

## 2005 DRAFTING REQUEST

### Bill

Received: 11/29/2005

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: Rob Richard (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Rep.Freese@legis.state.wi.us**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Midwest Interstate Passenger Rail Compact

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 12/06/2005	kfollett 12/06/2005		_____			State
/1			chaugen 12/06/2005	_____	mbarman 12/06/2005		State
/2	agary 12/14/2005	kfollett 12/14/2005	rschluet 12/14/2005	_____	lnorthro 12/14/2005	lnorthro 02/07/2006	

FE Sent For:

**<END>**

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*[Handwritten signatures and initials]*  
12/14/05  
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/?	agary	11/16/05 JF	12/6/05 ch	12/6/05 AK			

FE Sent For:

<END>

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

*You may use this form or talk directly with the LRB attorney who will draft the bill.*

Date 11/29/05

Legislator, agency, or other person requesting this draft REP. FREESE

Person submitting request (name and phone number) ROB RICHARD

Persons to contact for questions about this draft (names and phone numbers) ROB @  
266-7502

Describe the problem, including any helpful examples. How do you want to solve the problem?

SEE ENCLOSURE

OR  
LAURA KLIENER  
@ MIPRC  
630-810-0210

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you?  YES  NO

If yes:                      Anyone who asks?    YES    NO  
   Any legislator?        YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES     NO    If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES     NO

**MIPRC**  
Midwest Interstate  
Passenger Rail  
Commission

641 East Butterfield Road  
Suite 401  
Lombard, Illinois 60148  
tel: 630.810.0210  
fax: 630.810.0145  
web: www.miprc.org  
email: miprc@miprc.org

*Chair*  
Sen. Robert N. Jackman, Indiana

*Vice-Chair*  
Rep. Charlie Schlottach, Missouri

*Financial Officer*  
Sen. Sharon Marko, Minnesota

*Director*  
Laura Kliewer

*Bringing Together  
State Leaders from  
Across the Region  
to Advocate  
for Passenger Rail  
Improvements*

November 9, 2005

The Honorable Stephen J. Freese  
Speaker Pro Tem  
Room 115 West, State Capitol  
P.O. Box 8952  
Madison, Wisconsin 53708

Dear Rep. Freese,

On behalf of the Midwest Interstate Passenger Rail Commission (MIPRC), we thank you for your interest in having Wisconsin join the Midwest Interstate Passenger Rail Compact. We were pleased that you attended the MIPRC breakfast during the Midwestern Legislative Conference Annual Meeting in Regina last August, and let us know that you would like to sponsor the compact language in your state.

We would like to work with you to have the MIPRC enabling legislation drafted and introduced in Wisconsin. Would you consider taking the lead on this effort by having a bill drafted this biennium? We have enclosed a copy of the enabling legislation for your reference.

Please be assured that MIPRC staff and commissioners will support you in your efforts. We can arrange for an initial meeting in your state and send commissioners and staff to attend hearings as the legislation progresses. Also, there are also several other Wisconsin legislators who have expressed interest in having Wisconsin join the MIPRC in the past, and I would be glad to share those names with you.

I will call your office next week in the hopes of discussing this further. If you have any questions in the interim, contact us at (630) 925-1922 or via e-mail at [lkliewer@miprc.org](mailto:lkliewer@miprc.org).

Sincerely,



Laura Kliewer  
MIPRC Director

Enclosure

# ***Midwest Interstate Passenger Rail Compact***

## **A bill for an act**

### **MIDWEST INTERSTATE PASSENGER RAIL COMPACT**

The contracting states solemnly agree:

#### **ARTICLE I**

##### **STATEMENT OF PURPOSE**

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

- A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- B) to coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- C) to promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States;
- D) 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
- E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

#### **ARTICLE II**

##### **ESTABLISHMENT OF COMMISSION**

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

**ARTICLE III**  
**COMMISSION MEMBERSHIP**

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 shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission.

The Commission shall consist 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 who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber (or two legislators from any unicameral legislature), who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber. All vacancies shall 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 shall have equal voting privileges, as determined by the Commission bylaws.

**ARTICLE IV**  
**POWERS AND DUTIES OF THE COMMISSION**

The duties of the Commission are to:

- 1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- 2) 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;

*Midwest Interstate Passenger Rail Compact (cont.)*

- 3) seek development of a long-term, interstate plan for high speed rail passenger service implementation;
- 4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- 5) adopt bylaws governing the activities and procedures of the Commission and addressing, among other subjects: 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;
- 6) expend such funds as required to carry out the powers and duties of the Commission; and
- 7) report on the activities of the Commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the Commission is empowered to:

- 1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the Commission;
- 2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- 3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
- 4) 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.
- 5) make recommendations to member states;

*Midwest Interstate Passenger Rail Compact (cont.)*

- 6) 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 oversight for specific rail projects;
- 7) establish an office and hire staff as necessary;
- 8) contract for or provide services;
- 9) assess dues, in accordance with the terms of this compact;
- 10) conduct research; and
- 11) establish committees.

**ARTICLE V  
OFFICERS**

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

**ARTICLE VI  
MEETINGS AND COMMISSION ADMINISTRATION**

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

**ARTICLE VII  
FINANCE**

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting

*Midwest Interstate Passenger Rail Compact (cont.)*

states. Nothing in this compact shall be construed to 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 department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this compact shall be paid by the Commission out of the funds available to it. The Commission shall 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 VIII**

### **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 also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

## **ARTICLE IX**

### **WITHDRAWAL, DEFAULT AND TERMINATION**

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state

*Midwest Interstate Passenger Rail Compact (cont.)*

shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such 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 such default shall be remedied under the stipulations and within the time period set forth by the Commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other Commission members. Any such defaulting state may be reinstated, upon vote of the Commission, by performing all acts and obligations as stipulated by the Commission.

**ARTICLE X**

**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 compacting 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 compacting 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.

