

As Introduced

**136th General Assembly
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S. B. No. 449

Senators Lang, Antonio

To enact sections 4981.36 and 4981.361 of the 1
Revised Code to adopt the Midwest Interstate 2
Passenger Rail 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 4
Revised Code be enacted to read as follows: 5

Sec. 4981.36. The "Midwest Interstate Passenger Rail 6
Compact" is hereby ratified, enacted into law, and entered into 7
by the state of Ohio with all other states legally joining 8
therein in the 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 16
improvements to intercity passenger rail service in the Midwest; 17

(B) To coordinate interaction among Midwestern state 18

elected officials and their designees on passenger rail issues; 19

(C) To promote development and implementation of long- 20
range plans for high speed rail passenger service in the Midwest 21
and 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 25
and to promote Midwestern interests regarding passenger rail; 26
and 27

(E) To support efforts of transportation agencies involved 28
in developing and implementing passenger rail service in the 29
Midwest. 30

Article II 31

Establishment of Commission 32

To further the purposes of the compact, a Commission is 33
created to carry out the duties specified in this compact. 34

Article III 35

Commission Membership 36

The manner of appointment of Commission members, terms of 37
office consistent with the terms of this compact, provisions for 38
removal and suspension, and manner of appointment to fill 39
vacancies shall be determined by each party state pursuant to 40
its laws, but each commissioner shall be a resident of the state 41
of appointment. Commission members shall serve without 42
compensation from the Commission. 43

The Commission shall consist of four resident members of 44
each state as follows: The governor or the governor's designee 45

who shall serve during the tenure of office of the governor, or 46
until a successor is named; one member of the private sector who 47
shall be appointed by the governor and shall serve during the 48
tenure of office of the governor, or until a successor is named; 49
and two legislators, one from each legislative chamber (or two 50
legislators from any unicameral legislature), who shall serve 51
two-year terms, or until successors are appointed, and who shall 52
be appointed by the appropriate appointing authority in each 53
legislative chamber. All vacancies shall be filled in accordance 54
with the laws of the appointing states. Any commissioner 55
appointed to fill a vacancy shall serve until the end of the 56
incomplete term. Each member state shall have equal voting 57
privileges, as determined by the Commission bylaws. 58

Article IV 59

Powers and Duties of the Commission 60

The duties of the Commission are to: 61

(1) Advocate for the funding and authorization necessary 62
to make passenger rail improvements a reality for the region; 63

(2) Identify and seek to develop ways that states can form 64
partnerships, including with rail industry and labor, to 65
implement improved passenger rail in the region; 66

(3) Seek development of a long-term, interstate plan for 67
high speed rail passenger service implementation; 68

(4) Cooperate with other agencies, regions and entities to 69
ensure that the Midwest is adequately represented and integrated 70
into national plans for passenger rail development; 71

(5) Adopt bylaws governing the activities and procedures 72
of the Commission and addressing, among other subjects: the 73

powers and duties of officers; the voting rights of Commission 74
members, voting procedures, Commission business, and any other 75
purposes necessary to fulfill the duties of the Commission; 76

(6) Expend such funds as required to carry out the powers 77
and duties of the Commission; and 78

(7) Report on the activities of the Commission to the 79
legislatures and governor of the member states on an annual 80
basis. 81

In addition to its exercise of these duties, the 82
Commission is empowered to: 83

(1) Provide multistate advocacy necessary to implement 84
passenger rail systems or plans, as approved by the Commission; 85

(2) Work with local elected officials, economic 86
development planning organizations, and similar entities to 87
raise the visibility of passenger rail service benefits and 88
needs; 89

(3) Educate other state officials, federal agencies, other 90
elected officials and the public on the advantages of passenger 91
rail as an integral part of an intermodal transportation system 92
in the region; 93

(4) Work with federal agency officials and Members of 94
Congress to ensure the funding and authorization necessary to 95
develop a long-term, interstate plan for high speed rail 96
passenger service implementation. 97

(5) Make recommendations to members states; 98

(6) If requested by each state participating in a 99
particular project and under the terms of a formal agreement 100
approved by the participating states and the Commission, 101

<u>implement or provide oversight for specific rail projects;</u>	102
<u>(7) Establish an office and hire staff as necessary;</u>	103
<u>(8) Contract for or provide services;</u>	104
<u>(9) Assess dues, in accordance with the terms of this compact;</u>	105 106
<u>(10) Conduct research; and</u>	107
<u>(11) Establish committees.</u>	108
<u>Article V</u>	109
<u>Officers</u>	110
<u>The Commission shall annually elect from among its members</u>	111
<u>a chair, a vice-chair who shall not be a resident of the state</u>	112
<u>represented by the chair, and others as approved in the</u>	113
<u>Commission bylaws. The officers shall perform such functions and</u>	114
<u>exercise such powers as are specified in the Commission bylaws.</u>	115
<u>Article VI</u>	116
<u>Meetings and Commission Administration</u>	117
<u>The Commission shall meet at least once in each calendar</u>	118
<u>year, and at such other times as may be determined by the</u>	119
<u>Commission. Commission business shall be conducted in accordance</u>	120
<u>with the procedures and voting rights specified in the bylaws.</u>	121
<u>Article VII</u>	122
<u>Finance</u>	123
<u>Except as otherwise provided for, the monies necessary to</u>	124
<u>finance the general operations of the Commission in carrying</u>	125
<u>forth its duties, responsibilities and powers as stated herein</u>	126
<u>shall be appropriated to the Commission by the compacting</u>	127

states, when authorized by the respective legislatures, by equal 128
apportionment among the compacting states. Nothing in this 129
compact shall be construed to commit a member state to 130
participate in financing a rail project except as provided by 131
law of a member state. 132

