

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1065
(Representatives Koppelman, Klein, Weisz, Delmore)
(Senators Robinson, Wardner)

AN ACT to provide for adoption of the midwest interstate passenger rail compact.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

ARTICLE 1 - STATEMENT OF PURPOSE

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

1. To promote development and implementation of improvements to intercity passenger rail service in the midwest;
2. To coordinate interaction among midwestern state-elected officials and their designees on passenger rail issues;
3. To promote development and implementation of long-range plans for high-speed rail passenger service in the midwest and among the regions of the United States;
4. 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; and
5. To support efforts of transportation agencies involved in developing and implementing passenger rail service in the midwest.

ARTICLE 2 - COMMISSION

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

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;
 - f. Expend funds as required to carry out the powers and duties of the commission; and
 - g. Report on the activities of the commission to the governor of each member state on an annual basis.
2. In addition to its exercise of these duties, the commission is empowered to:
 - a. Provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission;
 - b. Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
 - c. Educate other state officials, federal agencies, other elected officials, and the public on the advantages of passenger rails as an integral part of an intermodal transportation system in the region;
 - d. 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;
 - e. Make recommendations to member states;
 - f. 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 overview for specific rail projects;
 - g. Establish an office and hire staff as necessary;
 - h. Contract for or provide services;
 - i. Assess dues, in accordance with the terms of this compact;
 - j. Conduct research; and

- k. Establish communities.

ARTICLE 5 - OFFICERS

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

ARTICLE 6 - MEETINGS AND ADMINISTRATION

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

ARTICLE 7 - FINANCE

Except as otherwise provided, the moneys necessary to finance the general operations of the commission in exercising its duties, responsibilities, and powers must be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. This compact does not 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 state agency or political subdivision, or from any person. All expenses incurred by the commission must be paid by the commission out of the funds available to it. The commission may 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 8 - 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 be declared eligible to join the compact. As to any eligible party state, this compact becomes effective when its legislature has enacted the same into law; provided that it may not become initially effective until enacted into law by any three party states. Amendments to the compact become effective upon their enactment by the legislatures of all compacting states.

ARTICLE 9 - WITHDRAWAL, DEFAULT, AND TERMINATION

Withdrawal from this compact must be by enactment of a statute repealing the compact and must take effect one year after the effective date of the repeal. A withdrawing state is liable for any obligations that it may have incurred before the effective date of withdrawal. If any compacting state at any time 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 must be suspended from the effective date of the 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 the default is remedied under the stipulations and within the time period set by the commission, this compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other commission members. Any defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

ARTICLE 10 - CONSTRUCTION AND SEVERABILITY

The provisions of this compact are severable. 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 to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability to any government, agency, person, or circumstance is not affected. If this compact is held contrary to the constitution of any compacting state, the compact remains in effect as to the remaining states and in effect as to the state affected as to all severable matters. This compact must be liberally construed to effectuate its purposes.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1065.

House Vote: Yeas 86 Nays 5 Absent 3

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State