

FEB 4 1998

COMMERCE AND REGULATION

H-2/18/98 Do Pass
S-3-24-98 Commerce
S-3-17-98 Do Pass

HOUSE FILE

2135

BY WISE, HEATON, COHOON, and
LARKIN

Passed House, ^(P. 470) Date 3/4/98

Passed Senate, Date 3/31/98 ^(P. 979)

Vote: Ayes 98 Nays 0

Vote: Ayes 50 Nays 0

Approved April 14, 1998

A BILL FOR

1 An Act relating to a mid-America port commission agreement and
2 providing an effective date.

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

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HF 2135

1 Section 1. NEW SECTION. 28K.1 MID-AMERICA PORT
2 COMMISSION AGREEMENT.

3 The mid-America port commission agreement is entered into
4 and enacted into law with the state of Illinois and the state
5 of Missouri if those states legally join the agreement, in the
6 form substantially as follows:

7 AGREEMENT

8 This agreement shall be known as and may be cited as the
9 "Mid-America Port Commission Agreement". This agreement
10 allows for the states of Missouri and Illinois to join the
11 effort of the state of Iowa for developing the mid-America
12 port commission.

13 PORT COMMISSION

14 There is created a mid-America port commission to be
15 governed by a nine-member port commission. The governors of
16 Iowa, Illinois, and Missouri shall appoint one member to the
17 port commission in accordance with the laws of the respective
18 state. Each state shall also be represented by two members
19 elected through the county governance in the geographical
20 jurisdiction of the port commission. The port commission
21 members shall hold office for a period of six years. The port
22 commission members shall elect a chairperson of the port
23 commission after all the members are selected. The position
24 of chairperson shall rotate among the Iowa, Illinois, and
25 Missouri members for two-year periods. A member of the port
26 commission shall not serve more than two terms.

27 POWERS OF COMMISSION

28 The port commission shall have the power to acquire,
29 purchase, install, lease, construct, own, hold, maintain,
30 equip, use, control, or operate ports, harbors, waterways,
31 channels, wharves, piers, docks, quays, elevators, tipples,
32 compresses, bulk loading and unloading facilities, warehouses,
33 dry docks, marine support railways, tugboats, ships, vessels,
34 shipyards, shipbuilding facilities, machinery and equipment,
35 dredges, or any other facilities required or incidental to the

1 construction, outfitting, dry docking, or repair of ships or
2 vessels, or water, air, or rail terminals, or roadways or
3 approaches thereto, or other structures or facilities
4 necessary for the convenient use of the same in the aid of
5 commerce, including the dredging, deepening, extending,
6 widening, or enlarging of any ports, harbors, rivers,
7 channels, or waterways, the damming of inland waterways, the
8 establishment of a water basin, the acquisition and
9 development of industrial sites, or the reclaiming of
10 submerged lands.

11 Sec. 2. NEW SECTION. 28K.2 CITATION.

12 This division shall be known and may be cited as the "Mid-
13 America Port Commission Act".

14 Sec. 3. NEW SECTION. 28K.3 JURISDICTION.

15 The Iowa counties which shall be included in the
16 jurisdiction of the mid-America port commission agreement are
17 Lee, Henry, and Des Moines counties.

18 Sec. 4. NEW SECTION. 28K.4 AUTHORITY.

19 Any power or powers, privileges, or authority exercised or
20 capable of exercise by a public agency of this state may be
21 exercised and enjoyed jointly with the mid-America port
22 commission according to the powers delegated to the commission
23 under this chapter.

24 A public agency of this state may enter into a chapter 28E
25 agreement with the commission to advance the purposes of the
26 commission.

27 Sec. 5. NEW SECTION. 28K.5 COUNTY ELECTION OF PORT
28 COMMISSION MEMBERS.

29 The chairpersons of the Lee, Henry, and Des Moines county
30 boards of supervisors shall jointly elect two members to serve
31 on the port commission.

