

Introduced by

Representatives Koppelman, Klein, Weisz, Delmore

Senators Robinson, Wardner

1 A BILL for an Act to provide for adoption of the midwest interstate passenger rail compact.

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

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

6 **ARTICLE 1 - STATEMENT OF PURPOSE**

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

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

19 **ARTICLE 2 - COMMISSION**

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

22 **ARTICLE 3 - MEMBERSHIP**

- 23 1. The manner of appointment of commission members, terms of office consistent
24 with the terms of this compact, provisions for removal and suspension, and manner

- 1 of appointment to fill vacancies must be determined by each party state pursuant to
2 its laws, but each commissioner must be a resident of the state of appointment.
3 Commission members shall serve without compensation from the commission.
- 4 2. The commission consists of four resident members of each state as follows: the
5 governor or the governor's designee, who shall serve during the tenure of office of
6 the governor, or until a successor is named; one member of the private sector,
7 appointed by the governor to serve during the tenure of the office of the governor,
8 or until a successor is named; and two legislators, one from each house appointed
9 by the chairman of the legislative council to serve two-year terms, or until
10 successors are appointed. All vacancies must be filled in accordance with the laws
11 of the appointing states. Any commissioner appointed to fill a vacancy shall serve
12 until the end of the incomplete term. Each member state must have equal voting
13 privileges, as determined by the commission bylaws.

14 **ARTICLE 4 - POWERS AND DUTIES**

- 15 1. The duties of the commission are to:
- 16 a. Advocate for the funding and authorization necessary to make passenger rail
17 improvements a reality for the region;
- 18 b. Identify and seek to develop ways that states can form partnerships, including
19 with rail industry and labor, to implement improved passenger rail in the
20 region;
- 21 c. Seek development of a long-term, interstate plan for high-speed rail
22 passenger service implementation;
- 23 d. Cooperate with other agencies, regions, and entities to ensure that the
24 midwest is adequately represented and integrated into national plans for
25 passenger rail development;
- 26 e. Adopt bylaws governing the activities and procedures of the commission and
27 addressing the powers and duties of officers, the voting rights of commission
28 members, voting procedures, commission business, and any other purposes
29 necessary to fulfill the duties of the commission;
- 30 f. Expend funds as required to carry out the powers and duties of the
31 commission; and

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

ARTICLE 5 - OFFICERS

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

ARTICLE 6 - MEETINGS AND ADMINISTRATION

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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.