

CHAPTER 94**MIDWEST INTERSTATE PASSENGER RAIL COMPACT***H.F. 559*

AN ACT relating to the midwest interstate passenger rail compact and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

ARTICLE I
STATEMENT OF PURPOSE

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

- a. To promote development and implementation of improvements to intercity passenger rail service in the midwest.
- b. To coordinate interaction among midwestern state elected officials and their designees on passenger rail issues.
- c. To promote development and implementation of long-range plans for high-speed rail passenger service in the midwest and among other regions of the United States.
- d. To work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote midwestern interests regarding passenger rail.
- e. To support efforts of transportation agencies involved in developing and implementing passenger rail service in the midwest.

ARTICLE II
ESTABLISHMENT OF COMMISSION

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

ARTICLE III
COMMISSION MEMBERSHIP

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

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

ARTICLE IV
POWERS AND DUTIES OF THE COMMISSION

a. The duties of the commission are to:

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

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

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

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

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

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

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

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

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

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

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

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

(5) Make recommendations to member states.

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

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

(8) Contract for or provide services.

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

(10) Conduct research.

(11) Establish committees.

ARTICLE V
OFFICERS

The commission shall annually elect from among its members a chair, a vice chair who shall not be a resident of the state represented by the chair, and others as approved in the commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the commission bylaws.

ARTICLE VI
MEETINGS AND COMMISSION ADMINISTRATION

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

ARTICLE VII FINANCE

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

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

ARTICLE VIII ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

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

ARTICLE IX WITHDRAWAL, DEFAULT, AND TERMINATION

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

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

ARTICLE X CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States, or the applicability thereof to any government, agency, person, or cir-

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

Sec. 2. LIMITATION ON EXPENDITURE OF FUNDS FOR FINANCING COSTS OF PARTICIPATING IN THE COMPACT. It is the intent of the general assembly that moneys directed to be deposited in the road use tax fund under section 312.1 shall not be used by the state for participation in the midwest interstate passenger rail compact.

Sec. 3. EFFECTIVE DATE. This Act takes effect only if the general assembly appropriates funds for the fiscal year beginning July 1, 2007, in an amount sufficient to pay the dues assessed pursuant to the midwest interstate passenger rail compact.

Approved April 20, 2007

CHAPTER 95

VOLUNTEER HEALTH CARE PROVIDER PROGRAM — FIELD DENTAL CLINICS

H.F. 566

AN ACT relating to field dental clinics for the purposes of the volunteer health care provider program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.24, Code 2007, is amended to read as follows:

135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED — IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, free clinics, field dental clinics, or other health care facilities, health care referral programs, or charitable organizations, free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, and emergency medical care services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, free clinics, field dental clinics, or other health care facilities, health care referral programs, or charitable organizations.

2. The department, in consultation with the department of human services, shall adopt rules to implement the volunteer health care provider program which shall include the following:

a. Procedures for registration of health care providers deemed qualified by the board of medical examiners, the board of physician assistant examiners, the board of dental examiners, the board of nursing, the board of chiropractic examiners, the board of psychology examiners, the board of social work examiners, the board of behavioral science examiners, the board of pharmacy examiners, the board of optometry examiners, the board of podiatry examiners, the