32 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill provides that the mid-America port commission

1 agreement is entered into and enacted into law with the state
2 of Illinois and the state of Missouri if those states join the
3 agreement in substantially the same form.

4 The bill provides that the mid-America port commission
5 shall be governed by a nine-member port commission. The
6 governors of Iowa, Illinois, and Missouri shall each appoint a
7 member of the port commission and each state shall elect two
8 members to the port commission through the chairpersons of the
9 counties included in the geographical jurisdiction of the port
10 commission. Port commission members shall serve no more than
11 two six-year terms. The position of chairperson of the port
12 commission shall rotate among the states for two-year periods.

13 The bill provides a list of certain powers and duties the
14 port commission shall have related to the operation of the
15 mid-America port commission.

16 The bill provides for the mid-America port commission Act
17 which enables the state to participate in the mid-America port
18 commission agreement. The bill provides that the Iowa
19 counties of Lee, Henry, and Des Moines shall be included in
20 the jurisdiction of the port commission agreement. The bill
21 provides that chairpersons of those counties shall elect two
22 members to serve on the port commission. The bill allows
23 public agencies of the state to jointly exercise and enjoy the
24 power or powers, privileges, or authority of that public
25 agency with the mid-America port commission. A public agency
26 may enter into a Code chapter 28E agreement with the
27 commission to advance the purposes of the commission.

28 The bill takes effect upon enactment.

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HOUSE FILE 2135

AN ACT
RELATING TO A MID-AMERICA PORT COMMISSION AGREEMENT AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 28K.1 MID-AMERICA PORT
COMMISSION AGREEMENT.

The mid-America port commission agreement is entered into and enacted into law with the state of Illinois and the state of Missouri if those states legally join the agreement, in the form substantially as follows:

AGREEMENT

This agreement shall be known as and may be cited as the "Mid-America Port Commission Agreement". This agreement allows for the states of Missouri and Illinois to join the effort of the state of Iowa for developing the mid-America port commission.

PORT COMMISSION

There is created a mid-America port commission to be governed by a nine-member port commission. The governors of Iowa, Illinois, and Missouri shall appoint one member to the port commission in accordance with the laws of the respective state. Each state shall also be represented by two members elected through the county governance in the geographical jurisdiction of the port commission. The port commission members shall hold office for a period of six years. The port commission members shall elect a chairperson of the port commission after all the members are selected. The position of chairperson shall rotate among the Iowa, Illinois, and Missouri members for two-year periods. A member of the port commission shall not serve more than two terms.

POWERS OF COMMISSION

The port commission shall have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, or operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, dry docks, marine support railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges, or any other facilities required or incidental to the construction, outfitting, dry docking, or repair of ships or vessels, or water, air, or rail terminals, or roadways or approaches thereto, or other structures or facilities necessary for the convenient use of the same in the aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, or waterways, the damming of inland waterways, the establishment of a water basin, the acquisition and development of industrial sites, or the reclaiming of submerged lands.

Sec. 2. NEW SECTION. 28K.2 CITATION.

This division shall be known and may be cited as the "Mid-America Port Commission Act".

Sec. 3. NEW SECTION. 28K.3 JURISDICTION.

The Iowa counties which shall be included in the jurisdiction of the mid-America port commission agreement are Lee, Henry, and Des Moines counties.

Sec. 4. NEW SECTION. 28K.4 AUTHORITY.

Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with the mid-America port commission according to the powers delegated to the commission under this chapter.

A public agency of this state may enter into a chapter 28E agreement with the commission to advance the purposes of the commission.

Sec. 5. NEW SECTION. 28K.5 COUNTY ELECTION OF PORT COMMISSION MEMBERS.

The chairpersons of the Lee, Henry, and Des Moines county boards of supervisors shall jointly elect two members to serve on the port commission.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2135, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 14, 1998

TERRY E. BRANSTAD
Governor