

JAN 13 2003

STATE GOVERNMENT

HOUSE FILE 8
BY CONNORS and JACOBS

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 and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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; and the voting rights of
33 commission members, voting procedures, commission business,
34 and any other purposes necessary to fulfill the duties of the
35 commission.

1 (6) Expend such funds as required to carry out the powers
2 and duties of the commission.

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

6 b. In addition to its exercise of these duties, the
7 commission may:

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

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

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

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

23 (5) Make recommendations to member states.

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

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

29 (8) Contract for or provide services.

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

32 (10) Conduct research.

33 (11) Establish committees.

34 ARTICLE V -- OFFICERS

35 The commission shall annually elect from among its members

1 a chair, a vice chair who shall not be a resident of the state
2 represented by the chair, and others as approved in the
3 commission bylaws. The officers shall perform such functions
4 and exercise such powers as are specified in the commission
5 bylaws.

6 ARTICLE VI -- MEETINGS AND COMMISSION ADMINISTRATION

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

12 ARTICLE VII -- FINANCE

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

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

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

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

14 ARTICLE IX -- WITHDRAWAL, DEFAULT, AND TERMINATION

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

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

35 ARTICLE X -- CONSTRUCTION AND SEVERABILITY

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

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

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

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

34 The bill provides that a commission shall be established to
35 further the purposes of and carry out the duties specified in

1 the compact. Each state joining the compact is to be
2 represented by four commission members: the governor of the
3 state or the governor's designee, serving during the tenure of
4 the governor or until a successor is named; a member of the
5 private sector appointed by the governor, serving during the
6 tenure of the governor or until a successor is named; and two
7 legislators, one from each legislative chamber, appointed by
8 the appropriate appointing authority in each chamber, serving
9 two-year terms or until successors are appointed.

10 The bill provides a list of powers and duties the
11 commission shall have related to the compact and provides for
12 financing the general operations of the commission.

13 The bill becomes effective upon enactment. The compact,
14 having already been enacted into law and entered into by a
15 requisite number of states, would also become effective for
16 Iowa upon enactment of this bill.

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