



January 13, 2000

SENATE BILL No. 315

DIGEST OF SB315 (Updated January 11, 2000 4:04 PM - DI 47)

Citations Affected: IC 8-3-22.

Synopsis: Midwest interstate passenger rail compact. Establishes the Midwest interstate passenger rail compact. Creates the Midwest interstate passenger rail compact commission. Provides for the membership and administration of the commission.

Effective: July 1, 2000.

Landske, Jackman

January 10, 2000, read first time and referred to Committee on Rules and Legislative Procedure.

January 12, 2000, amended, reported favorably — Do Pass; reassigned to Committee on Transportation and Interstate Cooperation.

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SB 315—LS 6698/DI 94+



January 13, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

SENATE BILL No. 315

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-3-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
3 **1, 2000]:**
4 **Chapter 22. Midwest Interstate Passenger Rail Compact**
5 **Sec. 1. The purposes of this compact are, through joint or**
6 **cooperative action, to:**
7 **(1) promote development and implementation of**
8 **improvements to intercity passenger rail service in the**
9 **Midwest;**
10 **(2) coordinate interaction among Midwestern state elected**
11 **officials and their designees on passenger rail issues;**
12 **(3) promote development and implementation of long range**
13 **plans for high speed rail passenger service in the Midwest and**
14 **among other regions of the United States;**
15 **(4) work with the public and private sectors at the federal,**
16 **state, and local levels to ensure coordination among the**
17 **various entities having an interest in passenger rail service**

SB 315—LS 6698/DI 94+



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1 and to promote Midwestern interests regarding passenger rail
2 service; and

3 (5) support efforts of transportation agencies involved in
4 developing and implementing passenger rail service in the
5 Midwest.

6 Sec. 2. As used in this chapter, "commission" means the
7 Midwest interstate passenger rail compact commission established
8 in section 3 of this chapter.

9 Sec. 3. (a) The Midwest interstate passenger rail compact
10 commission is created to carry out the duties specified in this
11 compact.

12 (b) The manner of appointment of commission members, terms
13 of office consistent with the terms of this compact, provisions for
14 removal and suspension, and manner of appointment to fill
15 vacancies shall be determined by each party state under its laws,
16 but each member of the commission must be a resident of the state
17 of appointment.

18 (c) Commission members serve without compensation from the
19 commission.

20 (d) The commission consists of four (4) resident members of
21 each state as follows:

22 (1) The governor, or the governor's designee, who serves
23 during the tenure of office of the governor, or until a
24 successor is named.

25 (2) One (1) member of the private sector appointed by the
26 governor to serve during the tenure of office of the governor,
27 or until a successor is named.

28 (3) Two (2) legislators from different political parties, one (1)
29 from each legislative chamber (or two (2) legislators from any
30 unicameral legislature), who serve two (2) year terms, or until
31 successors are appointed, and who are appointed by the
32 appropriate appointing authority in each legislative chamber.

33 All vacancies must be filled according to the laws of the appointing
34 states. A commission member appointed to fill a vacancy serves
35 until the end of the incomplete term.

36 (e) Each member state has equal voting privileges, as
37 determined by the commission bylaws.

38 Sec. 4. (a) The duties of the commission are to:

39 (1) advocate for the funding and authorization necessary to
40 make passenger rail improvements a reality for the region;

41 (2) identify and seek to develop ways that states can form
42 partnerships, including those with rail industry and labor, to

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- 1 **implement improved passenger rail service in the region;**
 2 **(3) seek development of a long term, interstate plan for high**
 3 **speed rail passenger service implementation;**
 4 **(4) cooperate with other agencies, regions, and entities to**
 5 **ensure that the Midwest is adequately represented and**
 6 **integrated into national plans for passenger rail development;**
 7 **(5) adopt bylaws governing the activities and procedures of**
 8 **the commission and addressing, among other subjects:**
 9 **(A) the powers and duties of officers; and**
 10 **(B) the voting rights of commission members, voting**
 11 **procedures, commission business, and any other purposes**
 12 **necessary to fulfill the duties of the commission;**
 13 **(6) expend funds as required to carry out the powers and**
 14 **duties of the commission; and**
 15 **(7) report on the activities of the commission to the**
 16 **legislatures and governors of the member states on an annual**
 17 **basis.**

18 **(b) In addition to its exercise of these duties, the commission**
 19 **may:**