**Gary, Aaron**

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**From:** Laura Kliewer [lkliewer@csg.org]  
**Sent:** Tuesday, December 06, 2005 8:47 AM  
**To:** Gary, Aaron  
**Subject:** RE: MIPRC

Hi Aaron,  
Yes, that is correct. FYI, enabling legislation is pending in Iowa, and has been drafted in Michigan and Illinois for introduction in 2006.  
Please let me know if you have any other questions.  
You can also refer to our website ([www.miprc.org](http://www.miprc.org)) if you like.  
Laura

---

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]  
**Sent:** Monday, December 05, 2005 3:57 PM  
**To:** lkliewer@miprc.org  
**Subject:** MIPRC

Hi Laura,

A copy of the Compact and your cover letter was forwarded to me. Can you confirm for me that the following is accurate at this time:

"The Midwest Interstate Passenger Rail Compact became effective when it was enacted into law by three states. Currently, six states have enacted the compact into law: Indiana, Missouri, Nebraska, Ohio, Minnesota, and North Dakota. Under the compact, Wisconsin and five other states, including Illinois, Iowa, and Michigan, are eligible to become member states."

Thank you for your assistance. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

in 12/6

██████████ **BILL**

Regen

1 **AN ACT to create** 14.86 and 85.067 of the statutes; **relating to:** ratification of  
2 the Midwest Interstate Passenger Rail Compact.

---

***Analysis by the Legislative Reference Bureau***

This bill creates a Midwest Interstate Passenger Rail Compact (“compact”). The purposes of the compact include promoting the development and implementation of improvements to intercity passenger rail service in the Midwest; coordinating interaction among elected states on passenger rail services; and supporting efforts of transportation agencies that are developing and implementing passenger rail service in the Midwest.

The compact became effective when it was enacted into law by three states. Currently, six states have enacted the compact into law: Indiana, Missouri, Nebraska, Ohio, Minnesota, and North Dakota. Under the compact, Wisconsin and five other states, including Illinois, Iowa, and Michigan, are eligible to become member states.

The compact creates a Midwest Interstate Passenger Rail Commission (“commission”) consisting of four members from each member state, including the governor, or his or her designee, and two legislators. The compact specifies certain duties for the commission, including the duty to advocate for the funding and authorization of passenger rail improvements in the Midwest, to identify and seek partnerships to implement improved passenger rail service, and to seek development of a long-term, interstate plan for high-speed passenger rail service. The compact also authorizes the commission to take certain actions related to the promotion and implementation of passenger rail service.

**BILL**

Any member state to the compact may withdraw from the compact, effective one year after passage of a state law withdrawing from the compact. Conditions for default by and termination of a compacting state are specified.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 14.86 of the statutes is created to read:

2           **14.86 Midwest interstate passenger rail commission.** (1) There is  
3 created a midwest interstate passenger rail commission as specified under s. 85.067  
4 (2), consisting of the following members representing this state:

5           (a) The governor or his or her designee.

6           (b) One representative to the assembly, appointed by the speaker of the  
7 assembly for a 2-year term.

8           (c) One senator appointed by the president of the senate for a 2-year term.

9           (d) One member representing the private sector, appointed by the governor for  
10 the governor's term of office.

11           (2) The members of the commission shall serve without compensation but shall  
12 be reimbursed from the appropriation under s. 20.395 (4) (aq) for actual and  
13 necessary expenses incurred in the performance of their duties. The commission has  
14 the powers and duties granted and imposed under s. 85.067.

15           (3) From the appropriation under s. 20.395 (4) (aq), the department of  
16 transportation shall pay the costs of membership in and costs associated with the  
17 midwest interstate passenger rail compact.

18           SECTION 2. 85.067 of the statutes is created to read:



**BILL**

1           **(3) ARTICLE III — COMMISSION MEMBERSHIP.** (a) The commission shall consist  
2 of 4 resident members of each state as follows:

3           1. The governor or the governor’s designee who shall serve during the term of  
4 office of the governor, or until a successor is named;

5           2. Two legislators, one from each house (or 2 legislators from any unicameral  
6 legislature), who shall serve 2-year terms, or until successors are appointed, and  
7 who shall be appointed by the appropriate appointing authority in each house of the  
8 legislature; and

9           3. One member of the private sector who shall be appointed by the governor and  
10 shall serve during the tenure of office of the governor, or until a successor is named.

11           (am) All vacancies shall be filled in accordance with the laws of the appointing  
12 states. Any commissioner appointed to fill a vacancy shall serve until the end of the  
13 incomplete term. Each member state shall have equal voting privileges, as  
14 determined by the bylaws of the commission.

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

20           (c) All members of the commission shall serve without compensation from the  
21 commission.

22           **(4) ARTICLE IV — POWERS AND DUTIES OF THE COMMISSION.** (a) The commission  
23 shall perform the following duties:

24           1. Advocate for the funding and authorization necessary to make passenger rail  
25 improvements a reality for the region.

**BILL**

1           2. Identify and seek to develop ways that states can form partnerships,  
2 including with rail industry and labor, to implement improved passenger rail service  
3 in the region.

4           3. Seek development of a long-term, interstate plan for high-speed passenger  
5 rail service implementation.

6           4. Cooperate with other agencies, regions, and entities to ensure that the  
7 midwest is adequately represented and integrated into national plans for passenger  
8 rail development.

9           5. Adopt bylaws governing the activities and procedures of the commission,  
10 including bylaws that address, among other subjects, the powers and duties of  
11 officers, the voting rights of members of the commission, voting procedures,  
12 commission business, and any other purposes necessary to fulfill the duties of the  
13 commission.

14           6. Expend such funds as required to carry out the powers and duties of the  
15 commission.

16           7. Report on the activities of the commission to the legislatures and governors  
17 of the member compacting states on an annual basis.

18           (b) In addition to its exercise of the duties specified in par. (a), the commission  
19 may do any of the following:

20           1. Provide multistate advocacy necessary to implement passenger rail systems  
21 or plans, as approved by the commission.

