



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4344

Introduced 12/30/2005, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Midwest Interstate Passenger Rail Compact Act. Provides that this State and the other contracting states solemnly agree to the terms of the compact, whose purposes include the promotion of development and implementation of improvements to intercity passenger rail service in the Midwest. Establishes a Commission, with 4 members from each contracting state, serving without compensation from the Commission, to carry out the purposes of the compact. Provides for the election of Commission officers, for meetings and Commission administration, and for financing of the operations of the Commission by the compacting states. Provides that the compact becomes effective among the contracting states upon the agreement of 3 eligible states to participate. Provides for the admission of additional states to the compact, amendment of the compact, the withdrawal, default, or termination of contracting states, and construction and severability of the compact.

LRB094 15493 DRH 50692 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title and statement of agreement. This Act
5 may be cited as the Midwest Interstate Passenger Rail Compact
6 Act. This State and the other states contracting under this
7 compact solemnly agree to the terms of this compact.

8 Section 5. Statement of purpose. The purposes of this
9 compact are, through joint or cooperative action:

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

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

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

19 (4) to work with the public and private sectors at the
20 federal, state, and local levels to ensure coordination
21 among the various entities having an interest in passenger
22 rail service and to promote Midwestern interests regarding
23 passenger rail; and

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

27 Section 10. Establishment of Commission. To further the
28 purposes of the compact, a Commission is created to carry out
29 the duties specified in this compact.

30 Section 15. Commission membership.

1 (a) The manner of appointment of Commission members, terms
2 of office consistent with the terms of this compact, provisions
3 for removal and suspension, and manner of appointment to fill
4 vacancies shall be determined by each party state pursuant to
5 its laws, but each commissioner shall be a resident of the
6 state of appointment. Commission members shall serve without
7 compensation from the Commission.

8 (b) The Commission shall consist of 4 resident members of
9 each state as follows:

10 (1) the Governor or the Governor's designee, who shall
11 serve during the tenure of office of the Governor, or until
12 a successor is named;

13 (2) one member of the private sector, who shall be
14 appointed by the Governor and shall serve during the tenure
15 of office of the Governor or until a successor is named;

16 (3) one member of the House of Representatives,
17 appointed by the Speaker of the House; and

18 (4) one member of the Senate, appointed by the
19 President of the Senate.

20 (c) All vacancies shall be filled in accordance with the
21 laws of the appointing states. Any commissioner appointed to
22 fill a vacancy shall serve until the end of the incomplete
23 term. Each member state shall have equal voting privileges, as
24 determined by the Commission bylaws.

25 Section 20. Powers and duties of the Commission.

26 (a) The duties of the Commission are to:

27 (1) advocate for the funding and authorization
28 necessary to make passenger rail improvements a reality for
29 the region;

30 (2) identify and seek to develop ways that states can
31 form partnerships, including with rail industry and labor,
32 to implement improved passenger rail in the region;

33 (3) seek development of a long-term, interstate plan
34 for high speed rail passenger service implementation;

35 (4) cooperate with other agencies, regions, and

1 entities to ensure that the Midwest is adequately
2 represented and integrated into national plans for
3 passenger rail development;

4 (5) adopt bylaws governing the activities and
5 procedures of the Commission and addressing, among other
6 subjects: the powers and duties of officers, the voting
7 rights of Commission members, voting procedures,
8 Commission business, and any other purposes necessary to
9 fulfill the duties of the Commission;

10 (6) expend such funds as required to carry out the
11 powers and duties of the Commission; and

12 (7) report on the activities of the Commission to the
13 legislatures and governor of the member states on an annual
14 basis.

