

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 244
FINAL READING

Introduced by Bromm, 23; Schimek, 27

Read first time January 5, 2001

Committee: Transportation and Telecommunications

A BILL

- 1 FOR AN ACT relating to passenger rail service; to adopt the Midwest
- 2 Interstate Passenger Rail Compact.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. MIDWEST INTERSTATE PASSENGER RAIL COMPACT

2 The contracting states solemnly agree:

3 ARTICLE I

4 STATEMENT OF PURPOSE

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

7 (1) to promote development and implementation of
8 improvements to intercity passenger rail service in the Midwest;

9 (2) to coordinate interaction among Midwestern state
10 elected officials and their designees on passenger rail issues;

11 (3) to promote development and implementation of
12 long-range plans for high-speed rail passenger service in the
13 Midwest and among other regions of the United States;

14 (4) to work with the public and private sectors at the
15 federal, state, and local levels to ensure coordination among the
16 various entities having an interest in passenger rail service and
17 to promote Midwestern interests regarding passenger rail; and

18 (5) to support efforts of transportation agencies
19 involved in developing and implementing passenger rail service in
20 the Midwest.

21 ARTICLE II

22 ESTABLISHMENT OF COMMISSION

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

25 ARTICLE III

26 COMMISSION MEMBERSHIP

27 The manner of appointment of commission members, terms of
28 office consistent with the terms of this compact, provisions for

1 removal and suspension, and manner of appointment to fill vacancies
2 shall be determined by each member state pursuant to its laws, but
3 each commissioner shall be a resident of the state of appointment.
4 Commission members shall serve without compensation from the
5 commission. The commission shall consist of four resident members
6 of each state as follows: The Governor or the Governor's designee
7 who shall serve during the tenure of office of the Governor, or
8 until a successor is named; one member of the private sector who
9 shall be appointed by the Governor and shall serve during the
10 tenure of office of the Governor, or until a successor is named;
11 and two legislators, one from each legislative chamber (or two
12 legislators from any unicameral legislature), who shall serve
13 two-year terms, or until successors are appointed, and who shall be
14 appointed by the appropriate appointing authority in each
15 legislative chamber (or unicameral legislature). All vacancies
16 shall be filled in accordance with the laws of the appointing
17 states. Any commissioner appointed to fill a vacancy shall serve
18 until the end of the incomplete term. Each member state shall have
19 equal voting privileges, as determined by the commission bylaws.

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ARTICLE IV

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POWERS AND DUTIES OF THE COMMISSION

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The duties of the commission are to:

23

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

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

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(3) Seek development of a long-term, interstate plan for

1 high-speed rail passenger service implementation;

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

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

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

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

14 In addition to its exercise of these duties, the
15 commission is empowered to:

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

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

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

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

- 1 (5) Make recommendations to member states;
- 2 (6) If requested by each state participating in a
- 3 particular project and under the terms of a formal agreement
- 4 approved by the participating states and the commission, implement
- 5 or provide oversight for specific rail projects;
- 6 (7) Establish an office and hire staff as necessary;
- 7 (8) Contract for or provide services;
- 8 (9) Assess dues, in accordance with the terms of this
- 9 compact;
- 10 (10) Conduct research; and
- 11 (11) Establish committees.

ARTICLE V

OFFICERS

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

ARTICLE VI

MEETINGS AND COMMISSION ADMINISTRATION

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

ARTICLE VII

FINANCE

28 Except as otherwise provided for, the monies necessary to

1 finance the general operations of the commission in carrying forth
2 its duties, responsibilities, and powers as stated herein shall be
3 appropriated to the commission by the member states, when
4 authorized by the respective legislatures, by equal apportionment
5 among the member states. Nothing in this compact shall be
6 construed to commit a member state to participate in financing a
7 rail project except as provided by law of a member state.

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

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ARTICLE VIII

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ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

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23 The states of Illinois, Indiana, Iowa, Kansas, Michigan,
24 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota,
25 and Wisconsin are eligible to join this compact. Upon approval of
26 the commission, according to its bylaws, other states may also be
27 declared eligible to join the compact. As to any eligible party
28 state, this compact shall become effective when its legislature
shall have enacted the same into law; provided that it shall not

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

6 ARTICLE IX

7 WITHDRAWAL, DEFAULT, AND TERMINATION

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

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

28 ARTICLE X

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CONSTRUCTION AND SEVERABILITY

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance 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 hereby. If this compact entered into hereunder shall be held contrary to the constitution of any member 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. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.