

S. B. No. 195
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 122.29, 122.291, 122.292, 122.293, and" 1
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In line 2 of the title, after "Commission" insert "and the Ohio River Commission of Ohio" 3
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In line 3, delete "section" and insert "sections 122.29, 122.291, 122.292, 122.293, and" 5
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After line 4, insert: 7

"Sec. 122.29. (A) The Ohio River Commission of Ohio is created as an independent agency of the state within the department of development to develop and promote economic development, marine cargo terminal operations, and travel and tourism on the Ohio river and its tributaries. The commission consists of the following members: 8
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(1) The director of development, or the director's designee, who shall serve as chairperson of the commission; 14
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(2) The director of transportation, or the director's 16



designee; 17

(3) The director of natural resources, or the director's 18
designee; 19

(4) Two members representing the general public, one of 20
whom shall be appointed by the president of the senate and one 21
of whom shall be appointed by the speaker of the house of 22
representatives; 23

(5) Six members appointed by the governor with the advice 24
and consent of the senate, three of whom represent private 25
industry associated or affiliated with marine cargo terminal 26
operations on the Ohio river and three of whom represent private 27
industry possessing experience in marine cargo terminal 28
operations or travel and tourism on the Ohio river. Not more 29
than three of the members appointed by the governor shall be 30
from the same political party. 31

(B) (1) Each appointed member of the commission shall be a 32
resident of this state or a designee of a business licensed or 33
registered in this state. 34

(2) All members shall be reimbursed for actual expenses 35
incurred in the performance of their duties. 36

(C) (1) Within sixty days after the effective date of this 37
section, the governor shall make initial appointments to the 38
commission. Of the initial appointments made to the commission, 39
three shall be for a term ending two years after the effective 40
date of this section, and three shall be for a term ending four 41
years after that date. 42

(2) Terms for all other appointments made to the 43
commission shall be for four years. 44

(3) Vacancies shall be filled in the manner provided for 45
original appointments. Any member appointed to fill a vacancy 46
shall have the same qualifications as the member's predecessor. 47

(4) Each term shall end on the same day of the same month 48
as did the term that it succeeds. Each appointed member shall 49
hold office from the date of the member's appointment until the 50
end of the term for which the member was appointed. Any member 51
appointed to fill a vacancy before the expiration of the term 52
for which the member's predecessor was appointed shall hold 53
office for the remainder of that term. Any appointed member 54
shall continue in office subsequent to the expiration date of 55
the member's term until the member's successor takes office, or 56
for a period of sixty days, whichever occurs first. All members 57
are eligible for reappointment. 58

(D) Six members of the commission constitute a quorum. The 59
affirmative vote of a majority of the quorum is necessary for 60
any action taken by the commission. No vacancy in the membership 61
of the commission impairs the rights of a quorum to exercise all 62
the rights and perform all the duties of the commission. 63

(E) All members of the commission are subject to Chapter 64
102. of the Revised Code. 65

(F) The department of development may use all appropriate 66
sources of revenue to assist the commission in furtherance of 67
the commission's purposes. 68

(G) (1) Expenditures by the department of development, the 69
commission, or any other state agency for capital improvements 70
to promote economic development, marine cargo terminal 71
operations, and travel and tourism on the Ohio river and its 72
tributaries are subject to the approval of the controlling 73

board. 74

(2) The commission shall use all public funds acquired by 75
the commission for developing, implementing, promoting, and 76
regulating economic development, marine terminal operations, and 77
travel and tourism on the Ohio river and its tributaries. 78

(H) The department of development and the department of 79
transportation, upon the request of the commission, shall 80
cooperate in the implementation of this section. 81

(I) Every authority, commission, department, or other 82
agency of this state shall provide the commission with data, 83
plans, research, and any other information that the commission 84
requests to assist it in performing its duties. 85

(J) The commission, or the department of development, on 86
behalf of the commission, may apply for and receive from the 87
United States government loans and grants in accordance with any 88
federal law or program, for the benefit of Ohio River 89
infrastructure, transportation, or recreation and tourism. 90

Sec. 122.291. The Ohio river commission of Ohio shall do 91
all of the following: 92

(A) Employ an executive director who shall have 93
appropriate experience as determined by the commission, and a 94
secretary-treasurer and other employees that the commission 95
considers appropriate. The commission may fix the compensation 96
of the employees. 97

(B) Adopt and, from time to time, ratify, amend, and 98
repeal bylaws necessary and proper for the regulation of its 99
affairs and the conduct of its business and rules to implement 100
and make effective its powers and duties; 101

