

H. 2/15/00 Do Pass
H. 3/1/00 Removal from Calendar

JAN 21 2000
STATE GOVERNMENT

HOUSE FILE 2068
BY MARTIN and CONNORS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a midwest interstate passenger rail compact.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2068

1 Section 1. NEW SECTION. 327K.1 MIDWEST INTERSTATE
2 PASSENGER RAIL COMPACT.

3 The midwest interstate passenger rail compact is enacted
4 into law and entered into with all other states legally
5 joining in the compact in substantially the following form:

6 ARTICLE I -- STATEMENT OF PURPOSE

7 The purposes of this compact are, through joint or
8 cooperative action:

9 a. To promote development and implementation of
10 improvements to intercity passenger rail service in the
11 midwest.

12 b. To coordinate interaction among midwestern state
13 elected officials and their designees on passenger rail
14 issues.

15 c. To promote development and implementation of long-range
16 plans for high-speed rail passenger service in the midwest and
17 among other regions of the United States.

18 d. To work with the public and private sectors at the
19 federal, state, and local levels to ensure coordination among
20 the various entities having an interest in passenger rail
21 service and to promote midwestern interests regarding
22 passenger rail.

23 e. To support efforts of transportation agencies involved
24 in developing and implementing passenger rail service in the
25 midwest.

26 ARTICLE II -- ESTABLISHMENT OF COMMISSION

27 To further the purposes of the compact, a commission is
28 created to carry out the duties specified in this compact.

29 ARTICLE III -- COMMISSION MEMBERSHIP

30 The manner of appointment of commission members, terms of
31 office consistent with the terms of this compact, provisions
32 for removal and suspension, and manner of appointment to fill
33 vacancies shall be determined by each party state pursuant to
34 its laws, but each commissioner shall be a resident of the
35 state of appointment. Commission members shall serve without

1 compensation from the commission.

2 The commission shall consist of four resident members of
3 each state as follows: the governor or the governor's
4 designee who shall serve during the tenure of office of the
5 governor, or until a successor is named; one member of the
6 private sector who shall be appointed by the governor and
7 shall serve during the tenure of office of the governor, or
8 until a successor is named; and two legislators, one from each
9 legislative chamber (or two legislators from any unicameral
10 legislature), who shall serve two-year terms, or until
11 successors are appointed, and who shall be appointed by the
12 appropriate appointing authority in each legislative chamber.
13 All vacancies shall be filled in accordance with the laws of
14 the appointing states. A commissioner appointed to fill a
15 vacancy shall serve until the end of the incomplete term.
16 Each member state shall have equal voting privileges, as
17 determined by the commission bylaws.

18 ARTICLE IV -- POWERS AND DUTIES OF THE COMMISSION

19 a. The duties of the commission are to:

- 20 (1) Advocate for the funding and authorization necessary
21 to make passenger rail improvements a reality for the region.
22 (2) Identify and seek to develop ways that states can form
23 partnerships, including with rail industry and labor, to
24 implement improved passenger rail service in the region.
25 (3) Seek development of a long-term, interstate plan for
26 high-speed rail passenger service implementation.
27 (4) Cooperate with other agencies, regions, and entities
28 to ensure that the midwest is adequately represented and
29 integrated into national plans for passenger rail development.
30 (5) Adopt bylaws governing the activities and procedures
31 of the commission and addressing, among other subjects: the
32 powers and duties of officers; the voting rights of commission
33 members, voting procedures, commission business, and any other
34 purposes necessary to fulfill the duties of the commission.
35 (6) Expend such funds as required to carry out the powers

1 and duties of the commission.

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

5 b. In addition to its exercise of these duties, the
6 commission is empowered to:

7 (1) Provide multistate advocacy necessary to implement
8 passenger rail systems or plans, as approved by the
9 commission.

10 (2) Work with local elected officials, economic
11 development planning organizations, and similar entities to
12 raise the visibility of passenger rail service benefits and
13 needs.

14 (3) Educate other state officials, federal agencies, other
15 elected officials, and the public on the advantages of
16 passenger rail as an integral part of an intermodal
17 transportation system in the region.

18 (4) Work with federal agency officials and members of
19 Congress to ensure the funding and authorization necessary to
20 develop a long-term, interstate plan for high-speed rail
21 passenger service implementation.

22 (5) Make recommendations to member states.

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

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

28 (8) Contract for or provide services.

29 (9) Assess dues, in accordance with the terms of this
30 compact.

31 (10) Conduct research.

32 (11) Establish committees.

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ARTICLE V -- OFFICERS

34 The commission shall annually elect from among its members
35 a chair, a vice chair who shall not be a resident of the state

1 represented by the chair, and others as approved in the
2 commission bylaws. The officers shall perform such functions
3 and exercise such powers as are specified in the commission
4 bylaws.

5 ARTICLE VI -- MEETINGS AND COMMISSION ADMINISTRATION

6 The commission shall meet at least once in each calendar
7 year and at such other times as may be determined by the
8 commission. Commission business shall be conducted in
9 accordance with the procedures and voting rights specified in
10 the bylaws.

