

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 44

Introduced by Dungan, 26.

Read first time January 05, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate

2 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 cooperative
6 action:

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

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

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

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

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

20 ARTICLE II

21 ESTABLISHMENT OF COMMISSION

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

24 ARTICLE III

25 COMMISSION MEMBERSHIP

26 The manner of appointment of commission members, terms of office
27 consistent with the terms of this compact, provisions for removal and
28 suspension, and manner of appointment to fill vacancies shall be
29 determined by each party state pursuant to its laws, but each
30 commissioner shall be a resident of the state of appointment. Commission
31 members shall serve without compensation from the commission. The

1 commission shall consist of four resident members of each state as
2 follows: The Governor or the Governor's designee who shall serve during
3 the tenure of office of the Governor, or until a successor is named; one
4 member of the private sector who shall be appointed by the Governor and
5 shall serve during the tenure of office of the Governor, or until a
6 successor is named; and two legislators, one from each legislative
7 chamber (or two legislators from any unicameral legislature), who shall
8 serve two-year terms, or until successors are appointed, and who shall be
9 appointed by the appropriate appointing authority in each legislative
10 chamber (or unicameral legislature). All vacancies shall be filled in
11 accordance with the laws of the appointing states. Any commissioner
12 appointed to fill a vacancy shall serve until the end of the incomplete
13 term. Each member state shall have equal voting privileges, as determined
14 by the commission bylaws.

15 ARTICLE IV

16 POWERS AND DUTIES OF THE COMMISSION

17 The duties of the commission are to:

- 18 (1) Advocate for the funding and authorization necessary to make
19 passenger rail improvements a reality for the region;
20 (2) Identify and seek to develop ways that states can form
21 partnerships, including with rail industry and labor, to implement
22 improved passenger rail in the region;
23 (3) Seek development of a long-term, interstate plan for high-speed
24 rail passenger service implementation;
25 (4) Cooperate with other agencies, regions, and entities to ensure
26 that the Midwest is adequately represented and integrated into national
27 plans for passenger rail development;
28 (5) Adopt bylaws governing the activities and procedures of the
29 commission and addressing, among other subjects: Powers and duties of
30 officers, voting rights of commission members, voting procedures,
31 commission business, and any other purposes necessary to fulfill the

1 duties of the commission;

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

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

6 In addition to its exercise of these duties, the commission is
7 empowered to:

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

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

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

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

19 (5) Make recommendations to member states;

20 (6) If requested by each state participating in a particular project
21 and under the terms of a formal agreement approved by the participating
22 states and the commission, implement or provide oversight for specific
23 rail projects;

24 (7) Establish an office and hire staff as necessary;

25 (8) Contract for or provide services;

26 (9) Assess dues, in accordance with the terms of this compact;

27 (10) Conduct research; and

28 (11) Establish committees.

29 ARTICLE V

30 OFFICERS

31 The commission shall annually elect from among its members a

1 chairperson, a vice-chairperson who shall not be a resident of the state
2 represented by the chairperson, and others as approved in the commission
3 bylaws. The officers shall perform such functions and exercise such
4 powers as are specified in the commission bylaws.

5 ARTICLE VI

6 MEETINGS AND COMMISSION ADMINISTRATION

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

11 ARTICLE VII

12 FINANCE

13 Except as otherwise provided for, the monies necessary to finance
14 the general operations of the commission in carrying forth its duties,
15 responsibilities, and powers as stated herein shall be appropriated to
16 the commission by the compacting states, when authorized by the
17 respective legislatures, by equal apportionment among the compacting
18 states. Nothing in this compact shall be construed to commit a member
19 state to participate in financing a rail project except as provided by
20 law of a member state.

21 The commission may accept, for any of its purposes and functions,
22 donations, gifts, grants, and appropriations of money, equipment,
23 supplies, materials, and services from the federal government, from any
24 party state or from any department, agency, or municipality thereof, or
25 from any institution, person, firm, or corporation. All expenses incurred
26 by the commission in executing the duties imposed upon it by this compact
27 shall be paid by the commission out of the funds available to it. The
28 commission shall not issue any debt instrument. The commission shall
29 submit to the officer designated by the laws of each party state,
30 periodically as required by the laws of each party state, a budget of its
31 actual past, and estimated future expenditures.

1 ARTICLE VIII

2 ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

3 The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota,
4 Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are
5 eligible to join this compact. Upon approval of the commission, according
6 to its bylaws, other states may also be declared eligible to join the
7 compact. As to any eligible party state, this compact shall become
8 effective when its legislature shall have enacted the same into law;
9 provided that it shall not become initially effective until enacted into
10 law by any three party states incorporating the provisions of this
11 compact into the laws of such states. Amendments to the compact shall
12 become effective upon their enactment by the legislatures of all
13 compacting states.

14 ARTICLE IX

15 WITHDRAWAL, DEFAULT, AND TERMINATION

16 Withdrawal from this compact shall be by enactment of a statute
17 repealing the same and shall take effect one year after the effective
18 date of such statute. A withdrawing state shall be liable for any
19 obligations which it may have incurred prior to the effective date of
20 withdrawal.

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

1 upon vote of the commission, by performing all acts and obligations as
2 stipulated by the commission.

3 ARTICLE X

4 CONSTRUCTION AND SEVERABILITY

5 The provisions of this compact entered into hereunder shall be
6 severable and if any phrase, clause, sentence, or provision of this
7 compact is declared to be contrary to the constitution of any compacting
8 state or of the United States or the applicability thereof to any
9 government, agency, person, or circumstance is held invalid, the validity
10 of the remainder of this compact and the applicability thereof to any
11 government, agency, person, or circumstance shall not be affected hereby.
12 If this compact entered into hereunder shall be held contrary to the
13 constitution of any compacting state, the compact shall remain in full
14 force and effect as to the remaining states and in full force and effect
15 as to the state affected as to all severable matters. The provisions of
16 this compact entered into pursuant hereto shall be liberally construed to
17 effectuate the purposes thereof.

18 Sec. 2. The State of Nebraska shall not participate in any rail
19 project or appropriate funds for any rail project proposed by the Midwest
20 Interstate Passenger Rail Compact unless the specific project is
21 authorized by the enactment of a legislative bill. For purposes of this
22 section, rail project includes the planning phase of such a project.

23 Sec. 3. The Midwest Interstate Passenger Rail Compact Cash Fund is
24 created and shall consist of gifts, grants, or bequests from any source,
25 including federal, state, public, and private sources, and may consist of
26 money transferred by the Legislature. The money shall be used to carry
27 out passenger rail initiatives under the Midwest Interstate Passenger
28 Rail Compact. Any money in the fund available for investment shall be
29 invested by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act.