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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 286
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sen. Wilkin

Jeff Grim, Research Analyst

SUMMARY

- Creates the Ohio River Commission 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.
- Specifies the Commission's powers and duties, which include developing a master plan for Ohio River infrastructure and transportation projects.
- 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.
- 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.
- Creates the Ohio River Commission Fund to be used for the Commission's purposes and to pay its administrative expenses.
- 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.

DETAILED ANALYSIS

Ohio River Commission

The bill creates the Ohio River Commission 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. It specifies that the Commission consists of the following members:

1. The Director of Development, or the Director's designee, who serves as chairperson;
2. The Director of Transportation, or the Director's designee;
3. The Director of Natural Resources, or the Director's designee;
4. Two members, who are Ohio residents or a designee of a business licensed in Ohio, representing the general public – one appointed by the Senate President and one appointed by the Speaker of the House; and
5. Six members, who are Ohio residents or a designee of a business licensed in Ohio, appointed by the Governor with the advice and consent of the Senate (with up to three from the same political party) as follows:
 - a. Three who represent private industry associated or affiliated with marine cargo terminal operations on the Ohio River; and
 - b. Three who represent private industry possessing experience in marine cargo terminal operations or travel and tourism on the Ohio River.¹

The bill requires members to be reimbursed for actual expenses incurred in performance of their duties.²

Additionally, it specifies all of the following concerning the Commission's organization and structure:

- **Initial appointments:** within 60 days after the bill's effective date, the Governor must make initial appointments to the Commission. Of the initial appointments, three members must be for a term ending two years after the bill's effective date and three must be for a term ending four years after that date.
- **Vacancies:** vacancies are filled in the same manner as original appointments and any member appointed to fill a vacancy must have the same qualifications as the member's predecessor.
- **Terms:** each term is generally four years and ends on the same month and day as the preceding term. Each appointed member must hold office from the appointment date until the end of the term. Any member appointed to fill a vacancy before the expiration of the predecessor's term must hold office for the remainder of that term. Any appointed member must continue in office subsequent to the term's expiration date until the member's successor takes office, or for an additional 60 days, whichever occurs first.

¹ R.C. 122.29(A) and (B)(1).

² R.C. 122.29(B)(2).

- **Reappointment:** all members are eligible for reappointment.
- **Quorum:** six members constitute a quorum. The affirmative vote of a majority of the quorum is necessary for any action taken by the Commission. No vacancy in the membership of the Commission impairs the rights of a quorum to exercise all the rights and perform all the duties of the Commission.
- **Ethics:** all Commission members are subject to Ohio's laws governing the ethics standards and requirements of public officers.³

Ohio River Commission's powers and duties

The bill requires the Commission to do all of the following:

1. Employ an Executive Director who has appropriate experience as determined by the Commission, and a secretary-treasurer and other employees that the Commission considers appropriate (and may fix the compensation of the employees);
2. 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;
3. Adopt an official seal;
4. Maintain a principal office in Columbus, Ohio and, if necessary, regional sub-offices at locations properly designated by the Commission;
5. Receive, promote, support, and consider recommendations, from public or private planning organizations, and develop a master plan for Ohio River infrastructure and transportation projects;
6. 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;
7. Coordinate with state agencies, local governments and communities, other states, and the federal government regarding Ohio River issues;
8. Advocate for Ohio River infrastructure and transportation as related to commerce, job creation, economic development, and taxes;
9. Collect, track, and maintain key statistics and data regarding commerce on the Ohio River and make an annual report to the General Assembly;

³ R.C. 122.29(C) to (E).

10. 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;
11. Prioritize policies, programs, and issues identified in the Ohio Maritime Strategy⁴ prepared by the Department of Transportation (ODOT) and in ODOT's Economic Impact of the Ohio River Maritime Activity study,⁵ as those or similar documents or reports are published and updated by ODOT;
12. Coordinate with and assist the various state agencies in their work as it relates to issues concerning the Ohio River;
13. Evaluate policies, programs, programs of research, and priorities to offset the continued decline in coal production and consumption within the Ohio River Basin and promote prosperity in Ohio's Appalachian region;
14. Administer development funds and seek, support, and assist the Ohio River industry in the utilization of available grants, loans, and other finance mechanisms in support of Ohio River projects;
15. Represent the interests of Ohio in regional, national, and international forums pertaining to economic development, marine cargo terminals, and travel and tourism on the Ohio River and its tributaries; and
16. Coordinate, for dissemination and publication, information regarding the Commission and its related activities in connection with the Ohio River.⁶

Additionally, the bill 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.⁷

The Department of Development and ODOT, when so requested by the Commission, must cooperate in the implementation of the Commission's organization, data and research requests, and provide any other information to assist the Commission in performing its duties.⁸

⁴ See [Ohio Maritime Strategy](#), available on the Department of Transportation's website: transportation.ohio.gov by conducting a keyword "Maritime Strategy" search.

⁵ See [The Economic Impacts of Ohio River Maritime Activity](#), available on the Department of Transportation's website: transportation.ohio.gov by conducting a keyword "Economic Impacts of Ohio River Maritime Activity" search.

⁶ R.C. 122.291.

⁷ R.C. 122.29(I).

⁸ R.C. 122.29(H).

Issue grants and loans

The bill allows the Commission to issue grants and loans for the development of Ohio River infrastructure or for continuing or instituting Ohio River transportation in Ohio to any of the following:

- An individual;
- A corporation;
- A business trust;
- An estate;
- A trust;
- A partnership;
- An association;
- A unit of local government;
- A local or regional transportation authority; or
- A private corporation or organization.⁹

The grants and loans may be used for rehabilitation, construction, planning, relocation, or acquisition and may be provided by the Commission with funds from the U.S. government, the state, or any person, or from any combination of those sources. The Commission must establish eligibility and distribution criteria for the grants and loans.¹⁰

The bill allows the Commission to cooperate with other states when issuing grants and loans. It also allows the Commission to enter into any agreements with other states for the operation of Ohio River services.¹¹

Funding and expenditures

The bill creates the Ohio River Commission Fund in the state treasury. The fund consists of all money as may be provided by law, including money received from any sale, transfer, or lease of property. Fund money must be used for the Commission's purposes and to pay the Commission's administrative expenses.¹² The Commission must use all acquired public funds for

⁹ R.C. 122.292(A) and (B).

¹⁰ R.C. 122.292(B).

¹¹ R.C. 122.292(C).

¹² R.C. 122.293.

developing, implementing, promoting, and regulating economic development, marine terminal operations, and travel and tourism on the Ohio River and its tributaries.¹³

In addition, the bill allows the Department of Development to use all appropriate sources of revenue to assist the Commission in furtherance of the Commission's purposes.¹⁴ It also specifies that expenditures by the Department, 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 are subject to the approval of the Controlling Board.¹⁵

The bill allows the Commission, or the Department, on behalf of the Commission, to apply for and receive from the federal government loans and grants in accordance with any federal law or program, for the benefit of Ohio River infrastructure, transportation, or recreation and tourism.¹⁶

HISTORY

Action	Date
Introduced	06-04-24

ANSB0286IN-135/ts

¹³ R.C. 122.29(G)(2).

¹⁴ R.C. 122.29(F).

¹⁵ R.C. 122.29(G)(1).

¹⁶ R.C. 122.29(J).