15 (b) In addition to its exercise of these duties, the
16 Commission is empowered to:

17 (1) provide multi-state advocacy necessary to
18 implement passenger rail systems or plans, as approved by
19 the Commission;

20 (2) work with local elected officials, economic
21 development planning organizations, and similar entities
22 to raise the visibility of passenger rail service benefits
23 and needs;

24 (3) educate other state officials, federal agencies,
25 other elected officials, and the public on the advantages
26 of passenger rail as an integral part of an intermodal
27 transportation system in the region;

28 (4) work with federal agency officials and Members of
29 Congress to ensure the funding and authorization necessary
30 to develop a long-term, interstate plan for high speed rail
31 passenger service implementation;

32 (5) make recommendations to member states;

33 (6) if requested by each state participating in a
34 particular project and under the terms of a formal
35 agreement approved by the participating states and the
36 Commission, implement or provide oversight for specific

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

8 Section 25. Officers.

9 (a) The Commission shall annually elect from among its

10 members:

- 11 (1) a chair;
- 12 (2) a vice-chair, who may not be a resident of the
- 13 state represented by the chair; and
- 14 (3) others as approved in the Commission bylaws.

15 (b) The officers shall perform such functions and exercise

16 such powers as specified in the Commission bylaws.

17 Section 30. Meetings and Commission administration. The

18 Commission shall meet at least once in each calendar year, and

19 at such other times as may be determined by the Commission.

20 Commission business shall be conducted in accordance with the

21 procedures and voting rights specified in the bylaws.

22 Section 35. Finance.

23 (a) Except as otherwise provided for, the moneys necessary

24 to finance the general operations of the Commission in carrying

25 forth its duties, responsibilities, and powers as stated in

26 this Compact shall be appropriated to the Commission by the

27 compacting states, when authorized by the respective

28 legislatures, by equal apportionment among the compacting

29 states. Nothing in this compact shall be construed to commit a

30 member state to participate in financing a rail project except

31 as provided by law of a member state.

32 (b) The Commission may accept, for any of its purposes and

33 functions, donations, gifts, grants, and appropriations of

1 money, equipment, supplies, materials, and services from the
2 federal government, from any party state, or from any
3 department, agency, or municipality of any party state, or from
4 any institution, person, firm, or corporation.

5 (c) All expenses incurred by the Commission in executing
6 the duties imposed upon it by this compact shall be paid by the
7 Commission out of the funds available to it. The Commission
8 shall not issue any debt instrument.

9 (d) The Commission shall submit to the officer designated
10 by the laws of each party state, periodically as required by
11 the laws of each party state, a budget of its actual past and
12 estimated future expenditures.

13 Section 40. Enactment; effective date; amendments.

14 (a) The states of Illinois, Indiana, Iowa, Kansas,
15 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
16 South Dakota, and Wisconsin are eligible to join this compact.
17 Upon approval of the Commission, according to its bylaws, other
18 states may also be declared eligible to join the compact.

19 (b) As to any eligible party state, except as provided in
20 subsection (c), this compact shall become effective when its
21 legislature shall have enacted the compact into law.

22 (c) This compact shall not become initially effective until
23 enacted into law by any 3 party states incorporating the
24 provisions of this compact into the laws of those states.
25 Amendments to the compact shall become effective upon their
26 enactment by the legislatures of all compacting states.

27 Section 45. Withdrawal; default; termination.

28 (a) Withdrawal from this compact shall be by enactment of a
29 statute repealing the compact and shall take effect one year
30 after the effective date of that statute. A withdrawing state
31 shall be liable for any obligations which it may have incurred
32 prior to the effective date of withdrawal.

33 (b) If any compacting state shall at any time default in
34 the performance of any of its obligations, assumed or imposed,

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

14 Section 50. Construction and severability.

15 (a) The provisions of this compact entered into under this
16 Act shall be severable, and if any phrase, clause, sentence, or
17 provision of this compact is declared to be contrary to the
18 constitution of any compacting state or of the United States,
19 or if the applicability of this compact to any government,
20 agency, person, or circumstance is held invalid, the validity
21 of the remainder of this compact and the applicability of this
22 compact to any government, agency, person, or circumstance
23 shall not be affected.

24 (b) If this compact entered into under this Act shall be
25 held contrary to the constitution of any compacting state, the
26 compact shall remain in full force and effect as to the
27 remaining states and in full force and effect as to the state
28 affected as to all severable matters. The provisions of this
29 compact entered into under this Act shall be liberally
30 construed to effectuate the purposes of this compact.