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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 195\*  
135<sup>th</sup> General Assembly

## Bill Analysis

[Click here for S.B. 195's Fiscal Note](#)

**Version:** As Reported by House Government Oversight

**Primary Sponsor:** Sen. Manning

S. Ben Fogle, Attorney

## SUMMARY

### Ohio Ireland Trade Commission

- Creates the Ohio Ireland Trade Commission, which must study certain economic and policy issues and potential business and academic exchanges.
- Specifies that the Commission consists of nine members, with three members appointed from each chamber of the General Assembly and three members appointed by the Governor with the advice and consent of the Senate.
- Sets out procedures for the internal operations of the Commission.
- Requires the Commission to issue annual reports of its activities and any findings and recommendations.
- Allows the Commission to fundraise and to accept gifts from private and public entities.

### Ohio River Commission of Ohio

- Creates the Ohio River Commission of Ohio 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.

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\* This analysis was prepared before the report of the House Government Oversight Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- 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 of Ohio 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.

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## **DETAILED ANALYSIS**

### **Ohio Ireland Trade Commission**

The bill creates the Ohio Ireland Trade Commission, which must study potential means of advancing the following between Ohio and Ireland:

- Bilateral trade and investment;
- Policy issues of mutual interest;
- Business and academic exchanges;
- Mutual economic support;
- Mutual investment in infrastructure;
- Other issues as determined by the Commission.<sup>1</sup>

### **Members and procedures**

The Commission consists of the following nine members:

- Six members of the General Assembly – three senators appointed by the Senate President and three representatives appointed by the Speaker of the House – who have knowledge of, or current or past involvement in, organizations that promote Irish affairs, or have interest in the wellbeing of trade relations between Ohio and Ireland;
- Three members appointed by the Governor with the advice and consent of the Senate, as follows:
  - One member who represents a state institution of higher education;

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<sup>1</sup> R.C. 149.60(A).

- One member who represents the Ohio Chamber of Commerce or a successor organization that advances business interests in Ohio;
- One member who represents Irish American communities or interest in Ohio.

The bill requires that members be appointed within 90 days after the bill takes effect. Legislative members must serve terms of two years or for the remainder of the legislator's term, whichever is shorter. Members appointed by the Governor must serve terms of four years. Any vacancy is to be filled in the same manner as the original appointment.

The Commission must elect a chairperson from among its members. A majority of the members of the Commission constitutes a quorum to do business. The chairperson may create subcommittees and appoint Commission members as subcommittee chairpersons, at the discretion of the Commission chairperson. Members of the Commission must serve without compensation, but they may be reimbursed for expenses actually incurred in the performance of their duties, within the limits of available funds.<sup>2</sup>

### **Activities**

The bill requires the Commission to meet and hold hearings at the places it designates throughout the state. Not later than 15 months after the bill takes effect (one year after the members must be appointed), and annually thereafter, the Commission must file a report with the Governor, the Senate President, and the Speaker of the House. The report must discuss the Commission's activities during the past year and any associated findings and recommendations.

Under the bill, the Commission may raise funds through direct solicitation or other fundraising events independently or with other groups. And, it may accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions. All funds must be deposited in the Ohio Ireland Trade Commission Fund, which the bill creates in the state treasury. The Commission must use the fund to defray its administrative expenses and to carry out its purposes under the bill.<sup>3</sup>

### **Ohio River Commission of Ohio**

The bill creates the Ohio River Commission of Ohio 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;

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<sup>2</sup> R.C. 149.60(B) through (E).

<sup>3</sup> R.C. 149.60(F) and (G).

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.<sup>4</sup>

The bill requires members to be reimbursed for actual expenses incurred in performance of their duties.<sup>5</sup>

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.
- **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.

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<sup>4</sup> R.C. 122.29(A) and (B)(1).

<sup>5</sup> R.C. 122.29(B)(2).

- **Ethics:** all Commission members are subject to Ohio’s laws governing the ethics standards and requirements of public officers.<sup>6</sup>

## **Ohio River Commission of Ohio’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;
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 Strategy<sup>7</sup> prepared by the Department of Transportation (ODOT) and in ODOT’s Economic Impact

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<sup>6</sup> R.C. 122.29(C) to (E).

<sup>7</sup> See [Ohio Maritime Strategy](https://transportation.ohio.gov), available on the Department of Transportation’s website: [transportation.ohio.gov](https://transportation.ohio.gov) by conducting a keyword “Maritime Strategy” search.

of the Ohio River Maritime Activity study,<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup>

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.<sup>11</sup>

### **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;

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<sup>8</sup> See [The Economic Impacts of Ohio River Maritime Activity](#), available on the Department of Transportation's website: [transportation.ohio.gov](http://transportation.ohio.gov) by conducting a keyword "Economic Impacts of Ohio River Maritime Activity" search.

<sup>9</sup> R.C. 122.291.

<sup>10</sup> R.C. 122.29(I).

<sup>11</sup> R.C. 122.29(H).

- A trust;
- A partnership;
- An association;
- A unit of local government;
- A local or regional transportation authority; or
- A private corporation or organization.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup>

### **Funding and expenditures**

The bill creates the Ohio River Commission of Ohio 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.<sup>15</sup> The Commission must use all acquired public funds for developing, implementing, promoting, and regulating economic development, marine terminal operations, and travel and tourism on the Ohio River and its tributaries.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup>

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<sup>12</sup> R.C. 122.292(A) and (B).

<sup>13</sup> R.C. 122.292(B).

<sup>14</sup> R.C. 122.292(C).

<sup>15</sup> R.C. 122.293.

<sup>16</sup> R.C. 122.29(G)(2).

<sup>17</sup> R.C. 122.29(F).

<sup>18</sup> R.C. 122.29(G)(1).

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.<sup>19</sup>

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## HISTORY

Action	Date
Introduced	11-27-23
Reported, S. General Gov't	05-08-24
Passed Senate (31-0)	05-08-24
Reported, H. Gov't Oversight	---

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<sup>19</sup> R.C. 122.29(J).