

**As Reported by the Senate Highways and Transportation
Committee**

**124th General Assembly
Regular Session
2000-2001**

S. B. No. 212

**SENATORS Armbruster, Jacobson, DiDonato, Goodman, Spada, Mumper,
Harris, Mead, Hagan, Brady, Furney**

A B I L L

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

1
2
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
Code be enacted to read as follows:

4
5

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

6
7
8
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
15

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

16
17

As Reported by the Senate Highways and Transportation Committee

B) To coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues; 18
19

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
21
22

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
24
25
26

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

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
32

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
36
37
38
39
40
41

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 42
43
44
45
46
47
48

As Reported by the Senate Highways and Transportation Committee

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 IVPowers 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.

As Reported by the Senate Highways and Transportation Committee

<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
	102
<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

As Reported by the Senate Highways and Transportation Committee

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.

Article VIMeetings and Commission Administration

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.

Article VIIFinance

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.

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
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.

As Reported by the Senate Highways and Transportation Committee

Article VIII

140

Enactment, Effective Date and Amendments

141

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.

142

143

144

145

146

147

148

149

150

151

152

153

Article IX

154

Withdrawal, Default and Termination

155

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.

156

157

158

159

160

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
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

161

162

163

164

165

166

167

168

169

170

171

As Reported by the Senate Highways and Transportation Committee

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 XConstruction 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.

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

As Reported by the Senate Highways and Transportation Committee

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.

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.

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.

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.

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.