

# As Passed by the House

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Harris, Mead, Hagan, Brady, Furney, Fingerhut, Robert Gardner, Herington,  
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Koziura, Mason, Strahorn, DeBose

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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 cooperative action: 14  
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A) To promote development and implementation of improvements to intercity passenger rail service in the Midwest; 16  
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B) To coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues; 18  
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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; 20  
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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 23  
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E) To support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest. 27  
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Article II 29

Establishment of Commission 30

To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact. 31  
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Article III 33

Commission Membership 34

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. 35  
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The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who 42  
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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.

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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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<u>6) Expend such funds as required to carry out the powers and</u>	75
<u>duties of the Commission; and</u>	76
<u>7) Report on the activities of the Commission to the</u>	77
<u>legislatures and governor of the member states on an annual basis.</u>	78
<u>In addition to its exercise of these duties, the Commission</u>	79
<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

11) Establish committees. 104

Article V 105

Officers 106

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 Commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the Commission bylaws. 107  
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Article VI 112

Meetings and Commission Administration 113

The Commission shall meet at least once in each calendar year, and at such other times as may be determined by the Commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws. 114  
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Article VII 118

Finance 119

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state. 120  
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The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this compact shall be paid by the Commission out of the funds available to it. The Commission shall 128  
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not issue any debt instrument. The Commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

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Article VIII

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Enactment, Effective Date and Amendments

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

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Article IX

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Withdrawal, Default and Termination

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

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If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission, and the Commission shall stipulate the conditions and maximum time for compliance under

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which the defaulting state may resume its regular status. Unless  
such default shall be remedied under the stipulations and within  
the time period set forth by the Commission, this compact may be  
terminated with respect to such defaulting state by affirmative  
vote of a majority of the other Commission members. Any such  
defaulting state may be reinstated, upon vote of the Commission,  
by performing all acts and obligations as stipulated by the  
Commission.

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Article X

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Construction and Severability

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

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

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

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compact.

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The speaker of the house of representatives and the president of the senate each shall appoint one member from their respective houses of the general assembly to serve as a member of the commission, but the two appointees shall not be members of the same political party. Terms of office for legislative appointees shall be in accordance with Article III of the compact.

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

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

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

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

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