



Sen. Dale A. Righter

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LRB100 17666 AWJ 39381 a

1 AMENDMENT TO SENATE BILL 2804

2 AMENDMENT NO. _____. Amend Senate Bill 2804 by replacing
3 everything after the enacting clause with the following:

4 "PART 5. NEW HARMONY BRIDGE INTERSTATE COMPACT ACT

5 Section 5-1. Short title. This Part may be cited as the New
6 Harmony Bridge Interstate Compact Act. References in this Part
7 to "this Act" mean this Part.

8 Section 5-5. Findings; intent. The General Assembly finds
9 that the New Harmony Bridge, which crosses the Wabash River
10 south of Interstate 64 and has an entrance span in Illinois and
11 Indiana, is in need of rehabilitation. The White County Bridge
12 Commission, a private entity created by Congress in 1941, lacks
13 the resources necessary to rehabilitate and maintain the
14 bridge. The New Harmony Bridge provides an important link
15 between this State and Indiana. The rehabilitation and

1 continued use of the New Harmony Bridge is essential to
2 preserve and improve the public welfare and prosperity of the
3 people of this State. It is in the best interests of the public
4 welfare and public safety that this State and the State of
5 Indiana work together to repair and maintain this historical
6 bridge. The intent of this Act is to ensure that the New
7 Harmony Bridge is rehabilitated and maintained so that it can
8 meet the needs of motorists for years to come.

9 Section 5-10. Compact creating commission. No later than
10 January 1, 2019, the Governor, by and with the advice and
11 consent of the Senate, shall appoint 3 commissioners to enter
12 into a compact on behalf of this State with the State of
13 Indiana. If the Senate is not in session at the time for making
14 appointments, the Governor shall make temporary appointments
15 as in the case of a vacancy. No more than 2 members appointed
16 by the Governor may be from the same political party. The 3
17 commissioners so appointed may act to enter into the following
18 compact:

19 COMPACT BETWEEN ILLINOIS AND INDIANA CREATING THE NEW HARMONY
20 BRIDGE BI-STATE COMMISSION

21 ARTICLE I

22 There is created the New Harmony Bridge Bi-State
23 Commission, a body corporate and politic having the following
24 powers and duties:

25 (1) Contingent upon the Commission's ability to secure

1 federal financing, to engage in negotiations for the
2 acceptance, rehabilitation, and continued use of the New
3 Harmony Bridge connecting Illinois State Highway 14 to Indiana
4 State Highway 66 at New Harmony, Indiana;

5 (2) Contingent upon the Commission's ability to secure
6 federal financing, to assume the rights and responsibilities of
7 the White County Bridge Commission as they relate to the New
8 Harmony Bridge;

9 (3) To conduct and review studies, testimony, and other
10 information provided by the Illinois and Indiana Departments of
11 Transportation, including, but not limited to, the collection
12 of studies and papers entitled "Quest for Rehabilitation,
13 Finances, and Public Agency Governance for the White County
14 Bridge Commission Successor", that was prepared in the search
15 for preservation of the transportation network that maintains
16 and enhances the vitality of the bi-state area communities;

17 (4) To secure financing, including, but not limited to,
18 federal funding, for the rehabilitation and maintenance of the
19 New Harmony Bridge;

20 (5) To establish and charge tolls for transit over the
21 bridge in accordance with the provisions of this compact; and

22 (6) To perform all other necessary and incidental
23 functions.

24 ARTICLE II

25 The rate of toll to be charged for transit over the New
26 Harmony Bridge shall be adjusted by the Commission as to

1 provide a fund sufficient to pay for the reasonable cost of
2 maintenance, repairs, and operation (including the approaches
3 to the bridge) under economical management, and also to provide
4 a sinking fund sufficient to pay the principal and interest of
5 any outstanding bonds. All tolls and other revenues derived
6 from facilities of the Commission shall be used as provided in
7 this Article II.

8 ARTICLE III

9 The Commission shall keep an accurate record of the cost of
10 the bridge and of other expenses and of the daily revenues
11 collected, and shall report annually to the Governor of each
12 State setting forth in detail the operations and transactions
13 conducted by the Commission under this agreement and other
14 applicable laws.

