

HOUSE BILL NO. 1408

Introduced by

Representatives Koppelman, M. Klein, Mahoney, Weisz

Senators Robinson, Wardner

- 1 A BILL for an Act to provide for adoption of the midwest interstate passenger rail compact; and
2 to provide an expiration date.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Midwest interstate passenger rail compact.** The midwest interstate
5 passenger rail compact is enacted by this state and entered with all other states legally joining
6 therein in the form substantially as follows:

7 **ARTICLE 1 - STATEMENT OF PURPOSE**

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

- 9 1. To promote development and implementation of improvements to intercity
10 passenger rail service in the midwest;
11 2. To coordinate interaction among midwestern state-elected officials and their
12 designees on passenger rail issues;
13 3. To promote development and implementation of long-range plans for high-speed
14 rail passenger service in the midwest and among the regions of the United States;
15 4. To work with the public and private sectors at the federal, state, and local levels to
16 ensure coordination among the various entities having an interest in passenger rail
17 service and to promote midwestern interests regarding passenger rail; and
18 5. To support efforts of transportation agencies involved in developing and
19 implementing passenger rail service in the midwest.

20 **ARTICLE 2 - COMMISSION**

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

23 **ARTICLE 3 - MEMBERSHIP**

1. 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 must be determined by each party state pursuant to its laws, but each commissioner must be a resident of the state of appointment. Commission members shall serve without compensation from the commission.
2. The commission consists 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, appointed by the governor to serve during the tenure of the office of the governor, or until a successor is named; and two legislators, one from each house appointed by the chairman of the legislative council to serve two-year terms, or until successors are appointed. All vacancies must be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state must have equal voting privileges, as determined by the commission bylaws.

ARTICLE 4 - POWERS AND DUTIES

1. The duties of the commission are to:
 - a. Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
 - b. Identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;
 - c. Seek development of a long-term, interstate plan for high-speed rail passenger service implementation;
 - d. Cooperate with other agencies, regions, and entities to ensure that the midwest is adequately represented and integrated into national plans for passenger rail development;
 - e. Adopt bylaws governing the activities and procedures of the commission and addressing the powers and duties of officers, the voting rights of commission members, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission;

- 1 f. Expend funds as required to carry out the powers and duties of the
- 2 commission; and
- 3 g. Report on the activities of the commission to the governor of each member
- 4 state on an annual basis.
- 5 2. In addition to its exercise of these duties, the commission is empowered to:
- 6 a. Provide multistate advocacy necessary to implement passenger rail systems
- 7 or plans, as approved by the commission;
- 8 b. Work with local elected officials, economic development planning
- 9 organizations, and similar entities to raise the visibility of passenger rail
- 10 service benefits and needs;
- 11 c. Educate other state officials, federal agencies, other elected officials, and the
- 12 public on the advantages of passenger rails as an integral part of an
- 13 intermodal transportation system in the region;
- 14 d. Work with federal agency officials and members of Congress to ensure the
- 15 funding and authorization necessary to develop a long-term interstate plan for
- 16 high-speed rail passenger service implementation;
- 17 e. Make recommendations to member states;
- 18 f. If requested by each state participating in a particular project and under the
- 19 terms of a formal agreement approved by the participating states and the
- 20 commission, implement or provide overview for specific rail projects;
- 21 g. Establish an office and hire staff as necessary;
- 22 h. Contract for or provide services;
- 23 i. Assess dues, in accordance with the terms of this compact;
- 24 j. Conduct research; and
- 25 k. Establish communities.

26 **ARTICLE 5 - OFFICERS**

27 The commission annually shall elect from among its members a chairman, a vice
28 chairman who is not a resident of the state represented by the chairman, and others as
29 approved in the commission bylaws. The officers shall perform functions and exercise powers
30 as are specified in the commission bylaws.

31 **ARTICLE 6 - MEETINGS AND ADMINISTRATION**

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

4 **ARTICLE 7 - FINANCE**

5 Except as otherwise provided, the moneys necessary to finance the general operations
6 of the commission in exercising its duties, responsibilities, and powers must be appropriated to
7 the commission by the compacting states, when authorized by the respective legislatures, by
8 equal apportionment among the compacting states. This compact does not commit a member
9 state to participate in financing a rail project except as provided by law of a member state.

10 The commission may accept, for any of its purposes and functions, donations, gifts,
11 grants, and appropriations of money, equipment, supplies, materials, and services from the
12 federal government, from any party state or from any state agency or political subdivision, or
13 from any person. All expenses incurred by the commission must be paid by the commission
14 out of the funds available to it. The commission may not issue any debt instrument. The
15 commission shall submit to the officer designated by the laws of each party state, periodically
16 as required by the laws of each party state, a budget of its actual past and estimated future
17 expenditures.

18 **ARTICLE 8 - ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS**

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

26 **ARTICLE 9 - WITHDRAWAL, DEFAULT, AND TERMINATION**

27 Withdrawal from this compact must be by enactment of a statute repealing the compact
28 and must take effect one year after the effective date of the repeal. A withdrawing state is liable
29 for any obligations that it may have incurred before the effective date of withdrawal. If any
30 compacting state at any time defaults in the performance of any of its obligations, assumed or
31 imposed, in accordance with this compact, all rights, privileges, and benefits conferred by this

1 compact or agreements under this compact must be suspended from the effective date of the
2 default as fixed by the commission and the commission shall stipulate the conditions and
3 maximum time for compliance under which the defaulting state may resume its regular status.
4 Unless the default is remedied under the stipulations and within the time period set by the
5 commission, this compact may be terminated with respect to the defaulting state by affirmative
6 vote of a majority of the other commission members. Any defaulting state may be reinstated,
7 upon vote of the commission, by performing all acts and obligations as stipulated by the
8 commission.

9 **ARTICLE 10 - CONSTRUCTION AND SEVERABILITY**

10 The provisions of this compact are severable. If any phrase, clause, sentence, or
11 provision of this compact is declared to be contrary to the constitution of any compacting state
12 or of the United States or the applicability to any government, agency, person, or circumstance
13 is held invalid, the validity of the remainder of this compact and the applicability to any
14 government, agency, person, or circumstance is not affected. If this compact is held contrary to
15 the constitution of any compacting state, the compact remains in effect as to the remaining
16 states and in effect as to the state affected as to all severable matters. This compact must be
17 liberally construed to effectuate its purposes.

18 **SECTION 2. EXPIRATION DATE.** This Act is effective through August 1, 2003, and
19 after that date is ineffective.