



S.B. 212*

124th General Assembly

(As Reported by H. Transportation and Public Safety)

Sens. Armbruster, Jacobson, DiDonato, Goodman, Spada, Mumper, Harris, Mead, Hagan, Brady, Furney, Fingerhut, Robert Gardner, Herington, Roberts, Prentiss, Ryan

BILL SUMMARY

- Adopts the Midwest Interstate Passenger Rail Compact.
- As part of the Compact, creates the Midwest Interstate Passenger Rail Commission, and enacts provisions governing the Commission's powers and duties.
- Prescribes the appointing authorities for Ohio's members on the Commission, consistent with the Compact.

CONTENT AND OPERATION

The Midwest Interstate Passenger Rail Compact

(R.C. 4981.36)

The bill ratifies and enacts into law the Midwest Interstate Passenger Rail Compact, thus making Ohio a member of the Compact with all of the other member states. A summary of the Compact follows:

Compact purposes; Compact Commission

(Articles I and II)

The purposes of the Compact, through joint or cooperative action, are all of the following:

* *This analysis was prepared before the report of the House Transportation and Public Safety Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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

(2) To coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;

(3) 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;

(4) 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

(5) To support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

In order to further the Compact's purposes, the Compact creates a Commission to carry out specified duties.

Commission membership

(Article III)

Each Commissioner must be a resident of the state that appoints the person to the Commission, which consists of the following four residents of each state: the Governor or the Governor's designee, who serves during the Governor's tenure or until a successor is named; one member of the private sector appointed by the Governor, who serves during the Governor's tenure or until a successor is named; and two legislators, one from each legislative chamber, who serve two-year terms or until successors are appointed. The legislators are appointed by the appropriate appointing authority in each legislative chamber. (For Ohio members, see "Ohio members of the Commission," below.)

Commission members do not receive any compensation from the Commission. Each member state has equal voting privileges, as determined by Commission bylaws.

Powers and duties of the Commission

(Article IV)

The Commission's duties are to:



(1) Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the Midwest 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 Midwest 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 that govern Commission activities and procedures;

(6) Expend any funds that are required to carry out the Commission's powers and duties; and

(7) Report on its activities annually to the legislatures and Governors of the member states.

In addition to its exercise of these duties, the Commission may do all of the following:

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

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

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

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

(5) Make recommendations to member states;

(6) If requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the Commission, implement or provide oversight for specific rail projects;



- (7) Establish an office and hire staff as necessary;
- (8) Contract for or provide services;
- (9) Assess dues, in accordance with Compact terms;
- (10) Conduct research; and
- (11) Establish committees.

Commission officers; Commission meetings and administration

(Articles V and VI)

The Commission annually must elect from among its members a chair, a vice-chair who is a resident of a state different from that of the chair, and others as the Commission approves in its bylaws. The Commission must meet at least once during each calendar year and at any other times that the Commission determines.

Commission finances

(Article VII)

Except as otherwise provided, the money necessary to finance the Commission's general operations in executing its duties, responsibilities, and powers must be appropriated to the Commission by the states that are Compact members, by equal apportionment. Nothing in the Compact may be construed as committing a member state to participate in financing a rail project except as provided by law of that 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 member state or from any department, agency, or municipality of such a state, or from any institution, person, firm, or corporation. All expenses that the Commission incurs in executing its duties must be paid by the Commission out of the funds available to it; the Commission cannot issue any debt instrument. In addition, the Commission periodically must submit to the proper officer of each member state a budget of its actual past and estimated future expenditures, as required by the laws of each state.

Enactment, effective date, and amendments

(Article VIII)

Of the 12 states that are eligible to join the Compact, Indiana, Minnesota, Missouri, Nebraska, and North Dakota have enacted it as of January 2002. Illinois, Iowa, Kansas, Michigan, Ohio, South Dakota, and Wisconsin are eligible but have not yet joined the Compact. Other states also may be declared eligible to join the Compact upon approval of the Commission.

The Compact becomes effective in a particular state when its legislature enacts the Compact into law. In accordance with Compact requirements, the Compact has become initially effective because it has been enacted into law by at least three member states. Amendments to the Compact become effective upon their enactment by the legislatures of all member states.

Withdrawal, default, and termination

(Article IX)

A state may withdraw from the Compact by enacting a statute repealing the Compact provisions; the withdrawal takes effect one year after the effective date of the statute. A state that withdraws is liable for any obligations that it may have incurred prior to the effective date of withdrawal.

If a member state at any time defaults in the performance of any of its Compact obligations, all rights, privileges, and benefits conferred by the Compact or Compact agreements are suspended from the effective date of the default as fixed by the Commission. The Commission must stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. If the default is not remedied under the stipulations and within the specified time, the Compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other Commission members. Upon vote of the Commission, a defaulting state may be reinstated by performing all acts and obligations that the Commission stipulates.

Construction and severability

(Article X)

Compact provisions are severable. In addition, if the Compact is held contrary to the constitution of any member state, the Compact remains 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. Finally, the provisions of the Compact are to be liberally construed to effectuate its purposes.

Ohio members of the Commission

(R.C. 4981.361)

The bill requires the Governor to appoint two of Ohio's four members of the Commission and also requires the Speaker of the House of Representatives and the President of the Senate each to appoint one member from their respective houses of the General Assembly to serve as members of the Commission. The two persons appointed by the Speaker and the President cannot be members of the same political party. The appointments and the respective terms of office all must be in accordance with Article III of the Compact. Commission vacancies must be filled in the same manner as original appointments. Members may be reappointed.

The bill provides that except for the purposes of state law governing public officials and ethics, political subdivision sovereign immunity, and offenses against justice and public administration, 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 that official was the appointing authority for misfeasance, malfeasance, or willful neglect of duty. Ohio's Commission members must serve without compensation, but must be reimbursed for the reasonable expenses that they incur in the discharge of their Commission duties.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-15-02	p. 1307
Reported, S. Highways & Transportation	02-13-02	p. 1460
Passed Senate (33-0)	02-19-02	p. 1476
Reported, H. Transportation & Public Safety	---	---

