

House Study Bill 128 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH AND
TECHNOLOGY BILL BY
CHAIRPERSON SORENSEN)

A BILL FOR

1 An Act relating to the midwest interstate passenger rail compact,
2 and including effective date provisions.
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 passenger**
2 **rail compact.**

3 The midwest interstate passenger rail compact is enacted into
4 law and entered into with all other states legally joining in the
5 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 the
17 various entities having an interest in passenger rail service and
18 to promote midwestern interests regarding passenger rail.

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

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

25 3. *Article III — Commission membership.*

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

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

35 (a) The governor or the governor's designee who shall serve

1 during the tenure of office of the governor, or until a successor
2 is named.

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

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

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

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

16 a. The duties of the commission are to:

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

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

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

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

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

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

34 (7) Report on the activities of the commission to the
35 legislatures and governors of the member states on an annual

1 basis.

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

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

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

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

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

17 (5) Make recommendations to member states.

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

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

23 (8) Contract for or provide services.

24 (9) Assess dues, in accordance with the terms of this
25 compact.

26 (10) Conduct research.

27 (11) Establish committees.

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

34 6. *Article VI — Meetings and commission administration.* The
35 commission shall meet at least once in each calendar year and

1 at such other times as may be determined by the commission.
2 Commission business shall be conducted in accordance with the
3 procedures and voting rights specified in the bylaws.

4 7. *Article VII — Finance.*

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

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

27 8. *Article VIII — Enactment, effective date, and*
28 *amendments.* The states of Illinois, Indiana, Iowa, Kansas,
29 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
30 South Dakota, and Wisconsin are eligible to join this compact.
31 Upon approval of the commission, according to its bylaws, other
32 states may also be declared eligible to join the compact. As
33 to any eligible party state, this compact shall become effective
34 when its legislature shall have enacted the compact into law;
35 provided that the compact shall not become initially effective

1 until enacted into law by any three party states incorporating
2 the provisions of this compact into the laws of the states.
3 Amendments to the compact shall become effective upon their
4 enactment by the legislatures of all compacting states.

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

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

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

25 10. *Article X — Construction and severability.* The
26 provisions of this compact shall be severable and if any phrase,
27 clause, sentence, or provision of this compact is declared to be
28 contrary to the constitution of any compacting state or of the
29 United States, or the applicability thereof to any government,
30 agency, person, or circumstance is held invalid, the validity
31 of the remainder of this compact and the applicability thereof
32 to any government, agency, person, or circumstance shall not be
33 affected by the declaration or holding. If this compact is held
34 to be contrary to the constitution of any compacting state, the
35 compact shall remain in full force and effect as to the remaining

1 states and in full force and effect as to the state affected
2 as to all severable matters. This compact shall be liberally
3 construed to effectuate the purposes of the compact.

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

6 EXPLANATION

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

9 This bill provides that the midwest interstate passenger rail
10 compact is entered into and enacted into law together with
11 several other midwestern states if those states join the compact
12 in substantially the same form.

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

25 The bill provides that a commission shall be established to
26 further the purposes of and to carry out the duties specified in
27 the compact. Each state joining the compact is to be represented
28 by four commission members: the governor of the state or the
29 governor's designee, serving during the tenure of the governor
30 or until a successor is named; a member of the private sector
31 appointed by the governor, serving during the tenure of the
32 governor or until a successor is named; and two legislators,
33 one from each legislative chamber, appointed by the appropriate
34 appointing authority in each chamber, serving two-year terms or
35 until successors are appointed.

1 The bill provides a list of powers and duties the commission
2 shall have related to the compact and provides for the
3 administration and financing of the general operations of the
4 commission. The bill also includes provisions relating to
5 withdrawal, default, and termination of the compact.

6 The bill takes effect upon enactment. The compact, having
7 already been enacted into law and entered into by eight states,
8 would apply in Iowa effective upon enactment of the bill.

9 Current midwest interstate passenger rail compact member states
10 include Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri,
11 North Dakota, and Wisconsin. Iowa, Nebraska, Ohio, and South
12 Dakota are eligible to join.

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