

House File 2096 - Introduced

HOUSE FILE 2096

BY JACOBY

A BILL FOR

1 An Act relating to the midwest interstate passenger rail

2 compact, and including effective date provisions.

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

1 Section 1. NEW SECTION. 327K.1 Midwest interstate passenger
2 rail compact.

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

6 1. *Article I — Statement of purpose.* The purposes of this
7 compact are, through joint or cooperative action:

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

10 b. To coordinate interaction among midwestern state elected
11 officials and their designees on passenger rail issues.

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

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

20 e. To support efforts of transportation agencies involved
21 in developing and implementing passenger rail service in the
22 midwest.

23 2. *Article II — Establishment of commission.* To further the
24 purposes of the compact, a commission is created to carry out
25 the duties specified in this compact.

26 3. *Article III — Commission membership.*

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

34 b. (1) The commission shall consist of four resident
35 members of each state as follows:

1 (a) The governor or the governor's designee who shall
2 serve during the tenure of office of the governor, or until a
3 successor is named.

4 (b) One member of the private sector who shall be appointed
5 by the governor and shall serve during the tenure of office of
6 the governor, or until a successor is named.

7 (c) Two legislators, one from each legislative chamber (or
8 two legislators from any unicameral legislature), who shall
9 serve two-year terms, or until successors are appointed, and
10 who shall be appointed by the appropriate appointing authority
11 in each legislative chamber.

12 (2) All vacancies shall be filled in accordance with the
13 laws of the appointing states. A commissioner appointed to
14 fill a vacancy shall serve until the end of the incomplete
15 term. Each member state shall have equal voting privileges, as
16 determined by the commission bylaws.

17 4. *Article IV — Powers and duties of the commission.*

18 a. The duties of the commission are to:

19 (1) Advocate for the funding and authorization necessary to
20 make passenger rail improvements a reality for the region.

21 (2) Identify and seek to develop ways that states can
22 form partnerships, including with rail industry and labor, to
23 implement improved passenger rail service in the region.

24 (3) Seek development of a long-term, interstate plan for
25 high-speed rail passenger service implementation.

26 (4) Cooperate with other agencies, regions, and entities
27 to ensure that the midwest is adequately represented and
28 integrated into national plans for passenger rail development.

29 (5) Adopt bylaws governing the activities and procedures
30 of the commission and addressing, among other subjects: the
31 powers and duties of officers; and the voting rights of
32 commission members, voting procedures, commission business,
33 and any other purposes necessary to fulfill the duties of the
34 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 may:

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

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

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

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

20 (5) Make recommendations to member states.

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

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

26 (8) Contract for or provide services.

27 (9) Assess dues, in accordance with the terms of this
28 compact.

29 (10) Conduct research.

30 (11) Establish committees.

31 5. *Article V — Officers.* The commission shall annually
32 elect from among its members a chair, a vice chair who shall
33 not be a resident of the state represented by the chair, and
34 others as approved in the commission bylaws. The officers
35 shall perform such functions and exercise such powers as are

1 specified in the commission bylaws.

2 6. *Article VI — Meetings and commission administration.* The
3 commission shall meet at least once in each calendar year and
4 at such other times as may be determined by the commission.
5 Commission business shall be conducted in accordance with the
6 procedures and voting rights specified in the bylaws.

7 7. *Article VII — Finance.*

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

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

30 8. *Article VIII — Enactment, effective date, and*
31 *amendments.* The states of Illinois, Indiana, Iowa, Kansas,
32 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
33 South Dakota, and Wisconsin are eligible to join this compact.
34 Upon approval of the commission, according to its bylaws, other
35 states may also be declared eligible to join the compact.

1 As to any eligible party state, this compact shall become
2 effective when its legislature shall have enacted the compact
3 into law; provided that the compact shall not become initially
4 effective until enacted into law by any three party states
5 incorporating the provisions of this compact into the laws of
6 the states. Amendments to the compact shall become effective
7 upon their enactment by the legislatures of all compacting
8 states.

9 9. *Article IX — Withdrawal, default, and termination.*

10 a. Withdrawal from this compact shall be by enactment of a
11 statute repealing the compact and shall take effect one year
12 after the effective date of the statute. A withdrawing state
13 shall be liable for any obligations which it may have incurred
14 prior to the effective date of withdrawal.

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

30 10. *Article X — Construction and severability.* The
31 provisions of this compact shall be severable and if any
32 phrase, clause, sentence, or provision of this compact is
33 declared to be contrary to the constitution of any compacting
34 state or of the United States, or the applicability thereof
35 to any government, agency, person, or circumstance is held

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

10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

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

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

31 The bill provides that a commission shall be established to
32 further the purposes of and to carry out the duties specified
33 in 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 commission
8 shall have related to the compact and provides for the
9 administration and financing of the general operations of
10 the commission. The bill also includes provisions relating
11 to withdrawal, default, and termination of the compact and
12 includes language providing for severability of the compact's
13 provisions in the event that a provision is found to be invalid
14 or unconstitutional.

15 The bill becomes effective upon enactment. The compact,
16 having already been enacted into law and entered into by nine
17 states, would apply in Iowa effective upon enactment of this
18 bill.