22           2. Work with local elected officials, economic development planning  
23 organizations, and similar entities to raise the visibility of passenger rail service  
24 benefits and needs.

**BILL**

1           3. Educate other state officials, federal agencies, other elected officials, and the  
2 public on the advantages of passenger rail as an integral part of an intermodal  
3 transportation system in the region.

4           4. Work with federal agency officials and members of congress to ensure the  
5 funding and authorization necessary to develop a long-term, interstate plan for  
6 high-speed passenger rail service implementation.

7           5. Make recommendations to member states.

8           6. If requested by each state participating in a particular project and under the  
9 terms of a formal agreement approved by the participating states and the  
10 commission, implement or provide oversight for specific passenger rail projects.

11          7. Establish an office and hire staff as necessary.

12          8. Contract for or provide services.

13          9. Assess dues, in accordance with the terms of this compact.

14          10. Conduct research.

15          11. Establish committees.

16          **(5) ARTICLE V — OFFICERS.** The commission shall elect annually, from among  
17 its members, a chairperson, a vice chairperson who shall not be a resident of the state  
18 represented by the chairperson, and other officers as approved by the commission in  
19 its bylaws. The officers shall perform the functions and exercise the powers that are  
20 specified in the bylaws of the commission.

21          **(6) ARTICLE VI — MEETINGS AND COMMISSION ADMINISTRATION.** (a) The  
22 commission shall meet at least once in each calendar year, and at such other times  
23 as may be determined by the commission.

24          (b) Commission business shall be conducted in accordance with the procedures  
25 and voting rights specified in the bylaws of the commission.

**BILL**

1           (7) ARTICLE VII — FINANCE. (a) The moneys necessary to finance the general  
2 operations of the commission that are not otherwise provided for in carrying forth its  
3 duties, responsibilities, and powers as stated herein shall be appropriated to the  
4 commission by the compacting states, when authorized by the respective  
5 legislatures, by equal apportionment among the compacting states. Nothing in this  
6 compact shall be construed to commit a compacting state to participate in financing  
7 a rail project except as provided by law of that compacting state.

8           (b) The commission may accept, for any of its purposes and functions,  
9 donations, gifts, grants, and appropriations of money, equipment, supplies,  
10 materials, and services from the federal government, from any party state or from  
11 any department, agency, or municipality thereof, or from any institution, person,  
12 firm, or corporation.

13           (c) All expenses incurred by the commission in executing the duties imposed  
14 upon it by this compact shall be paid by the commission out of the funds available  
15 to it. The commission may not issue any debt instrument. The commission shall  
16 submit to the officer designated by the laws of each party state, periodically as  
17 required by the laws of each party state, a budget of its actual past and estimated  
18 future expenditures.

19           (8) ARTICLE VIII — ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS. (a) The  
20 states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska,  
21 North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact.  
22 Upon approval of the commission, according to its bylaws, other states may also be  
23 declared eligible to join the compact.

24           (b) As to any eligible member state, the compact shall become effective when  
25 its legislature shall have enacted the same into law, except that the compact shall

**BILL**

1 not become initially effective until enacted into law by any 3 member states  
2 incorporating the provisions of this compact into the laws of such states.

3 (c) Amendments to the compact shall become effective upon their enactment  
4 by the legislatures of all compacting states.

5 (9) ARTICLE IX— WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Withdrawal from  
6 this compact shall be by enactment of a statute repealing the same and shall take  
7 effect one year after the effective date of such statute. A withdrawing state shall be  
8 liable for any obligations that it may have incurred prior to the effective date of  
9 withdrawal.

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

21 (10) ARTICLE X — CONSTRUCTION AND SEVERABILITY. The provisions of this  
22 compact entered into hereunder shall be severable and, if any phrase, clause,  
23 sentence, or provision of this compact is declared to be contrary to the constitution  
24 of any compacting state or of the United States or the applicability thereof to any  
25 government, agency, person, or circumstance is held invalid, the validity of the

**BILL**

1 remainder of this compact and the applicability thereof to any government, agency,  
2 person, or circumstance shall not be affected thereby. If this compact entered into  
3 hereunder shall be held contrary to the constitution of any member state, the  
4 compact shall remain in full force and effect as to the remaining states and in full  
5 force and effect as to the state affected as to all severable matters. The provisions  
6 of this compact entered into pursuant hereto shall be liberally construed to effectuate  
7 the purposes thereof.

**SECTION 3. Effective date.**

8 (1) This act takes effect on January 1, 2006, or on the day after publication,  
9 whichever is later.  
10

11 (END)

**Gary, Aaron**

---

**From:** Richard, Rob  
**Sent:** Tuesday, December 13, 2005 3:52 PM  
**To:** Gary, Aaron; 'lkliwer@miprc.org'  
**Subject:** RE: MIPRC draft legislation

Laura:

Please tell Aaron Gary all the necessary changes you would like made - be specific. We'll go from there.

Thanks,  
Rob

---

**From:** Gary, Aaron  
**Sent:** Tuesday, December 13, 2005 3:47 PM  
**To:** Richard, Rob  
**Subject:** RE: MIPRC draft legislation

Rob,

OK. I can go through and make changes and see if that works for your office and Laura, or Laura can give me a list of the significant changes, whatever you prefer. Just let me know.

I will change "may" and "shall" as desired. Normally, we do not use the term "shall not" in a statute, but instead always use "may not" - I suspect but am not sure that this is the situation. Anyway, since this is a compact, I will use "may" and "shall" as Laura wants.

Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Richard, Rob  
**Sent:** Tuesday, December 13, 2005 3:36 PM  
**To:** Gary, Aaron  
**Subject:** FW: MIPRC draft legislation

Aaron:

I'm playing go-between here. If possible, can you please take Laura's concerns with some of the wording into consideration. I haven't had time to look it over very closely yet, but if changes in your draft were made in cases like "may" and "shall", etc., please make those corrections.