<u>(C) Adopt an official seal;</u>	102
<u>(D) Maintain a principal office in Columbus, Ohio and, if necessary, regional sub-offices at locations properly designated by the commission;</u>	103 104 105
<u>(E) Receive, promote, support, and consider recommendations, from public or private planning organizations, and develop a master plan for Ohio river infrastructure and transportation projects;</u>	106 107 108 109
<u>(F) Coordinate with port authorities, private port operators, metropolitan planning organizations, regional transportation planning organizations, local development districts, Ohio river service entities, utility service providers, and agricultural, tourism, and recreational interests, regarding Ohio river infrastructure and transportation;</u>	110 111 112 113 114 115 116
<u>(G) Coordinate with state agencies, local governments and communities, other states, and the federal government regarding Ohio river issues;</u>	117 118 119
<u>(H) Advocate for Ohio river infrastructure and transportation as related to commerce, job creation, economic development, and taxes;</u>	120 121 122
<u>(I) Collect, track, and maintain key statistics and data regarding commerce on the Ohio river and make an annual report to the general assembly;</u>	123 124 125
<u>(J) Ensure the coordination and monitoring of federal, state, and local policies, programs, and priorities pertaining to the development and operation of marine cargo terminals and travel and tourism on the Ohio river;</u>	126 127 128 129

<u>(K) Prioritize policies, programs, and issues identified</u>	130
<u>in the Ohio maritime strategy prepared by the department of</u>	131
<u>transportation and in the department's "Economic Impact of the</u>	132
<u>Ohio River Maritime Activity" study, as those or similar</u>	133
<u>documents or reports are published and updated from time to time</u>	134
<u>by the department;</u>	135
<u>(L) Coordinate with and assist the various state agencies</u>	136
<u>in their work as it relates to issues concerning the Ohio river;</u>	137
<u>(M) Evaluate policies, programs, programs of research, and</u>	138
<u>priorities to offset the continued decline in coal production</u>	139
<u>and consumption within the Ohio river basin and promote</u>	140
<u>prosperity in the Appalachian region of this state;</u>	141
<u>(N) Administer development funds and seek, support, and</u>	142
<u>assist the Ohio river industry in the utilization of available</u>	143
<u>grants, loans, and other finance mechanisms in support of Ohio</u>	144
<u>river projects;</u>	145
<u>(O) Represent the interests of this state in regional,</u>	146
<u>national, and international forums pertaining to economic</u>	147
<u>development, marine cargo terminals, and travel and tourism on</u>	148
<u>the Ohio river and its tributaries;</u>	149
<u>(P) Coordinate, for dissemination and publication,</u>	150
<u>information regarding the commission and its related activities</u>	151
<u>in connection with the Ohio river.</u>	152
<u>Sec. 122.292.</u> (A) <u>As used in this section, "person" has</u>	153
<u>the same meaning as in section 4981.01 of the Revised Code.</u>	154
<u>(B) The Ohio river commission of Ohio may issue grants and</u>	155
<u>loans to any person for the purpose of developing Ohio river</u>	156
<u>infrastructure or continuing or instituting Ohio river</u>	157

transportation in the state. The grants and loans may be used 158
for rehabilitation, construction, planning, relocation, or 159
acquisition. The grants and loans may be provided by the 160
commission with funds from the United States government, the 161
state, or any person, or from any combination of those sources. 162
The commission shall establish eligibility and distribution 163
criteria for the grants and loans. 164

(C) The commission may cooperate with other states in 165
carrying out the provisions of this section and may enter into 166
any agreements with other states for the operation of Ohio river 167
services. 168

Sec. 122.293. (A) The Ohio river commission of Ohio fund 169
is created in the state treasury. The fund consists of all money 170
as may be provided by law, including money received from any 171
sale, transfer, or lease of property. 172

(B) Money in the fund shall be used for the Ohio river 173
commission of Ohio's purposes specified in section 122.291 of 174
the Revised Code and to pay the administrative expenses of the 175
commission." 176

The motion was _____ agreed to.

SYNOPSIS 177

Ohio River Commission of Ohio 178

R.C. 122.29 through 122.293 179

Creates the Ohio River Commission of Ohio within the 180
Department of Development to develop and promote economic 181

development, marine cargo terminal operations, and travel and tourism on the Ohio River and its tributaries.	182
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Specifies the Commission's powers and duties, which include developing a master plan for Ohio River infrastructure and transportation projects.	184
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Requires every other Ohio authority, commission, department, or agency to provide the Commission with data, plans, research, and any other information that the Commission requests to assist it in performing its duties.	187
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Allows the Commission to issue grants and loans for the development of the Ohio River infrastructure or for continuing or instituting Ohio River transportation in Ohio.	191
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Creates the Ohio River Commission of Ohio Fund to be used for the Commission's purposes and to pay its administrative expenses.	194
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Requires the Controlling Board to approve any expenditures by the Department of Development, the Commission, or any other state agency for capital improvements to promote economic development, marine cargo terminal operations, and travel and tourism on the Ohio River and its tributaries.	197
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