

2001 DRAFTING REQUEST

Bill

Received: **05/04/2001**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry (aide)**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **ARG, PJH - 1**

Submit via email: **YES**

Requester's email: **Sen.Burke@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Midwest Interstate Passenger Rail Compact

Instructions:

Redraft 99-4684/1

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>
/?	fasttn 05/07/2001	gilfokm 05/11/2001		_____			State
/1			pgreensl 05/11/2001	_____	lrb_docadmin 05/11/2001	lrb_docadmin 07/05/2001	

FE Sent For:

→ At Intro.

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1?	fasttn	11-5/11-01 /1-5/11-01 /11-01	5/11 PG	5/11 Ch/PG			

FE Sent For:

<END>



The Council of State Governments - *Midwestern Office*

Midwestern Legislative Conference



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 >> Home >>MLC >>Resolutions >>Resolution on Midwest Interstate
 Passenger Rail Compact

Resolution on Midwest Interstate Passenger Rail Compact

Midwestern Legislative
 Conference

54th Annual Meeting of the
 Midwestern Legislative Conference of
 The Council of State Governments

Annual Meeting
 Committees
 Officers
 Resolutions
 Legislative Leadership
 Training (BILLD)

Omni Netherland Plaza
 Cincinnati, Ohio

July 18-21, 1999

Midwestern Governors'
 Conference

WHEREAS, Chicago is the railroad hub of the United States and major metropolitan areas of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin are all within the 100-500 mile range of this central city; and

Midwestern Radioactive
 Material Transportation
 Project

WHEREAS, the continued vitality of the Midwest economy depends on the availability of a modern, intermodal infrastructure to move people and goods quickly, safely and economically; and

Member Services

WHEREAS, cost-effective upgrades to existing railroads would allow for frequent, comfortable and convenient service at 110-125 mph throughout the Midwest; and

Account Wise

WHEREAS, modern technology allows for intercity passenger rail development that is safer, more efficient and as timely as air or auto travel; and

WHEREAS, high speed passenger rail service is being implemented in the Northeast Corridor, and the Midwest could be positioned to be the next area in the United States where modern intercity passenger rail is established; and

WHEREAS, there is a great need for coordinated action among the Midwestern states to ensure that the region receives the planning, education, advocacy and funding it needs to see this development occur; and

WHEREAS, legislators from the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin have worked together through Midwestern Legislative Conference High Speed Rail Task Force for three years to determine how to assist in the development of high speed rail; and

WHEREAS, the MLC High Speed Rail Task Force concluded that a compact among the Midwestern states would best serve this purpose and spent a year developing language for the Midwest Interstate Passenger Rail Compact, with input from a number of federal and state officials; and

WHEREAS, the Compact would provide the strong, unified voice needed to advocate for the funding and authorization necessary to make rail improvements a reality for the region; now therefore be it

RESOLVED, the Midwestern Legislative Conference endorses the ratification of the Midwest Interstate Passenger Rail Compact and urges each participating state to pass enabling legislation during its 2000 session; and be it further

RESOLVED, that this resolution be sent to Members of Congress, governors, legislative leadership, chairs of transportation committees and secretaries of transportation from the 10 Midwestern states affected by the Compact.



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Fast, Timothy

From: Ilene Grossman [igrossman@csg.org]
Sent: Friday, May 04, 2001 3:35 PM
To: 'Fast, Timothy'
Cc: Laura Kliewer (E-mail)
Subject: RE: Midwest Interstate Passenger Rail Compact

Tim-

Four states (Indiana, Missouri, Minnesota and North Dakota) have passed the compact. The first three passed it last year, which was the first year that the compact was introduced. North Dakota is the first state to pass it this year.

Laura Kliewer in our office is the staff person who works with the MLC High Speed Rail Task Force. She is not here this afternoon, but you can reach her Monday, at 630-810-0210, if you have other questions.

Ilene Grossman

-----Original Message-----

From: Fast, Timothy [mailto:Tim.Fast@legis.state.wi.us]
Sent: Friday, May 04, 2001 2:29 PM
To: igrossmn@csg.org
Subject: Midwest Interstate Passenger Rail Compact

Greetings from Madison, Wisconsin! I'm hoping that you can help me out with a question. How many states have enacted the Midwest Interstate Passenger Rail Compact into law. I've received a legislative inquiry. It's my understanding that Indiana enacted the compact a couple of years ago. I know a number of other states have introduced similar legislation.

I thank you in advance for any help you might be able to give me.

Peace, Tim Fast

Timothy Fast, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-9739

2001

Date (time) needed

SOON
(turned in 5/7/01)

D-NOTE

LRB-3248 1 1

BILL

TNF: *kmq*

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

- For the main heading, execute: create → anal: → title: → head
- For the subheading, execute: create → anal: → title: → sub
- For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

- For the text paragraph, execute: create → anal: → text

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

SECTION #.

1999 SENATE BILL

Missouri, Minnesota, and North Dakota

1 ~~AN ACT~~ to create 14.86 and 85.06 of the statutes, relating to: ratification of the
2 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.

became

The compact ~~becomes~~ effective when it ~~has been~~ was enacted into law by three states. Currently, ~~the only state that has~~ Indiana, ~~is~~ Under the compact, Wisconsin and ~~any~~ other states, including Illinois, Iowa, Michigan, ~~Missouri~~ and Ohio, are eligible to become member states.

four states have

SIX

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.

SENATE 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:

SENATE 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:

= m dash

MIDWEST INTERSTATE
PASSENGER RAIL COMPACT.

6 The contracting states solemnly agree:

7 (1) **ARTICLE I** *= m dash* **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 levels
17 to ensure coordination among the various entities having an interest in passenger
18 rail service and to promote interests of the midwestern region regarding passenger
19 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** *= m dash* **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.

SENATE BILL

1 (3) ARTICLE III (C) COMMISSION MEMBERSHIP. (a) The commission shall consist of
2 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 (C) 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.

→ =mdash

SENATE 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.

SENATE BILL

SECTION 2

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 its
17 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.

SENATE BILL

1 (7) ARTICLE VII ~~FINANCE~~ ^{= m dash}. (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 any
11 department, agency, or municipality thereof, or from any institution, person, firm,
12 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~~ ^{= m dash}. (a) The states
20 of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North
21 Dakota, Ohio, South Dakota and Wisconsin are eligible to join this compact. Upon
22 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

SENATE BILL

SECTION 2

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. = m dash

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.~~ = m dash 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 of
24 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

SENATE 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
9 (1) This act takes effect on ^{January} ~~July~~ 1, ²⁰⁰² ~~2000~~, or on the day after publication,
10 whichever is later.

11

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

3248
LRB-~~400~~/1dn
TNF:kmg:kjf

May 2, 2000

- ¶ 1. This bill has an effective date of January 1, 2002, or the day after publication, whichever is later. OK?
==
- ¶ 2.

ATTN: Barry Ashenfelter

✓ This bill funds expenses related to membership in the compact from DOT's appropriation for departmental management and operations. See proposed s. 14.86 (2) and (3). ~~OK~~

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: Tim.Fast@legis.state.wi.us

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LRB-3248/1dn
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**Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: Tim.Fast@legis.state.wi.us**

- 3248

Please
Jacket

Per
HC

Bunny

Thanks,
Tom