Thank you,  
Rob

12/13/2005

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**From:** Laura Kliewer [mailto:lkliwer@csg.org]  
**Sent:** Tuesday, December 13, 2005 1:59 PM  
**To:** Richard, Rob  
**Subject:** RE: MIPRC draft legislation

Hi Rob,

Thank you. Yes, that is true, if the intent stays the same, it's fine. It's just that the more little changes are made, the more room for a different interpretation.

The example he gives is one that I wouldn't have even mentioned. It is more to do with changing words when it doesn't seem necessary to do so. For example, there is a place where the compact language uses the term "may" and they've changed it to "shall," but there is another place where the compact uses the term "shall" and they've changed it to "may"! Similar replacements appear throughout with the terms "member state", "compacting state" and "party state". There are also phrases, especially at the beginning of articles, that have been changed slightly, and it isn't apparent to me why that would be necessary.

As I said, it is best to stick to the original language. That being said, there may be drafting reasons that I don't understand for making these changes, and I know that each state has those.

There is one place where I do think that the original compact language should be adhered to -- page 6, line 10 of the bill. That line should read ". . . commission, implement or provide oversight for specific rail projects." (not passenger rail projects, as was added by the LRB).

Thanks Rob -- I don't mean to be a pain, I'm just trying to save the state potential future headaches.

Laura

---

**From:** Richard, Rob [mailto:Rob.Richard@legis.state.wi.us]  
**Sent:** Tuesday, December 13, 2005 1:17 PM  
**To:** lkliwer@miprc.org  
**Subject:** FW: MIPRC draft legislation

Laura:

Here's the drafter's response. I'm not sure it's worth fighting over grammatical style if the intent of the compact remains. I suggest we move forward with the draft as is unless you object.

Rob

---

**From:** Gary, Aaron  
**Sent:** Tuesday, December 13, 2005 12:45 PM  
**To:** Richard, Rob  
**Subject:** RE: MIPRC draft legislation

Rob,

Our LRB drafting manual provides that an interstate compact should be drafted in identical language to the compact, except for changes relating to the internal operation of the compact within the state, spelling, and other technical changes. I believe LRB-4153 is drafted consistently with this directive. It is also identical to 2001 SB-218, for which I don't believe any similar comment was received by MIPRC.

From what I can tell, the changes that MIPRC refers to are solely technical changes. For example, the bill draft, instead of repeating "to" in every paragraph of Article I, puts the "to" in the introduction and adds the "all of the following" phrase that is also per our drafting manual. I note that Indiana's statute makes similar technical changes, so it is not accurate to say that every state has exactly identical language to the MIPRC compact or to say that, even if this bill were changed, all states' statutes would be exactly identical; the virtual identity of language, combined with the expression at the intro. of 85.067 that the state is entering into the compact, should provide clear proof of the compact.

If there is any substantive discrepancy between LRB-4153 and the compact, I would like to know and fix it! If you want to discuss this further, please call.

Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Richard, Rob  
**Sent:** Tuesday, December 13, 2005 10:58 AM  
**To:** Gary, Aaron  
**Subject:** FW: MIPRC draft legislation

Aaron:

Please take notice of Ms. Kliewer's comment. Can you please draft the s.85.067 portion of the bill to reflect exactly what she has written out (attached) so it's identical with other states' language? If not, please explain.

Thank you!

Rob Richard, Legislative Aide  
Office of Rep. Steve Freese

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**From:** Laura Kliewer [mailto:lkiewer@csg.org]  
**Sent:** Friday, December 09, 2005 3:09 PM  
**To:** Richard, Rob  
**Subject:** RE: MIPRC draft legislation

Hi Rob,  
Thanks again for sending me the draft of the bill for Wisconsin to join the Midwest Interstate Passenger Rail Compact.

I reviewed it, and have one question and one comment:

My question is regarding the first part of the legislation, which stipulates who will appoint each commissioner (which is fine) and then goes on to say (in #2): "The members of the commission shall serve without compensation but shall be reimbursed from the appropriation under s. 20.395 (4) (aq) for actual and necessary expenses incurred in the performance of their duties." It goes on to say that the DOT "shall pay the costs of members in and cost associated with the [compact]" from the appropriation mentioned above. Can you tell me what s.20.395 (4) (aq) is?

My comment has to do with the stylistic changes that have been made to the compact language itself which appear throughout the bill. Identity of language between states is the proof of the compact, or contract, among the states. Although the changes don't appear to be material, it would be better if the compact language Wisconsin adopts is identical to the other states. So, unless it is absolutely necessary within the rules of legislation in your state, it would be best to have the 85.067 portion of the legislation be the language which I am attaching.

Let me know if you need further explanation of my comment above, or some examples.

Thanks again, Rob, and I hope you have a great weekend!

Laura

Laura Kliewer  
Director  
Midwest Interstate Passenger Rail Commission  
701 E. 22nd Street, Suite 110  
Lombard, IL 60148  
Phone: 630.925.1922  
Fax: 630.925.1930

visit our website at: [www.miprc.org](http://www.miprc.org)

**WE'VE MOVED!!** Please note that as of October 3, 2005 we have a new address, telephone and fax number (listed above).

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**From:** Richard, Rob [mailto:Rob.Richard@legis.state.wi.us]  
**Sent:** Wednesday, December 07, 2005 10:14 AM  
**To:** lkiewer@miprc.org  
**Subject:** MIPRC draft legislation

Laura:

Please review this draft carefully to make sure it reads how it's supposed to read. Please get back to me with any changes, concerns or comments.

Thanks,

Rob Richard, Legislative Aide  
Office of WI Rep. Steve Freese  
608-266-7502

<<05-41531.pdf>>

# ***Midwest Interstate Passenger Rail Compact***

## **A bill for an act**

### **MIDWEST INTERSTATE PASSENGER RAIL COMPACT**

The contracting states solemnly agree:

#### **ARTICLE I**

##### **STATEMENT OF PURPOSE**

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

- A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- B) to coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- C) to promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States;
- D) 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
- E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

#### **ARTICLE II**

##### **ESTABLISHMENT OF COMMISSION**

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

**ARTICLE III**  
**COMMISSION MEMBERSHIP**

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 shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission.

