Gary, Aaron

From: Tuschen, Terry
Sent: Tuesday, January 30, 2007 3:00 PM
To: Gary, Aaron
Cc: Tuschen, Terry
Subject: RE: Midwest Interstate Passenger Rail Compact

Hi Aaron, please go ahead and make the change to the analysis. And I'll pass along the FE info to DOT or whatever agency does it. I appreciate your help.
Terry

From: Gary, Aaron
Sent: Tuesday, January 30, 2007 2:57 PM
To: Tuschen, Terry
Subject: RE: Midwest Interstate Passenger Rail Compact

Hi Terry,
Making the change to the analysis is optional. I you want the change, I'll redraft and make it.
As you suggest, the second comment is out of my league. I assume DOT did the FE last session - you might want to forward this comment to whomever prepared that FE at DOT (should say on the bottom of it).

Aaron

Aaron R. Gary
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From: Tuschen, Terry
Sent: Tuesday, January 30, 2007 1:58 PM
To: Gary, Aaron
Cc: Tuschen, Terry
Subject: FW: Midwest Interstate Passenger Rail Compact

Hi Aaron, I heard back from my counterpart and she requested a couple minor changes. I copied her notes below. Can you draft a /2 or do you even have to?
Thanks, Terry

From: Laura Kliewer [mailto:lkliewer@csg.org]
Sent: Tuesday, January 30, 2007 1:44 PM
To: Tuschen, Terry
Cc: Kate Schneider
Subject: RE: Midwest Interstate Passenger Rail Compact

Hi Terry!
It looks good. One little addition to the LRB analysis (and I can contact the LRB if you want me to) -- the governor of Illinois signed the compact into law this month, so the first sentence of paragraph two could be changed to state that eight states have enacted the compact into law (and then add Illinois in after the colon). You'd also want to take Illinois out of the last sentence in that paragraph (which describes the states that are still eligible to join).

Also, can you please make sure the fiscal analyst knows that the current annual dues for member states are $15,000 -- last year, the fiscal analysis said dues were $25,000 (which hasn't been the case for several years)?

Thanks, Terry -- please do let me know what I can do to help move the bill forward.

Laura

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1231/1
ARG:kjf:pg

2007 BILL

Editors: only change is in the analysis

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, ~~seven~~ eight states have enacted the compact into law: Indiana, Missouri, Nebraska, Ohio, Minnesota, Michigan, and North Dakota. Under the compact, Wisconsin and ~~four~~ three other states, including Illinois and Iowa, 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.

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:

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 II — ESTABLISHMENT OF THE COMMISSION. To further the purposes
23 of this compact, a midwest interstate passenger rail commission, hereinafter called
24 "the commission," is created to carry out the duties specified in this compact.

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 party state
18 under its laws, but each commissioner shall be a resident of the state of appointment.
19 (c) All members of the commission shall serve without compensation from the
20 commission.
21 **(4)** ARTICLE IV — POWERS AND DUTIES OF THE COMMISSION. (a) The duties of the
22 commission are to:
23 1. Advocate for the funding and authorization necessary to make passenger rail
24 improvements a reality for the region.

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, and
10 addressing, among other subjects, the powers and duties of officers, the voting rights
11 of members of the commission, voting procedures, commission business, and any
12 other purposes necessary to fulfill the duties of the commission.
13 6. Expend such funds as required to carry out the powers and duties of the
14 commission.
15 7. Report on the activities of the commission to the legislatures and governors
16 of the member compacting states on an annual basis.
17 (b) In addition to its exercise of the duties specified in par. (a), the commission
18 is empowered to:
19 1. Provide multistate advocacy necessary to implement passenger rail systems
20 or plans, as approved by the commission.
21 2. Work with local elected officials, economic development planning
22 organizations, and similar entities to raise the visibility of passenger rail service
23 benefits and needs.

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 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.

1 **(7)** ARTICLE VII — FINANCE. (a) Except as otherwise provided for, the moneys
2 necessary to finance the general operations of the commission 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 member state to participate in financing a
7 rail project except as provided by law of a member 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 shall 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 party state, this compact shall become effective when its
25 legislature shall have enacted the same into law, provided that the compact shall not

1 become initially effective until enacted into law by any 3 party states incorporating
2 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 compacting state shall at any time default in the performance of any
11 of 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

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 compacting 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)**

Barman, Mike

From: Tuschen, Terry
Sent: Tuesday, February 06, 2007 1:22 PM
To: LRB.Legal
Cc: Tuschen, Terry
Subject: Draft Review: LRB 07-1231/2 Topic: Midwest Interstate Passenger Rail Compact

Please Jacket LRB 07-1231/2 for the SENATE.