15 ARTICLE IV

16 The membership of the Commission created by this compact
17 shall consist of 10 voting members, appointed as follows:

18 (1) Five members shall be chosen by the State of
19 Illinois: the 3 commissioners who were appointed by the
20 Governor to enter into the compact, but no more than 2 of
21 these appointees may be from the same political party; 1
22 member appointed by the White County Board; and 1 member
23 appointed by the Mayor of Phillipstown.

24 (2) Five members shall be chosen by the State of
25 Indiana: 3 members shall be appointed by the Governor and
26 no more than 2 shall be from the same political party; one

1 member shall be appointed by the appropriate county
2 executive of Posey County; and one member shall be
3 appointed by the appropriate town executive of New Harmony.

4 The members shall be chosen in the manner and for the terms
5 fixed by the legislature of each State, except as provided by
6 this compact.

7 ARTICLE V

8 (1) The Commission shall elect from its number a
9 chairperson and vice-chairperson, and may appoint officers and
10 employees as it may require for the performance of its duties,
11 and shall fix and determine their qualifications and duties.

12 (2) Unless otherwise determined by the legislatures of the
13 State of Illinois and the State of Indiana, no action of the
14 Commission shall be binding unless taken at a meeting at which
15 at least 2 members from each State are present and unless a
16 majority of the members from each State present at the meeting
17 vote in favor of the action. Each State reserves the right to
18 provide by law for the exercise of the veto power by the
19 Governor over any action of any commissioner.

20 (3) The State of Illinois and the State of Indiana shall
21 provide penalties for violations of any order, rule, or
22 regulation of the Commission, and for the manner of
23 enforcement.

24 ARTICLE VI

25 Contingent upon the Commission's ability to secure federal
26 financing, the Commission is authorized and directed to proceed

1 with the rehabilitation of the bridge as rapidly as
2 economically practicable and is vested with all necessary and
3 appropriate powers, not inconsistent with the constitution or
4 the laws of the United States or of either the State of
5 Illinois or the State of Indiana, to effect the same, except
6 the power to assess or levy taxes.

7 ARTICLE VII

8 In witness thereof, we have here set our hands and seals
9 under the authority vested in us by law.

10 (Signed)

11 In the Presence of:

12 (Signed)

13 Section 5-15. Signing and filing of compact; bi-state
14 participation required. The compact shall, when signed by the
15 signatories as provided by this Act, become binding upon the
16 State of Illinois and shall be filed in the office of the
17 Secretary of State, except the compact shall not become
18 effective unless prior to the signing of the compact, the
19 Indiana General Assembly passes legislation providing for the
20 creation of the New Harmony Bridge Bi-State Commission under
21 terms consistent with this Act.

22 Section 5-20. Filling of vacancies. A vacancy occurring in
23 the office of an appointed commissioner shall be filled by
24 appointment by the Governor for the unexpired term, as provided

1 in Section 5-35.

2 Section 5-25. Appointment and qualifications of
3 commissioners. The commissioners appointed by the Governor
4 under Section 5-10 shall also be members of the New Harmony
5 Bridge Bi-State Commission created by compact between the
6 States of Illinois and Indiana.

7 The White County Board shall appoint one member and the
8 Mayor of Phillipstown shall appoint one member to the New
9 Harmony Bridge Bi-State Commission no later than 30 days after
10 the Harmony Bridge Bi-State Commission is created.

11 Section 5-30. Tenure; successors. Of the commissioners
12 first appointed under Section 5-10, one shall be appointed to
13 serve for a term of one year, one for 2 years, and one for 3
14 years. At the expiration of the term of each commissioner and
15 of each succeeding commissioner, the Governor shall appoint a
16 successor who shall hold office for a term of 3 years. Each
17 commissioner shall hold office until his or her successor has
18 been appointed and qualified.

19 Section 5-35. Filling vacancies. A vacancy occurring in the
20 office of an appointed commissioner shall be filled by
21 appointment by the Governor, by and with the advice and consent
22 of the Senate, for the unexpired term. In the case of a vacancy
23 while the Senate is not in session, the Governor shall make a

1 temporary appointment until the next meeting of the Senate,
2 when the Governor shall nominate a person to fill the office.