The Commission shall consist 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 who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber (or two legislators from any unicameral legislature), who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber. All vacancies shall 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 shall have equal voting privileges, as determined by the Commission bylaws.

**ARTICLE IV**  
**POWERS AND DUTIES OF THE COMMISSION**

The duties of the Commission are to:

- 1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- 2) 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;

***Midwest Interstate Passenger Rail Compact (cont.)***

- 3) seek development of a long-term, interstate plan for high speed rail passenger service implementation;
- 4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- 5) adopt bylaws governing the activities and procedures of the Commission and addressing, among other subjects: 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;
- 6) expend such funds as required to carry out the powers and duties of the Commission; and
- 7) report on the activities of the Commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the Commission is empowered to:

- 1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the Commission;
- 2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- 3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
- 4) 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.
- 5) make recommendations to member states;

***Midwest Interstate Passenger Rail Compact (cont.)***

- 6) 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 oversight for specific rail projects;
- 7) establish an office and hire staff as necessary;
- 8) contract for or provide services;
- 9) assess dues, in accordance with the terms of this compact;
- 10) conduct research; and
- 11) establish committees.

**ARTICLE V**

**OFFICERS**

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

**ARTICLE VI**

**MEETINGS AND COMMISSION ADMINISTRATION**

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

**ARTICLE VII**

**FINANCE**

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting

*Midwest Interstate Passenger Rail Compact (cont.)*

states. Nothing in this compact shall be construed to 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 department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this compact shall be paid by the Commission out of the funds available to it. The Commission shall 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 VIII**

**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 also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

**ARTICLE IX**

**WITHDRAWAL, DEFAULT AND TERMINATION**

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state

***Midwest Interstate Passenger Rail Compact (cont.)***

shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such 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 such default shall be remedied under the stipulations and within the time period set forth by the Commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other Commission members. Any such defaulting state may be reinstated, upon vote of the Commission, by performing all acts and obligations as stipulated by the Commission.

**ARTICLE X**

**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 compacting 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 compacting 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.

Source: [Legal > States Legal - U.S. > Indiana > Statutes & Regulations > IN - Burns Indiana Statutes Annotated](#) 

TOC: [Burns Indiana Statutes Annotated > /.../ > CHAPTER 22. MIDWEST INTERSTATE PASSENGER RAIL COMPACT > § 8-3-22-1. Purposes](#)

Terms: **midwest interstate passenger rail compact** ([Edit Search](#) | [Suggest Terms for My Search](#))

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*Burns Ind. Code Ann. § 8-3-22-1*

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\*\*\* STATUTES CURRENT THROUGH THE 2005 REGULAR SESSION \*\*\*  
\*\*\* ANNOTATIONS CURRENT THROUGH MAY 12, 2005 \*\*\*

TITLE 8. UTILITIES AND TRANSPORTATION  
ARTICLE 3. RAILROADS--GENERAL  
CHAPTER 22. **MIDWEST INTERSTATE PASSENGER RAIL COMPACT**

◆ **[GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)**

Burns Ind. Code Ann. § 8-3-22-1 (2005)

§ 8-3-22-1. Purposes

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

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

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

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

(4) 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 service; and

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

**HISTORY:** P.L.131-2000, § 1.

**NOTES:**

EFFECTIVE DATES. P.L.131-2000, § 1. July 1, 2000.

Source: [Legal > States Legal - U.S. > Indiana > Statutes & Regulations > IN - Burns Indiana Statutes Annotated](#) 

TOC: [Burns Indiana Statutes Annotated > /.../ > CHAPTER 22. MIDWEST INTERSTATE PASSENGER RAIL COMPACT > § 8-3-22-1. Purposes](#)



**Midwest Interstate  
Passenger Rail  
Commission**

**From:  
Laura Kliever  
Director**

701 E. 32<sup>nd</sup> Street  
Suite 110  
Lombard, IL 60148-5651  
Phone: 630/925-1922  
Fax: 630/925-1930  
e-mail: lkliwer@miprc.org

# Fax

**To:** Aaron Gary, Wisconsin Legislative Reference Bureau

---

**Re:** Wisconsin's enabling legislation for the compact

---

**Fax:** 608.264.6948

**Pages:** 8, including cover sheet

---

**Date:** December 14, 2005

---

Urgent     For Review     Please Comment     Please Reply     As requested

---

**Hi Aaron,**

**My recommended wording changes for Wisconsin's bill to enact the Midwest Interstate Passenger Rail Compact, to make it more consistent with the original language, follows.**

**I have only included those pages containing recommended changes, and have circled the line(s) on each page where a change is recommended.**

**Thank you for your help, and please let me know if you have any questions. I would appreciate receiving the final draft when it is prepared.**

**Thanks again!**

2005 - 2006 Legislature

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LRB-4153/1  
ARC:kjfc  
SECTION 2**BILL**

1           **85.067 Midwest interstate passenger rail compact.** The midwest  
2 interstate passenger rail compact is enacted into law and entered into by this state  
3 with all other states legally joining therein substantially in the following form:

## MIDWEST INTERSTATE

## PASSENGER RAIL COMPACT

6           The contracting states solemnly agree:

7           **(1) ARTICLE I— STATEMENT OF PURPOSE.** Through joint or cooperative action, the  
8 purposes of this compact are to do all of the following:

9           (a) Promote development and implementation of improvements to intercity  
10 passenger rail service in the midwest.

11           (b) Coordinate interaction among elected state officials in the midwest and  
12 their designees on passenger rail issues.

13           (c) Promote development and implementation of long-range plans for  
14 high-speed passenger rail service in the midwest and among other regions of the  
15 United States.

16           (d) Work with the public and private sectors at the federal, state, and local  
17 levels to ensure coordination among the various entities having an interest in  
18 passenger rail service and to promote interests of the midwestern region regarding  
19 passenger rail.

