

As Introduced

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A B I L L

To enact sections 4981.36 and 4981.361 of the Revised 1  
Code to adopt the Midwest Interstate Passenger Rail 2  
Compact. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4981.36 and 4981.361 of the Revised 4  
Code be enacted to read as follows: 5

Sec. 4981.36. The "Midwest Interstate Passenger Rail Compact" 6  
is hereby ratified, enacted into law, and entered into by the 7  
state of Ohio with all other states legally joining therein in the 8  
form substantially as follows: 9

"MIDWEST INTERSTATE PASSENGER RAIL COMPACT" 10

The contracting states solemnly agree: 11

Article I 12

Statement of Purpose 13

The purposes of this compact are, through joint or 14  
cooperative action: 15

A) To promote development and implementation of improvements 16  
to intercity passenger rail service in the Midwest; 17

B) To coordinate interaction among Midwestern state elected 18

officials and their designees on passenger rail issues; 19

C) To promote development and implementation of long-range 20  
plans for high speed rail passenger service in the Midwest and 21  
among other regions of the United States; 22

D) To work with the public and private sectors at the 23  
federal, state and local levels to ensure coordination among the 24  
various entities having an interest in passenger rail service and 25  
to promote Midwestern interests regarding passenger rail; and 26

E) To support efforts of transportation agencies involved in 27  
developing and implementing passenger rail service in the Midwest. 28

Article II 29

Establishment of Commission 30

To further the purposes of the compact, a Commission is 31  
created to carry out the duties specified in this compact. 32

Article III 33

Commission Membership 34

The manner of appointment of Commission members, terms of 35  
office consistent with the terms of this compact, provisions for 36  
removal and suspension, and manner of appointment to fill 37  
vacancies shall be determined by each party state pursuant to its 38  
laws, but each commissioner shall be a resident of the state of 39  
appointment. Commission members shall serve without compensation 40  
from the Commission. 41

The Commission shall consist of four resident members of each 42  
state as follows: The governor or the governor's designee who 43  
shall serve during the tenure of office of the governor, or until 44  
a successor is named; one member of the private sector who shall 45  
be appointed by the governor and shall serve during the tenure of 46  
office of the governor, or until a successor is named; and two 47  
legislators, one from each legislative chamber (or two legislators 48  
from any unicameral legislature), who shall serve two-year terms, 49

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.

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Article IV

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Powers and Duties of the Commission

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The duties of the Commission are to:

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1) Advocate for the funding and authorization necessary to  
make passenger rail improvements a reality for the region;

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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;

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3) Seek development of a long-term, interstate plan for high  
speed rail passenger service implementation;

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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;

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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;

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6) Expend such funds as required to carry out the powers and  
duties of the Commission; and

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7) Report on the activities of the Commission to the  
legislatures and governor of the member states on an annual basis.

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In addition to its exercise of these duties, the Commission

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<u>is empowered to:</u>	80
<u>1) Provide multistate advocacy necessary to implement</u>	81
<u>passenger rail systems or plans, as approved by the Commission;</u>	82
<u>2) Work with local elected officials, economic development</u>	83
<u>planning organizations, and similar entities to raise the</u>	84
<u>visibility of passenger rail service benefits and needs;</u>	85
<u>3) Educate other state officials, federal agencies, other</u>	86
<u>elected officials and the public on the advantages of passenger</u>	87
<u>rail as an integral part of an intermodal transportation system in</u>	88
<u>the region;</u>	89
<u>4) Work with federal agency officials and Members of Congress</u>	90
<u>to ensure the funding and authorization necessary to develop a</u>	91
<u>long-term, interstate plan for high speed rail passenger service</u>	92
<u>implementation.</u>	93
<u>5) Make recommendations to members states;</u>	94
<u>6) If requested by each state participating in a particular</u>	95
<u>project and under the terms of a formal agreement approved by the</u>	96
<u>participating states and the Commission, implement or provide</u>	97
<u>oversight for specific rail projects;</u>	98
<u>7) Establish an office and hire staff as necessary;</u>	99
<u>8) Contract for or provide services;</u>	100
<u>9) Assess dues, in accordance with the terms of this compact;</u>	101
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<u>10) Conduct research; and</u>	103
<u>11) Establish committees.</u>	104
<u>Article V</u>	105
<u>Officers</u>	106
<u>The Commission shall annually elect from among its members a</u>	107
<u>chair, a vice-chair who shall not be a resident of the state</u>	108

represented by the chair, and others as approved in the Commission 109  
bylaws. The officers shall perform such functions and exercise 110  
such powers as are specified in the Commission bylaws. 111

Article VI 112

Meetings and Commission Administration 113

The Commission shall meet at least once in each calendar 114  
year, and at such other times as may be determined by the 115  
Commission. Commission business shall be conducted in accordance 116  
with the procedures and voting rights specified in the bylaws. 117

