

As Reported by the Senate Agriculture and Natural Resources Committee

135th General Assembly

Regular Session

2023-2024

Am. S. B. No. 286

Senator Wilkin

Cosponsors: Senators Schaffer, DeMora, Reineke, Chavez, Rulli, Johnson

A BILL

To enact sections 122.29, 122.291, 122.292, and 1
122.293 of the Revised Code to create the Ohio 2
River Commission. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 122.29, 122.291, 122.292, and 4
122.293 of the Revised Code be enacted to read as follows: 5

Sec. 122.29. (A) The Ohio River Commission is created as 6
an independent agency of the state within the department of 7
development to develop and promote economic development, marine 8
cargo terminal operations, and travel and tourism on the Ohio 9
river and its tributaries. The commission consists of the 10
following members: 11

(1) The director of development, or the director's 12
designee, who shall serve as chairperson of the commission; 13

(2) The director of transportation, or the director's 14
designee; 15

(3) The director of natural resources, or the director's 16
designee; 17

(4) Two members representing the general public, one of 18
whom shall be appointed by the president of the senate and one 19
of whom shall be appointed by the speaker of the house of 20
representatives; 21

(5) Six members appointed by the governor with the advice 22
and consent of the senate, three of whom represent private 23
industry associated or affiliated with marine cargo terminal 24
operations on the Ohio river and three of whom represent private 25
industry possessing experience in marine cargo terminal 26
operations or travel and tourism on the Ohio river. Not more 27
than three of the members appointed by the governor shall be 28
from the same political party. 29

(B) (1) Each appointed member of the commission shall be a 30
resident of this state or a designee of a business licensed or 31
registered in this state. 32

(2) All members shall be reimbursed for actual expenses 33
incurred in the performance of their duties. 34

(C) (1) Within sixty days after the effective date of this 35
section, the governor shall make initial appointments to the 36
commission. Of the initial appointments made to the commission, 37
three shall be for a term ending two years after the effective 38
date of this section, and three shall be for a term ending four 39
years after that date. 40

(2) Terms for all other appointments made to the 41
commission shall be for four years. 42

(3) Vacancies shall be filled in the manner provided for 43
original appointments. Any member appointed to fill a vacancy 44
shall have the same qualifications as the member's predecessor. 45

(4) Each term shall end on the same day of the same month 46

as did the term that it succeeds. Each appointed member shall 47
hold office from the date of the member's appointment until the 48
end of the term for which the member was appointed. Any member 49
appointed to fill a vacancy before the expiration of the term 50
for which the member's predecessor was appointed shall hold 51
office for the remainder of that term. Any appointed member 52
shall continue in office subsequent to the expiration date of 53
the member's term until the member's successor takes office, or 54
for a period of sixty days, whichever occurs first. All members 55
are eligible for reappointment. 56

(D) Six members of the commission constitute a quorum. The 57
affirmative vote of a majority of the quorum is necessary for 58
any action taken by the commission. No vacancy in the membership 59
of the commission impairs the rights of a quorum to exercise all 60
the rights and perform all the duties of the commission. 61

(E) All members of the commission are subject to Chapter 62
102. of the Revised Code. 63

(F) The department of development may use all appropriate 64
sources of revenue to assist the commission in furtherance of 65
the commission's purposes. 66

(G) (1) Expenditures by the department of development, the 67
commission, or any other state agency for capital improvements 68
to promote economic development, marine cargo terminal 69
operations, and travel and tourism on the Ohio river and its 70
tributaries are subject to the approval of the controlling 71
board. 72

(2) The commission shall use all public funds acquired by 73
the commission for developing, implementing, promoting, and 74
regulating economic development, marine terminal operations, and 75

travel and tourism on the Ohio river and its tributaries. 76

(H) The department of development and the department of transportation, upon the request of the commission, shall cooperate in the implementation of this section. 77
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(I) Every authority, commission, department, or other agency of this state shall provide the commission with data, plans, research, and any other information that the commission requests to assist it in performing its duties. 80
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(J) The commission, or the department of development, on behalf of the commission, may apply for and receive from the United States government grants in accordance with any federal law or program, for the benefit of Ohio River infrastructure, transportation, or recreation and tourism. 84
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Sec. 122.291. The Ohio river commission shall do all of the following: 89
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(A) Employ an executive director who shall have appropriate experience as determined by the commission, and a secretary-treasurer and other employees that the commission considers appropriate. The commission may fix the compensation of the employees. 91
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(B) Adopt and, from time to time, ratify, amend, and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules to implement and make effective its powers and duties; 96
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(C) Adopt an official seal; 100