20           (e) Support efforts of transportation agencies that are involved in developing  
21 and implementing passenger rail service in the midwest.

22           **(2) ARTICLE II — ESTABLISHMENT OF THE COMMISSION.** *To further the purposes of*  
23 passenger rail commission, hereinafter called "the commission," is created to carry  
24 out the duties specified in this compact.

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ARG:kjf:ch  
SECTION 2

**BILL**

(3) ARTICLE III -- COMMISSION MEMBERSHIP. (a) The commission shall consist of 4 resident members of each state as follows:

1. The governor or the governor's designee who shall serve during the term of office of the governor, or until a successor is named;

2. Two legislators, one from each house (or 2 legislators from any unicameral legislature), who shall serve 2-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each house of the legislature; and

3. One member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named.

(am) All vacancies shall 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 shall have equal voting privileges, as determined by the bylaws of the commission.

(b) 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 shall be determined by each <sup>party</sup> ~~member~~ state under its laws, but each commissioner shall be a resident of the state of appointment.

(c) All members of the commission shall serve without compensation from the commission.

(4) ARTICLE IV -- POWERS AND DUTIES OF THE COMMISSION. (a) The commission <sup>are to</sup> ~~shall perform the following duties:~~

1. Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region.

*Duties of the*

2005 - 2006 Legislature

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ARC:kjf:ch  
SECTION 2**BILL**

1           2. Identify and seek to develop ways that states can form partnerships,  
2 including with rail industry and labor, to implement improved passenger rail service  
3 in the region.

4           3. Seek development of a long-term, interstate plan for high-speed passenger  
5 rail service implementation.

6           4. Cooperate with other agencies, regions, and entities to ensure that the  
7 midwest is adequately represented and integrated into national plans for passenger  
8 rail development.

9           5. Adopt bylaws governing the activities and procedures of the commission,  
10 *and addressing*  
~~including bylaws that address~~, among other subjects, the powers and duties of  
11 officers, the voting rights of members of the commission, voting procedures,  
12 commission business, and any other purposes necessary to fulfill the duties of the  
13 commission.

14           6. Expend such funds as required to carry out the powers and duties of the  
15 commission.

16           7. Report on the activities of the commission to the legislatures and governors  
17 of the member compacting states on an annual basis.

18           (b) In addition to its exercise of the duties specified in par. (a), the commission  
19 *is empowered to*  
~~may do any of the following:~~

20           1. Provide multistate advocacy necessary to implement passenger rail systems  
21 or plans, as approved by the commission.

22           2. Work with local elected officials, economic development planning  
23 organizations, and similar entities to raise the visibility of passenger rail service  
24 benefits and needs.

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ARG:kjf:ch

SECTION 2

**BILL**

3. Educate other state officials, federal agencies, other elected officials, and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region.

4. 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 passenger rail service implementation.

5. Make recommendations to member states.

6. 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 oversight for specific ~~passenger~~ rail projects.

7. Establish an office and hire staff as necessary.

8. Contract for or provide services.

9. Assess dues, in accordance with the terms of this compact.

10. Conduct research.

11. Establish committees.

(5) ARTICLE V — OFFICERS. The commission shall elect annually, from among its members, a chairperson, a vice chairperson who shall not be a resident of the state represented by the chairperson, and other officers as approved by the commission in its bylaws. The officers shall perform the functions and exercise the powers that are specified in the bylaws of the commission.

(6) ARTICLE VI — MEETINGS AND COMMISSION ADMINISTRATION. (a) The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission.

(b) Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws of the commission.

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ARG:kjf:ch  
SECTION 2

BILL

*Except as otherwise provided for,*

① (7) ARTICLE VII — FINANCE. (a) ~~The~~ moneys necessary to finance the general  
 ② operations of the commission ~~that are not otherwise provided for~~ in carrying forth its  
 3 duties, responsibilities, and powers as stated herein shall be appropriated to the  
 4 commission by the compacting states, when authorized by the respective  
 5 legislatures, by equal apportionment among the compacting states. Nothing in this  
 ⑥ compact shall be construed to commit a <sup>member</sup> compacting state to participate in financing  
 ⑦ a rail project except as provided by law of <sup>a member</sup> that compacting state.

8 (b) The commission may accept, for any of its purposes and functions,  
 9 donations, gifts, grants, and appropriations of money, equipment, supplies,  
 10 materials, and services from the federal government, from any party state or from  
 11 any department, agency, or municipality thereof, or from any institution, person,  
 12 firm, or corporation.

13 (c) All expenses incurred by the commission in executing the duties imposed  
 14 upon it by this compact shall be paid by the commission out of the funds available  
 ⑮ to it. The commission <sup>shall</sup> ~~may~~ not issue any debt instrument. The commission shall  
 16 submit to the officer designated by the laws of each party state, periodically as  
 17 required by the laws of each party state, a budget of its actual past and estimated  
 18 future expenditures.

19 (8) ARTICLE VIII — ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS. (a) The  
 20 states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska,  
 21 North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact.  
 22 Upon approval of the commission, according to its bylaws, other states may also be  
 23 declared eligible to join the compact.

⑳ (b) As to any eligible <sup>party</sup> ~~member~~ state, <sup>this</sup> ~~the~~ compact shall become effective when  
 ㉑ its legislature shall have enacted the same into law, <sup>provided</sup> ~~except~~ that the compact shall

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LRB-4153/1

ARC:kjf:ch

SECTION 2

## BILL

(1) not become initially effective until enacted into law by any 3 ~~member~~ <sup>party</sup> states incorporating the provisions of this compact into the laws of such states.

3 (c) Amendments to the compact shall become effective upon their enactment  
4 by the legislatures of all compacting states.

5 (9) ARTICLE IX - WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Withdrawal from  
6 this compact shall be by enactment of a statute repealing the same and shall take  
7 effect one year after the effective date of such statute. A withdrawing state shall be  
8 liable for any obligations that it may have incurred prior to the effective date of  
9 withdrawal.

