

**As Reported by the House Transportation and Public Safety
Committee**

**124th General Assembly
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S. B. No. 212

**SENATORS Armbruster, Jacobson, DiDonato, Goodman, Spada, Mumper,
Harris, Mead, Hagan, Brady, Furney, Fingerhut, Robert Gardner, Herington,
Roberts, Prentiss, Ryan
REPRESENTATIVES Damschroder, Manning, Lendrum, Hagan, Schneider,
Reidelbach, Reinhard, Sferra, Perry**

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 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 shall serve during the tenure of office of the governor, or until 42
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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 50
the appropriate appointing authority in each legislative chamber. 51
All vacancies shall be filled in accordance with the laws of the 52
appointing states. Any commissioner appointed to fill a vacancy 53
shall serve until the end of the incomplete term. Each member 54
state shall have equal voting privileges, as determined by the 55
Commission bylaws. 56

Article IV 57

Powers and Duties of the Commission 58

The duties of the Commission are to: 59

1) Advocate for the funding and authorization necessary to 60
make passenger rail improvements a reality for the region; 61

2) Identify and seek to develop ways that states can form 62
partnerships, including with rail industry and labor, to implement 63
improved passenger rail in the region; 64

3) Seek development of a long-term, interstate plan for high 65
speed rail passenger service implementation; 66

4) Cooperate with other agencies, regions and entities to 67
ensure that the Midwest is adequately represented and integrated 68
into national plans for passenger rail development; 69

5) Adopt bylaws governing the activities and procedures of 70
the Commission and addressing, among other subjects: the powers 71
and duties of officers; the voting rights of Commission members, 72
voting procedures, Commission business, and any other purposes 73
necessary to fulfill the duties of the Commission; 74

6) Expend such funds as required to carry out the powers and 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
<u>11) Establish committees.</u>	104

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Article V 105

Officers 106

The Commission shall annually elect from among its members a 107
chair, a vice-chair who shall not be a resident of the state 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

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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

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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.

Article X

Construction and Severability

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."

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.

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
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. 200
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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. 206
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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. 211
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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. 217
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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. 221
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