 beginning July 1, 2007, in an amount sufficient to pay the  
7 7 dues assessed pursuant to the midwest interstate passenger  
7 8 rail compact.

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7 12 \_\_\_\_\_  
7 13 PATRICK J. MURPHY  
7 14 Speaker of the House

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7 17 \_\_\_\_\_  
7 18 JOHN P. KIBBIE  
7 19 President of the Senate

7 20 I hereby certify that this bill originated in the House and  
7 21 is known as House File 559, Eighty-second General Assembly.

7 22  
7 23  
7 24 \_\_\_\_\_  
7 25 MARK BRANDSGARD

7 26 Chief Clerk of the House  
7 27 Approved \_\_\_\_\_, 2007  
7 28  
7 29  
7 30 \_\_\_\_\_  
7 31 CHESTER J. CULVER  
7 32 Governor