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

21 (10) ARTICLE X - CONSTRUCTION AND SEVERABILITY. The provisions of this  
22 compact entered into hereunder shall be severable and, if any phrase, clause,  
23 sentence, or provision of this compact is declared to be contrary to the constitution  
24 of any compacting state or of the United States or the applicability thereof to any  
25 government, agency, person, or circumstance is held invalid, the validity of the

2005 - 2006 Legislature

- 9 -

LRB-4153/1  
ARG:kjf:ch  
SECTION 2**BILL**

1 remainder of this compact and the applicability thereof to any government, agency,  
2 person, or circumstance shall not be affected thereby. If this compact entered into  
3 hereunder shall be held contrary to the constitution of any ~~member~~<sup>compacting</sup> state, the  
4 compact shall remain in full force and effect as to the remaining states and in full  
5 force and effect as to the state affected as to all severable matters. The provisions  
6 of this compact entered into pursuant hereto shall be liberally construed to effectuate  
7 the purposes thereof.

8

(END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

soon

LRB-41531/2  
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2005 BILL

Regen

- 1 AN ACT to create 14.86 and 85.067 of the statutes; relating to: ratification of  
2 the Midwest Interstate Passenger Rail Compact.

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*Analysis by the Legislative Reference Bureau*

This bill creates a Midwest Interstate Passenger Rail Compact ("compact"). The purposes of the compact include promoting the development and implementation of improvements to intercity passenger rail service in the Midwest; coordinating interaction among elected states on passenger rail services; and supporting efforts of transportation agencies that are developing and implementing passenger rail service in the Midwest.

The compact became effective when it was enacted into law by three states. Currently, six states have enacted the compact into law: Indiana, Missouri, Nebraska, Ohio, Minnesota, and North Dakota. Under the compact, Wisconsin and five other states, including Illinois, Iowa, and Michigan, are eligible to become member states.

The compact creates a Midwest Interstate Passenger Rail Commission ("commission") consisting of four members from each member state, including the governor, or his or her designee, and two legislators. The compact specifies certain duties for the commission, including the duty to advocate for the funding and authorization of passenger rail improvements in the Midwest, to identify and seek partnerships to implement improved passenger rail service, and to seek development of a long-term, interstate plan for high-speed passenger rail service. The compact also authorizes the commission to take certain actions related to the promotion and implementation of passenger rail service.

**BILL**

Any member state to the compact may withdraw from the compact, effective one year after passage of a state law withdrawing from the compact. Conditions for default by and termination of a compacting state are specified.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 14.86 of the statutes is created to read:

2           **14.86 Midwest interstate passenger rail commission.** (1) There is  
3 created a midwest interstate passenger rail commission as specified under s. 85.067  
4 (2), consisting of the following members representing this state:

5           (a) The governor or his or her designee.

6           (b) One representative to the assembly, appointed by the speaker of the  
7 assembly for a 2-year term.

8           (c) One senator appointed by the president of the senate for a 2-year term.

9           (d) One member representing the private sector, appointed by the governor for  
10 the governor's term of office.

11           **(2)** The members of the commission shall serve without compensation but shall  
12 be reimbursed from the appropriation under s. 20.395 (4) (aq) for actual and  
13 necessary expenses incurred in the performance of their duties. The commission has  
14 the powers and duties granted and imposed under s. 85.067.

15           **(3)** From the appropriation under s. 20.395 (4) (aq), the department of  
16 transportation shall pay the costs of membership in and costs associated with the  
17 midwest interstate passenger rail compact.

18           **SECTION 2.** 85.067 of the statutes is created to read:

**BILL**

1           **85.067 Midwest interstate passenger rail compact.** The midwest  
2 interstate passenger rail compact is enacted into law and entered into by this state  
3 with all other states legally joining therein substantially in the following form:

## MIDWEST INTERSTATE

## PASSENGER RAIL COMPACT

6           The contracting states solemnly agree:

7           **(1) ARTICLE I – STATEMENT OF PURPOSE.** Through joint or cooperative action, the  
8 purposes of this compact are to do all of the following:

9           (a) Promote development and implementation of improvements to intercity  
10 passenger rail service in the midwest.

11           (b) Coordinate interaction among elected state officials in the midwest and  
12 their designees on passenger rail issues.

13           (c) Promote development and implementation of long-range plans for  
14 high-speed passenger rail service in the midwest and among other regions of the  
15 United States.

16           (d) Work with the public and private sectors at the federal, state, and local  
17 levels to ensure coordination among the various entities having an interest in  
18 passenger rail service and to promote interests of the midwestern region regarding  
19 passenger rail.

20           (e) Support efforts of transportation agencies that are involved in developing  
21 and implementing passenger rail service in the midwest.

22           **(2) ARTICLE II – ESTABLISHMENT OF THE COMMISSION.** *To further the purposes*  
*of this compact,*  
23 A midwest interstate  
24 passenger rail commission, hereinafter called “the commission,” is created to carry  
out the duties specified in this compact.

**BILL**

1 (3) ARTICLE III – COMMISSION MEMBERSHIP. (a) The commission shall consist  
2 of 4 resident members of each state as follows:

3 1. The governor or the governor’s designee who shall serve during the term of  
4 office of the governor, or until a successor is named;

5 2. Two legislators, one from each house (or 2 legislators from any unicameral  
6 legislature), who shall serve 2-year terms, or until successors are appointed, and  
7 who shall be appointed by the appropriate appointing authority in each house of the  
8 legislature; and

9 3. One member of the private sector who shall be appointed by the governor and  
10 shall serve during the tenure of office of the governor, or until a successor is named.

11 (am) All vacancies shall be filled in accordance with the laws of the appointing  
12 states. Any commissioner appointed to fill a vacancy shall serve until the end of the  
13 incomplete term. Each member state shall have equal voting privileges, as  
14 determined by the bylaws of the commission.