(D) Maintain a principal office in Columbus, Ohio and, if necessary, regional sub-offices at locations properly designated by the commission; 101
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<u>(E) Receive, promote, support, and consider</u>	104
<u>recommendations, from public or private planning organizations,</u>	105
<u>and develop a master plan for Ohio river infrastructure and</u>	106
<u>transportation projects;</u>	107
<u>(F) Coordinate with port authorities, private port</u>	108
<u>operators, metropolitan planning organizations, regional</u>	109
<u>transportation planning organizations, local development</u>	110
<u>districts, Ohio river service entities, utility service</u>	111
<u>providers, and agricultural, tourism, and recreational</u>	112
<u>interests, regarding Ohio river infrastructure and</u>	113
<u>transportation;</u>	114
<u>(G) Coordinate with state agencies, local governments and</u>	115
<u>communities, other states, and the federal government regarding</u>	116
<u>Ohio river issues;</u>	117
<u>(H) Advocate for Ohio river infrastructure and</u>	118
<u>transportation as related to commerce, job creation, economic</u>	119
<u>development, and taxes;</u>	120
<u>(I) Collect, track, and maintain key statistics and data</u>	121
<u>regarding commerce on the Ohio river and make an annual report</u>	122
<u>to the general assembly;</u>	123
<u>(J) Ensure the coordination and monitoring of federal,</u>	124
<u>state, and local policies, programs, and priorities pertaining</u>	125
<u>to the development and operation of marine cargo terminals and</u>	126
<u>travel and tourism on the Ohio river;</u>	127
<u>(K) Prioritize policies, programs, and issues identified</u>	128
<u>in the Ohio maritime strategy prepared by the department of</u>	129
<u>transportation and in the department's "Economic Impact of the</u>	130
<u>Ohio River Maritime Activity" study, as those or similar</u>	131
<u>documents or reports are published and updated from time to time</u>	132

<u>by the department;</u>	133
<u>(L) Coordinate with and assist the various state agencies</u>	134
<u>in their work as it relates to issues concerning the Ohio river;</u>	135
<u>(M) Evaluate policies, programs, programs of research, and</u>	136
<u>priorities to offset the continued decline in coal production</u>	137
<u>and consumption within the Ohio river basin and promote</u>	138
<u>prosperity in the Appalachian region of this state;</u>	139
<u>(N) Administer development funds and seek, support, and</u>	140
<u>assist the Ohio river industry in the utilization of available</u>	141
<u>grants, loans, and other finance mechanisms in support of Ohio</u>	142
<u>river projects;</u>	143
<u>(O) Represent the interests of this state in regional,</u>	144
<u>national, and international forums pertaining to economic</u>	145
<u>development, marine cargo terminals, and travel and tourism on</u>	146
<u>the Ohio river and its tributaries;</u>	147
<u>(P) Coordinate, for dissemination and publication,</u>	148
<u>information regarding the commission and its related activities</u>	149
<u>in connection with the Ohio river.</u>	150
<u>Sec. 122.292. (A) As used in this section, "person" has</u>	151
<u>the same meaning as in section 4981.01 of the Revised Code.</u>	152
<u>(B) The Ohio river commission may issue grants and loans</u>	153
<u>to any person for the purpose of developing Ohio river</u>	154
<u>infrastructure or continuing or instituting Ohio river</u>	155
<u>transportation in the state. The grants and loans may be used</u>	156
<u>for rehabilitation, construction, planning, relocation, or</u>	157
<u>acquisition. The grants and loans may be provided by the</u>	158
<u>commission with funds from the United States government, the</u>	159
<u>state, or any person, or from any combination of those sources.</u>	160
<u>The commission shall establish eligibility and distribution</u>	161

<u>criteria for the grants and loans.</u>	162
<u>(C) The commission may cooperate with other states in</u>	163
<u>carrying out the provisions of this section and may enter into</u>	164
<u>any agreements with other states for the operation of Ohio river</u>	165
<u>services.</u>	166
<u>Sec. 122.293.</u> (A) <u>The Ohio river commission fund is</u>	167
<u>created in the state treasury. The fund consists of all money as</u>	168
<u>may be provided by law, including money received from any sale,</u>	169
<u>transfer, or lease of property.</u>	170
<u>(B) Money in the fund shall be used for the Ohio river</u>	171
<u>commission's purposes specified in section 122.291 of the</u>	172
<u>Revised Code and to pay the administrative expenses of the</u>	173
<u>commission.</u>	174