11 ARTICLE VII -- FINANCE

12 Except as otherwise provided, the moneys necessary to
13 finance the general operations of the commission in carrying
14 forth its duties, responsibilities, and powers as stated in
15 this compact shall be appropriated to the commission by the
16 compacting states, when authorized by the respective
17 legislatures, by equal apportionment among the compacting
18 states. Nothing in this compact shall be construed to commit
19 a member state to participate in financing a rail project
20 except as provided by law of a member state.

21 The commission may accept, for any of its purposes and
22 functions, donations, gifts, grants, and appropriations of
23 money, equipment, supplies, materials, and services from the
24 federal government, from any party state or from any
25 department, agency, or municipality thereof, or from any
26 institution, person, firm, or corporation. All expenses
27 incurred by the commission in executing the duties imposed
28 upon it by this compact shall be paid by the commission out of
29 the funds available to it. The commission shall not issue any
30 debt instrument. The commission shall submit to the officer
31 designated by the laws of each party state, periodically as
32 required by the laws of each party state, a budget of its
33 actual past and estimated future expenditures.

34 ARTICLE VIII -- ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

35 The states of Illinois, Indiana, Iowa, Kansas, Michigan,

1 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South
2 Dakota, and Wisconsin are eligible to join this compact. Upon
3 approval of the commission, according to its bylaws, other
4 states may also be declared eligible to join the compact. As
5 to any eligible party state, this compact shall become
6 effective when its legislature shall have enacted the same
7 into law; provided that it shall not become initially
8 effective until enacted into law by any three party states
9 incorporating the provisions of this compact into the laws of
10 such states. Amendments to the compact shall become effective
11 upon their enactment by the legislatures of all compacting
12 states.

13 ARTICLE IX -- WITHDRAWAL, DEFAULT, AND TERMINATION

14 Withdrawal from this compact shall be by enactment of a
15 statute repealing the same and shall take effect one year
16 after the effective date of such statute. A withdrawing state
17 shall be liable for any obligations which it may have incurred
18 prior to the effective date of withdrawal.

19 If any compacting state defaults in the performance of any
20 of its obligations, assumed or imposed, in accordance with
21 this compact, all rights, privileges, and benefits conferred
22 by this compact or agreements under this compact shall be
23 suspended from the effective date of such default as fixed by
24 the commission, and the commission shall stipulate the
25 conditions and maximum time for compliance under which the
26 defaulting state may resume its regular status. Unless such
27 default is remedied under the stipulations and within the time
28 period set forth by the commission, this compact may be
29 terminated with respect to such defaulting state by
30 affirmative vote of a majority of the other commission
31 members. Any such defaulting state may be reinstated, upon
32 vote of the commission, by performing all acts and obligations
33 as stipulated by the commission.

34 ARTICLE X -- CONSTRUCTION AND SEVERABILITY

35 The provisions of this compact shall be severable and if

1 any phrase, clause, sentence, or provision of this compact is
2 declared to be contrary to the constitution of any compacting
3 state or of the United States, or the applicability thereof to
4 any government, agency, person, or circumstance is held
5 invalid, the validity of the remainder of this compact and the
6 applicability thereof to any government, agency, person, or
7 circumstance shall not be affected by the declaration or
8 holding. If this compact is held to be contrary to the
9 constitution of any compacting state, the compact shall remain
10 in full force and effect as to the remaining states and in
11 full force and effect as to the state affected as to all
12 severable matters. This compact shall be liberally construed
13 to effectuate the purposes of the compact.

14 EXPLANATION

15 This bill provides that the midwest interstate passenger
16 rail compact is entered into and enacted into law with several
17 other midwestern states if those states join the compact in
18 substantially the same form.

19 The bill provides that the purposes of the compact are to
20 promote development and implementation of improvements to
21 intercity passenger rail service in the midwest, to coordinate
22 interaction among midwestern state officials on passenger rail
23 issues, to promote development and implementation of plans for
24 high-speed rail passenger service in the midwest and other
25 regions, to work with public and private sectors at all levels
26 to ensure coordination among entities with an interest in
27 passenger rail service and promote midwestern interests
28 regarding such service, and to support efforts of
29 transportation agencies involved in developing and
30 implementing passenger rail service in the midwest.

31 The bill provides that a commission shall be established to
32 further the purposes of and carry out the duties specified in
33 the compact. Each state joining the compact is to be
34 represented by four commission members: the governor of the
35 state or the governor's designee, serving during the tenure of

1 the governor or until a successor is named; a member of the
2 private sector appointed by the governor, serving during the
3 tenure of the governor or until a successor is named; and two
4 legislators, one from each legislative chamber, appointed by
5 the appropriate appointing authority in each chamber, serving
6 two-year terms or until successors are appointed.

7 The bill provides a list of powers and duties the
8 commission shall have related to the compact.

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