- 20 **(1) provide multistate advocacy necessary to implement**
 21 **passenger rail systems or plans, as approved by the**
 22 **commission;**
 23 **(2) work with local elected officials, economic development**
 24 **planning organizations, and similar entities to raise the**
 25 **visibility of passenger rail service benefits and needs;**
 26 **(3) educate other state officials, federal agencies, other elected**
 27 **officials, and the public on the advantages of passenger rail as**
 28 **an integral part of an intermodal transportation system in the**
 29 **region;**
 30 **(4) work with federal agency officials and members of**
 31 **Congress to ensure the funding and authorization necessary**
 32 **to develop a long term, interstate plan for high speed rail**
 33 **passenger service implementation.**
 34 **(5) make recommendations to member states;**
 35 **(6) implement or provide oversight for specific rail projects,**
 36 **if requested by each state participating in a particular project**
 37 **and under the terms of a formal agreement approved by the**
 38 **participating states and the commission;**
 39 **(7) establish an office and hire staff as necessary;**
 40 **(8) contract for or provide services;**
 41 **(9) assess dues, according to the terms of this compact;**
 42 **(10) conduct research; and**



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- 1 (11) establish committees.
- 2 Sec. 5. (a) The commission shall annually elect from among its
3 members:
- 4 (1) a chair;
- 5 (2) a vice chair, who may not be a resident of the state
6 represented by the chair; and
- 7 (3) any other officers approved in the commission bylaws.
- 8 (b) The officers shall perform the functions and exercise the
9 powers specified in the commission bylaws.
- 10 Sec. 6. (a) The commission shall meet at least once in each
11 calendar year and at other times as determined by the commission.
- 12 (b) Commission business shall be conducted according to the
13 procedures and voting rights specified in the bylaws.
- 14 Sec. 7. (a) Except as otherwise provided, the money necessary to
15 finance the general operations of the commission in carrying forth
16 its duties, responsibilities, and powers as stated in this chapter shall
17 be appropriated to the commission by the compacting states, when
18 authorized by the respective legislatures, by equal apportionment
19 among the compacting states.
- 20 (b) This compact may not be construed to commit a member
21 state to participate in financing a rail project except as provided by
22 law of the member state.
- 23 (c) The commission may accept, for any of its purposes and
24 functions, donations, gifts, grants, and appropriations of money,
25 equipment, supplies, materials, and services from the federal
26 government, from any party state or from any department, agency,
27 or municipality thereof, or from any institution, person, firm, or
28 corporation.
- 29 (d) All expenses incurred by the commission in executing the
30 duties imposed upon it by this compact shall be paid by the
31 commission out of the funds available to it.
- 32 (e) The commission may not issue a debt instrument.
- 33 (f) The commission shall submit to the officer designated by the
34 laws of each party state, periodically as required by the laws of
35 each party state, a budget of its actual past and estimated future
36 expenditures.
- 37 Sec. 8. (a) The states of Illinois, Indiana, Iowa, Kansas,
38 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
39 South Dakota, and Wisconsin are eligible to join this compact.
- 40 (b) Upon approval of the commission, according to its bylaws,
41 other states may also be declared eligible to join the compact.
- 42 (c) For an eligible party state, this compact is effective when



1 that state's legislature enacts the compact into law. However, the
2 compact does not become initially effective until enacted into law
3 by any three (3) party states incorporating the provisions of this
4 compact into the laws of those states.

5 (d) Amendments to the compact become effective upon their
6 enactment by the legislatures of all compacting states.

7 Sec. 9. (a) Withdrawal from this compact shall be by enactment
8 of a statute repealing the compact and takes effect one (1) year
9 after the effective date of the statute.

10 (b) A withdrawing state is liable for any obligations that the
11 withdrawing state may have incurred before the effective date of
12 withdrawal.

13 (c) If, at any time, a compacting state defaults 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 under the compact shall be suspended from the effective date of the
18 compacting state's default, as fixed by the commission.

19 (d) The commission shall stipulate the conditions and maximum
20 time for compliance under which the defaulting state may resume
21 its regular status.

22 (e) Unless the default is remedied under the stipulations and
23 within the time set forth by the commission, this compact may be
24 terminated with respect to the defaulting state by affirmative vote
25 of a majority of the other commission members.

26 (f) A defaulting state may be reinstated, upon vote of the
27 commission, by performing all acts and obligations as stipulated by
28 the commission.

29 Sec. 10. (a) The provisions of this compact are severable, and if
30 a phrase, clause, sentence, or provision of this compact is declared
31 to be contrary to the constitution of a compacting state or of the
32 United States or the applicability of this compact to any
33 government, agency, person, or circumstance is held invalid, the
34 validity of the remainder of this compact and the applicability of
35 this compact to any government, agency, person, or circumstance
36 is not affected.

37 (b) If this compact entered into is held contrary to the
38 constitution of a compacting state, the compact remains in full
39 force and effect for the remaining states and in full force and effect
40 for the state affected as to all severable matters.

41 (c) The provisions of this compact shall be liberally construed
42 to effectuate the purposes of the compact.

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SENATE MOTION

Mr. President: I move that Senator Jackman be added as coauthor of Senate Bill 315.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, after "legislators" insert "**from different political parties**".

Page 4, line 38, after "Nebraska," insert "**North Dakota,**".

Page 4, line 38, after "Ohio" insert "**South Dakota,**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Transportation and Interstate Cooperation.

(Reference is to SB 315 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 7, Nays 0.

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