Article VII 118

Finance 119

Except as otherwise provided for, the monies necessary to 120  
finance the general operations of the Commission in carrying forth 121  
its duties, responsibilities and powers as stated herein shall be 122  
appropriated to the Commission by the compacting states, when 123  
authorized by the respective legislatures, by equal apportionment 124  
among the compacting states. Nothing in this compact shall be 125  
construed to commit a member state to participate in financing a 126  
rail project except as provided by law of a member state. 127

The Commission may accept, for any of its purposes and 128  
functions, donations, gifts, grants, and appropriations of money, 129  
equipment, supplies, materials and services from the federal 130  
government, from any party state or from any department, agency, 131  
or municipality thereof, or from any institution, person, firm, or 132  
corporation. All expenses incurred by the Commission in executing 133  
the duties imposed upon it by this compact shall be paid by the 134  
Commission out of the funds available to it. The Commission shall 135  
not issue any debt instrument. The Commission shall submit to the 136  
officer designated by the laws of each party state, periodically 137  
as required by the laws of each party state, a budget of its 138  
actual past and estimated future expenditures. 139

Article VIII 140

Enactment, Effective Date and Amendments 141

The states of Illinois, Indiana, Iowa, Kansas, Michigan, 142  
Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota 143  
and Wisconsin are eligible to join this compact. Upon approval of 144  
the Commission, according to its bylaws, other states may also be 145  
declared eligible to join the compact. As to any eligible party 146  
state, this compact shall become effective when its legislature 147  
shall have enacted the same into law; provided that it shall not 148  
become initially effective until enacted into law by any three (3) 149  
party states incorporating the provisions of this compact into the 150  
laws of such states. Amendments to the compact shall become 151  
effective upon their enactment by the legislatures of all 152  
compacting states. 153

Article IX 154

Withdrawal, Default and Termination 155

Withdrawal from this compact shall be by enactment of a 156  
statute repealing the same and shall take effect one year after 157  
the effective date of such statute. A withdrawing state shall be 158  
liable for any obligations which it may have incurred prior to the 159  
effective date of withdrawal. 160

If any compacting state shall at any time default in the 161  
performance of any of its obligations, assumed or imposed, in 162  
accordance with the provisions of this compact, all rights, 163  
privileges and benefits conferred by this compact or agreements 164  
hereunder shall be suspended from the effective date of such 165  
default as fixed by the Commission, and the Commission shall 166  
stipulate the conditions and maximum time for compliance under 167  
which the defaulting state may resume its regular status. Unless 168  
such default shall be remedied under the stipulations and within 169  
the time period set forth by the Commission, this compact may be 170  
terminated with respect to such defaulting state by affirmative 171  
vote of a majority of the other Commission members. Any such 172

defaulting state may be reinstated, upon vote of the Commission, 173  
by performing all acts and obligations as stipulated by the 174  
Commission. 175

Article X 176

Construction and Severability 177

The provisions of this compact entered into hereunder shall 178  
be severable and if any phrase, clause, sentence or provision of 179  
this compact is declared to be contrary to the constitution of any 180  
compacting state or of the United States or the applicability 181  
thereof to any government, agency, person or circumstance is held 182  
invalid, the validity of the remainder of this compact and the 183  
applicability thereof to any government, agency, person or 184  
circumstance shall not be affected hereby. If this compact entered 185  
into hereunder shall be held contrary to the constitution of any 186  
compacting state, the compact shall remain in full force and 187  
effect as to the remaining states and in full force and effect as 188  
to the state affected as to all severable matters. The provisions 189  
of this compact entered into pursuant hereto shall be liberally 190  
construed to effectuate the purposes thereof." 191

**Sec. 4981.361.** In pursuance of Articles II and III of the 192  
Midwest Interstate Passenger Rail Compact, as set forth in section 193  
4981.36 of the Revised Code, there shall be four members of the 194  
commission from this state. 195

The governor shall appoint two members as set forth in 196  
Article III of the compact. The terms of office for the governor's 197  
appointments shall be in accordance with Article III of the 198  
compact. 199

The speaker of the house of representatives and the president 200  
of the senate each shall appoint one member from their respective 201  
houses of the general assembly to serve as a member of the 202  
commission, but the two appointees shall not be members of the 203

same political party. Terms of office for legislative appointees 204  
shall be in accordance with Article III of the compact. 205

Any member shall continue in office subsequent to the 206  
expiration of the member's term until a successor is appointed. 207  
Vacancies in the commission shall be filled in the same manner as 208  
original selections are made. Any member of the commission may be 209  
reappointed. 210

Except for the purposes of Chapters 102., 2744., and 2921. of 211  
the Revised Code, serving as a member of the commission does not 212  
constitute holding a public office or position of employment under 213  
the laws of this state and does not constitute grounds for removal 214  
of public officers or employees from their offices or positions of 215  
employment. 216

The governor, speaker, or president may remove a member for 217  
whom the governor, speaker, or president was the appointing 218  
authority, for misfeasance, malfeasance, or willful neglect of 219  
duty. 220

Members of the commission shall serve without compensation, 221  
but shall be reimbursed for the reasonable expenses incurred by 222  
them in the discharge of their duties as members of the 223  
commission. 224