

## 2001 SENATE BILL 218

July 12, 2001 – Introduced by Senators BURKE, PLACHE, COWLES, ROESSLER and SCHULTZ, cosponsored by Representatives KREIBICH, BALOW, BLACK, BOCK, BERCEAU, LA FAVE, J. LEHMAN, MILLER, PLOUFF, RICHARDS, TURNER and URBAN. Referred to Committee on Insurance, Tourism, and Transportation.

- 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, four states have enacted the compact into law: Indiana, Missouri, Minnesota, and North Dakota. Under the compact, Wisconsin and six other states, including Illinois, Iowa, Michigan, and Ohio, 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.

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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:

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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:

4   MIDWEST INTERSTATE  
5   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 – ESTABLISHMENT OF THE COMMISSION.** A midwest interstate  
23 passenger rail commission, hereinafter called “the commission,” is created to carry  
24 out the duties specified in this compact.

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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 – POWERS AND DUTIES OF THE COMMISSION.** (a) The commission shall  
23 perform the following duties:

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

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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.

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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.

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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

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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



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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.

8 **SECTION 3. Effective date.**

9 (1) This act takes effect on January 1, 2002, or on the day after publication,  
10 whichever is later.

11 (END)