

HOUSE BILL No. 5638

February 7, 2006, Introduced by Reps. Kooiman, Anderson, Vander Veen, Lipsey, Caswell, Stahl, Gleason, Wenke, Taub and Huizenga and referred to the Committee on Transportation.

A bill to enter into the midwest interstate passenger rail compact to promote intergovernmental coordination aimed at development and promotion of intercity passenger rail transportation; to promote long-range planning for high-speed rail passenger service in the midwest; to describe the powers and duties of certain commissions; and to provide for ratification and a method of termination.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "midwest interstate passenger rail compact".

3 Sec. 2. The midwest interstate passenger rail compact is
4 enacted into law and entered into with all jurisdictions legally
5 joining in the compact in the form substantially as follows:

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;
- 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;
- 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 a 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

1 Commission bylaws. The officers shall perform such functions and
2 exercise such powers as specified in the Commission bylaws.

3 **ARTICLE VI**

4 **MEETINGS AND COMMISSION ADMINISTRATION**

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

9 **ARTICLE VII**

10 **FINANCE**

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

20 The Commission may accept, for any of its purposes and
21 functions, donations, gifts, grants, and appropriations of money,
22 equipment, supplies, materials and services from the federal
23 government, from any party state or from any department, agency,
24 or municipality thereof, or from any institution, person, firm,
25 or corporation. All expenses incurred by the Commission in
26 executing the duties imposed upon it by this compact shall be
27 paid by the Commission out of the funds available to it. The

1 Commission shall not issue any debt instrument. The Commission
2 shall submit to the officer designated by the laws of each party
3 state, periodically as required by the laws of each party state,
4 a budget of its actual past and estimated future expenditures.

5 **ARTICLE VIII**

6 **ENACTMENT, EFFECTIVE DATE AND AMENDMENTS**

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

19 **ARTICLE IX**

20 **WITHDRAWAL, DEFAULT AND TERMINATION**

21 Withdrawal from this compact shall be by enactment of a
22 statute repealing the same and shall take effect one year after
23 the effective date of such statute. A withdrawing state shall be
24 liable for any obligations which it may have incurred prior to
25 the effective date of withdrawal.

26 If any compacting state shall at any time default in the
27 performance of any of its obligations, assumed or imposed, in

1 accordance with the provisions of this compact, all rights,
2 privileges and benefits conferred by this compact or agreements
3 hereunder shall be suspended from the effective date of such
4 default as fixed by the Commission, and the Commission shall
5 stipulate the conditions and maximum time for compliance under
6 which the defaulting state may resume its regular status. Unless
7 such default shall be remedied under the stipulations and within
8 the time period set forth by the Commission, this compact may be
9 terminated with respect to such defaulting state by affirmative
10 vote of a majority of the other Commission members. Any such
11 defaulting state may be reinstated, upon vote of the Commission,
12 by performing all acts and obligations as stipulated by the
13 Commission.

14 **ARTICLE X**

15 **CONSTRUCTION AND SEVERABILITY**

16 The provisions of this compact entered into hereunder shall
17 be severable and if any phrase, clause, sentence or provision of
18 this compact is declared to be contrary to the constitution of
19 any compacting state or of the United States or the applicability
20 thereof to any government, agency, person or circumstance is held
21 invalid, the validity of the remainder of this compact and the
22 applicability thereof to any government, agency, person or
23 circumstance shall not be affected hereby. If this compact
24 entered into hereunder shall be held contrary to the constitution
25 of any compacting state, the compact shall remain in full force
26 and effect as to the remaining states and in full force and
27 effect as to the state affected as to all severable matters. The

- 1 provisions of this compact entered into pursuant hereto shall be
- 2 liberally construed to effectuate the purposes thereof.