3 Section 5-40. Compensation and expenses of commissioners.
4 The commissioners shall serve without compensation but shall be
5 reimbursed for the necessary expenses incurred in the
6 performance of their duties.

7 Section 5-45. Powers and duties of commissioners. The
8 commissioners shall have the powers and duties and be subject
9 to the limitations provided for in the compact entered between
10 the State of Illinois and the State of Indiana to form the New
11 Harmony Bridge Bi-State Commission, and, together with the
12 commissioners from the State of Indiana, shall form the New
13 Harmony Bridge Bi-State Commission.

14 Section 5-50. Repeal. If both the State of Illinois and the
15 State of Indiana do not enter into the compact under Section
16 5-10 on or before December 31, 2019, then this Act is repealed
17 on January 1, 2020. The Index Department of the Office of the
18 Secretary of State shall notify the Clerk of the House of
19 Representatives, the Secretary of the Senate, and the
20 Legislative Reference Bureau by February 1, 2020 whether the
21 State of Illinois and the State of Indiana entered into the
22 compact on or before December 31, 2019.

1 PART 10. NEW HARMONY BRIDGE AUTHORITY ACT

2 Section 10-1. Short title. This Part may be cited as the
3 New Harmony Bridge Authority Act. References in this Part to
4 "this Act" mean this Part.

5 Section 10-5. Definitions. As used in this Act:

6 (1) "Bridge" means the White County bridge over the Wabash
7 River that connects White County, Illinois, and Posey County,
8 Indiana. "Bridge" includes all approaches and rights of way
9 necessary or desirable for the operation and maintenance of the
10 bridge.

11 (2) "Bridge authority" means the New Harmony River Bridge
12 Authority created by Section 10-10.

13 (3) "Commission" refers to the White County bridge
14 commission created by Congressional Act of April 12, 1941,
15 Public Law 77-37, 55 Stat. 140.

16 Section 10-10. Authority establishment.

17 (a) If the State of Illinois and the State of Indiana do
18 not enter into the compact creating the New Harmony Bridge
19 Bi-State Commission on or before December 31, 2019, the New
20 Harmony River Bridge Authority is established on January 1,
21 2020 as a body corporate and politic of the State for the
22 purposes set forth in Section 10-30.

23 (b) The bridge authority has the power to make and enter

1 into any contract that may be necessary to implement this Act
2 only if federal funding or other non-State funding has been
3 secured by the bridge authority to cover any necessary or
4 incidental costs of the contract. The bridge authority's
5 contract power includes the ability to enter into an agreement
6 or contract with the State of Indiana or any governmental
7 entity in the State of Indiana to:

8 (1) form a joint bridge authority; or

9 (2) grant to the bridge authority the power to own and
10 operate assets in the state of Indiana that are transferred
11 by the commission to the bridge authority.

12 Except as otherwise provided by this Act, a contract made
13 by the bridge authority is not subject to approval or
14 ratification by any other board, body, or officer.

15 (c) Subject to federal funding or other non-State funding,
16 the bridge authority may exercise its powers with respect to
17 the assets of the commission, if any, including the power to
18 contract with an entity, public or private, established in
19 Indiana, to the extent permitted by Indiana law.

20 Section 10-15. Members.

21 (a) The bridge authority shall be composed of the following
22 individuals:

23 (1) Three members appointed by the Governor, no more
24 than 2 of whom may be from the same political party.

25 (2) One member appointed by the White County Board.

1 (3) One member appointed by the Mayor of Phillipstown.

2 (b) If the bridge authority:

3 (1) forms a joint bridge authority between:

4 (A) the State and Indiana; or

5 (B) the State and an Indiana entity; or

6 (2) enters into an agreement with an Indiana entity to
7 jointly act in implementing this Act;

8 then the joint bridge authority may determine the
9 membership and term of office for any bridge authority
10 member representing Indiana or an Indiana entity.

11 (c) Each bridge authority member, before beginning the
12 member's duties, shall execute a bond payable to the State. The
13 bond must:

14 (1) be in the sum of \$15,000;

15 (2) be conditioned upon the member's faithful
16 performance of the duties of the member's office; and

17 (3) account for all monies and property that may come
18 into the member's possession or under the member's control.