The Commission may accept, for any of its purposes and 133
functions, donations, gifts, grants, and appropriations of 134
money, equipment, supplies, materials and services from the 135
federal government, from any party state or from any department, 136
agency, or municipality thereof, or from any institution, 137
person, firm, or corporation. All expenses incurred by the 138
Commission in executing the duties imposed upon it by this 139
compact shall be paid by the Commission out of the funds 140
available to it. The Commission shall not issue any debt 141
instrument. The Commission shall submit to the officer 142
designated by the laws of each party state, periodically as 143
required by the laws of each party state, a budget of its actual 144
past and estimated future expenditures. 145

Article VIII 146

Enactment, Effective Date and Amendments 147

The states of Illinois, Indiana, Iowa, Kansas, Michigan, 148
Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota 149
and Wisconsin are eligible to join this compact. Upon approval 150
of the Commission, according to its bylaws, other states may 151
also be declared eligible to join the compact. As to any 152
eligible party state, this compact shall become effective when 153
its legislature shall have enacted the same into law; provided 154
that it shall not become initially effective until enacted into 155
law by any three (3) party states incorporating the provisions 156
of this compact into the laws of such states. Amendments to the 157

compact shall become effective upon their enactment by the 158
legislatures of all compacting states. 159

Article IX 160

Withdrawal, Default and Termination 161

Withdrawal from this compact shall be by enactment of a 162
statute repealing the same and shall take effect one year after 163
the effective date of such statute. A withdrawing state shall be 164
liable for any obligations which it may have incurred prior to 165
the effective date of withdrawal. If any compacting state shall 166
at any time default in the performance of any of its 167
obligations, assumed or imposed, in accordance with the 168
provisions of this compact, all rights, privileges and benefits 169
conferred by this compact or agreements hereunder shall be 170
suspended from the effective date of such default as fixed by 171
the Commission, and the Commission shall stipulate the 172
conditions and maximum time for compliance under which the 173
defaulting state may resume its regular status. Unless such 174
default shall be remedied under the stipulations and within the 175
time period set forth by the Commission, this compact may be 176
terminated with respect to such defaulting state by affirmative 177
vote of a majority of the other Commission members. Any such 178
defaulting state may be reinstated, upon vote of the Commission, 179
by performing all acts and obligations as stipulated by the 180
Commission. 181

Article X 182

Construction and Severability 183

The provisions of this compact entered into hereunder 184
shall be severable and if any phrase, clause, sentence or 185
provision of this compact is declared to be contrary to the 186

constitution of any compacting state or of the United States or 187
the applicability thereof to any government, agency, person or 188
circumstance is held invalid, the validity of the remainder of 189
this compact and the applicability thereof to any government, 190
agency, person or circumstance shall not be affected hereby. If 191
this compact entered into hereunder shall be held contrary to 192
the constitution of any compacting state, the compact shall 193
remain in full force and effect as to the remaining states and 194
in full force and effect as to the state affected as to all 195
severable matters. The provisions of this compact entered into 196
pursuant hereto shall be liberally construed to effectuate the 197
purposes thereof." 198

Sec. 4981.361. In pursuance of Articles II and III of the 199
Midwest Interstate Passenger Rail Compact, as set forth in 200
section 4981.36 of the Revised Code, there shall be four members 201
of the commission from this state. 202

The governor shall appoint two members as set forth in 203
Article III of the compact. The terms of office for the 204
governor's appointments shall be in accordance with Article III 205
of the compact. 206

The speaker of the house of representatives and the 207
president of the senate each shall appoint one member from their 208
respective houses of the general assembly to serve as a member 209
of the commission, but the two appointees shall not be members 210
of the same political party. Terms of office for legislative 211
appointees shall be in accordance with Article III of the 212
compact. 213

Any member shall continue in office subsequent to the 214
expiration of the member's term until a successor is appointed. 215
Vacancies in the commission shall be filled in the same manner 216

<u>as original selections are made. Any member of the commission</u>	217
<u>may be reappointed.</u>	218
<u>Except for the purposes of Chapters 102., 2744., and 2921.</u>	219
<u>of the Revised Code, serving as a member of the commission does</u>	220
<u>not constitute holding a public office or position of employment</u>	221
<u>under the laws of this state and does not constitute grounds for</u>	222
<u>removal of public officers or employees from their offices or</u>	223
<u>positions of employment.</u>	224
<u>The governor, speaker, or president may remove a member</u>	225
<u>for whom the governor, speaker, or president was the appointing</u>	226
<u>authority, for misfeasance, malfeasance, or willful neglect of</u>	227
<u>duty.</u>	228
<u>Members of the commission shall serve without</u>	229
<u>compensation, but shall be reimbursed for the reasonable</u>	230
<u>expenses incurred by them in the discharge of their duties as</u>	231
<u>members of the commission.</u>	232