15 (b) The manner of appointment of commission members, terms of office  
16 consistent with the terms of this compact, provisions for removal and suspension,  
17 and manner of appointment to fill vacancies shall be determined by each <sup>party</sup> member  
18 state under its laws, but each commissioner shall be a resident of the state of  
19 appointment.

20 (c) All members of the commission shall serve without compensation from the  
21 commission. <sup>duties of the</sup>

22 (4) ARTICLE IV – POWERS AND DUTIES OF THE COMMISSION. (a) The <sup>duties of the</sup> commission  
23 <sup>are to</sup> shall perform the following duties:

24 1. Advocate for the funding and authorization necessary to make passenger rail  
25 improvements a reality for the region.

**BILL**

1           2. Identify and seek to develop ways that states can form partnerships,  
2 including with rail industry and labor, to implement improved passenger rail service  
3 in the region.

4           3. Seek development of a long-term, interstate plan for high-speed passenger  
5 rail service implementation.

6           4. Cooperate with other agencies, regions, and entities to ensure that the  
7 midwest is adequately represented and integrated into national plans for passenger  
8 rail development.

9           5. Adopt bylaws governing the activities and procedures of the commission,  
10 including ~~bylaws that~~ <sup>and</sup> address <sup>ing</sup>, among other subjects, the powers and duties of  
11 officers, the voting rights of members of the commission, voting procedures,  
12 commission business, and any other purposes necessary to fulfill the duties of the  
13 commission.

14           6. Expend such funds as required to carry out the powers and duties of the  
15 commission.

16           7. Report on the activities of the commission to the legislatures and governors  
17 of the member compacting states on an annual basis.

18           (b) In addition to its exercise of the duties specified in par. (a), the commission  
19 ~~may do any of the following:~~ <sup>is empowered to</sup>

20           1. Provide multistate advocacy necessary to implement passenger rail systems  
21 or plans, as approved by the commission.

22           2. Work with local elected officials, economic development planning  
23 organizations, and similar entities to raise the visibility of passenger rail service  
24 benefits and needs.

**BILL**

1           3. Educate other state officials, federal agencies, other elected officials, and the  
2 public on the advantages of passenger rail as an integral part of an intermodal  
3 transportation system in the region.

4           4. Work with federal agency officials and members of congress to ensure the  
5 funding and authorization necessary to develop a long-term, interstate plan for  
6 high-speed passenger rail service implementation.

7           5. Make recommendations to member states.

8           6. If requested by each state participating in a particular project and under the  
9 terms of a formal agreement approved by the participating states and the  
10 commission, implement or provide oversight for specific ~~passenger~~ rail projects.

11           7. Establish an office and hire staff as necessary.

12           8. Contract for or provide services.

13           9. Assess dues, in accordance with the terms of this compact.

14           10. Conduct research.

15           11. Establish committees.

16           **(5) ARTICLE V – OFFICERS.** The commission shall elect annually, from among  
17 its members, a chairperson, a vice chairperson who shall not be a resident of the state  
18 represented by the chairperson, and other officers as approved by the commission in  
19 its bylaws. The officers shall perform the functions and exercise the powers that are  
20 specified in the bylaws of the commission.

21           **(6) ARTICLE VI – MEETINGS AND COMMISSION ADMINISTRATION.** (a) The  
22 commission shall meet at least once in each calendar year, and at such other times  
23 as may be determined by the commission.

24           (b) Commission business shall be conducted in accordance with the procedures  
25 and voting rights specified in the bylaws of the commission.

**BILL**

Except as otherwise provided for,

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(7) ARTICLE VII - FINANCE. (a) The moneys necessary to finance the general operations of the commission ~~that are not otherwise provided for~~ in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a <sup>member</sup> compacting state to participate in financing a rail project except as provided by law of <sup>a member</sup> that compacting state.

(b) 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 department, agency, or municipality thereof, or from any institution, person, firm, or corporation.

(c) All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission ~~may~~ <sup>shall</sup> 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.

(8) ARTICLE VIII - ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS. (a) 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 also be declared eligible to join the compact.

(b) As to any eligible <sup>party</sup> member state, <sup>this</sup> the compact shall become effective when its legislature shall have enacted the same into law, ~~except~~ <sup>provided</sup> that the compact shall

**BILL**

1 not become initially effective until enacted into law by any 3 ~~member~~ <sup>party</sup> states  
2 incorporating the provisions of this compact into the laws of such states.

3 (c) Amendments to the compact shall become effective upon their enactment  
4 by the legislatures of all compacting states.

5 (9) ARTICLE IX – WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Withdrawal from  
6 this compact shall be by enactment of a statute repealing the same and shall take  
7 effect one year after the effective date of such statute. A withdrawing state shall be  
8 liable for any obligations that it may have incurred prior to the effective date of  
9 withdrawal.

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

21 (10) ARTICLE X – CONSTRUCTION AND SEVERABILITY. The provisions of this  
22 compact entered into hereunder shall be severable and, if any phrase, clause,  
23 sentence, or provision of this compact is declared to be contrary to the constitution  
24 of any compacting state or of the United States or the applicability thereof to any  
25 government, agency, person, or circumstance is held invalid, the validity of the

**BILL**

1 remainder of this compact and the applicability thereof to any government, agency,  
2 person, or circumstance shall not be affected thereby. If this compact entered into  
3 hereunder shall be held contrary to the constitution of any <sup>compacting</sup> ~~member~~ state, the  
4 compact shall remain in full force and effect as to the remaining states and in full  
5 force and effect as to the state affected as to all severable matters. The provisions  
6 of this compact entered into pursuant hereto shall be liberally construed to effectuate  
7 the purposes thereof.

8

(END)

**Northrop, Lori**

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**From:** Griffiths, Terri  
**Sent:** Tuesday, February 07, 2006 10:34 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-4153/2 Topic: Midwest Interstate Passenger Rail Compact

It has been requested by <Griffiths, Terri> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-4153/2 Topic: Midwest Interstate Passenger Rail Compact