19 The cost of the bond shall be paid by the bridge authority
20 upon securing of federal funding or other non-State funding.

21 (d) If a member ceases to be qualified under this Section,
22 the member forfeits the member's office.

23 (e) Bridge authority members are not entitled to salaries
24 but may seek reimbursement for expenses incurred in the
25 performance of their duties upon securing of federal funding or
26 other non-State funding.

1 Section 10-20. Member terms and vacancies.

2 (a) An appointment to the bridge authority shall be for a
3 term of 4 years. Each member appointed to the bridge authority:

4 (1) shall hold office for the term of the appointment;

5 (2) shall continue to serve after the expiration of the
6 appointment until a successor is appointed and qualified;

7 (3) remains eligible for reappointment to the bridge
8 authority if the requirements described in Section 10-15 of
9 this Act remain met; and

10 (4) may be removed from office by the other members of
11 the bridge authority with or without cause.

12 (b) Members of the bridge authority shall fill vacancies
13 for any unexpired term of a member or for any member appointed
14 by the other members of the bridge authority as provided in
15 this Section.

16 (c) A member of the bridge authority, including a member
17 appointed under Section 10-15, may be reappointed.

18 Section 10-25. Meetings.

19 (a) The bridge authority shall hold an organizational
20 meeting within 30 days after the initial appointment of the
21 members and every January of each subsequent year. During each
22 organizational meeting, the bridge authority must elect the
23 following officers from existing bridge authority membership:

24 (1) A chair.

1 (2) A vice chair.

2 (3) A secretary treasurer.

3 (b) The bridge authority may adopt rules in order to
4 implement this Section.

5 Section 10-30. Purpose. The bridge authority is
6 established for the purpose of:

7 (1) inheriting the assets, duties, powers, and rights
8 of the commission;

9 (2) accepting the transfer and ownership of the bridge
10 and all interests of the commission in real and personal
11 property;

12 (3) accepting or receiving all other assets of the
13 commission; and

14 (4) equipping, financing, improving, maintaining,
15 operating, reconstructing, rehabilitating, and restoring
16 the bridge for use by motor vehicles, pedestrians, and
17 other modes of transportation.

18 Section 10-35. Powers.

19 (a) Subject to adequate federal funding or other non-State
20 funding, the bridge authority may:

21 (1) Accept the assets of the commission.

22 (2) Hold, exchange, lease, rent, sell (by conveyance by
23 deed, land sale contract, or other instrument), use, or
24 otherwise dispose of property acquired for the purpose of

1 implementing this Act.

2 (3) Prescribe the duties and regulate the compensation
3 of the employees of the bridge authority.

4 (4) Provide a pension and retirement system for
5 employees of the bridge authority through use of the
6 appropriate public employees' retirement fund.

7 (5) Contract for the alteration, construction,
8 extension, improvement, rehabilitation, or restoration of
9 the bridge.

10 (6) Accept grants, loans, and other forms of financial
11 assistance from the federal government, the State, a unit
12 of local government, a foundation, or any other source.

13 (7) Establish and revise, as necessary, any charge or
14 toll assessed for transit over the bridge.

15 (8) Collect or cause to be collected any charge or toll
16 assessed for transit over the bridge.

17 (b) The bridge authority may exercise any of the powers
18 authorized by this Act in the state of Indiana to the extent
19 provided:

20 (1) under Indiana law; or

21 (2) through a joint action taken with Indiana or an
22 Indiana entity as described in Section 10-10 of this Act.

23 Section 10-40. Repeal. If both the State of Illinois and
24 the State of Indiana enter into the compact under Section 5-10
25 of the New Harmony Bridge Interstate Compact Act on or before

1 December 31, 2019, then this Act is repealed on January 1,
2 2020. The Index Department of the Office of the Secretary of
3 State shall notify the Clerk of the House of Representatives,
4 the Secretary of the Senate, and the Legislative Reference
5 Bureau by February 1, 2020 whether the State of Illinois and
6 the State of Indiana entered into the compact on or before
7 December 31, 2019.

8 PART 99. EFFECTIVE DATE

9 Section 99-1. Effective date. This Act takes effect upon
10 becoming law."