

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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  
16 continued use of the New Harmony Bridge is essential to  
17 preserve and improve the public welfare and prosperity of the  
18 people of this State. It is in the best interests of the public  
19 welfare and public safety that this State and the State of  
20 Indiana work together to repair and maintain this historical  
21 bridge. The intent of this Act is to ensure that the New  
22 Harmony Bridge is rehabilitated and maintained so that it can

1 meet the needs of motorists for years to come.

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

12 COMPACT BETWEEN ILLINOIS AND INDIANA CREATING THE NEW HARMONY

13 BRIDGE BI-STATE COMMISSION

14 ARTICLE I

15 There is created the New Harmony Bridge Bi-State  
16 Commission, a body corporate and politic having the following  
17 powers and duties:

18 (1) Contingent upon the Commission's ability to secure  
19 federal financing, to engage in negotiations for the  
20 acceptance, rehabilitation, and continued use of the New  
21 Harmony Bridge connecting Illinois State Highway 14 to Indiana  
22 State Highway 66 at New Harmony, Indiana;

23 (2) Contingent upon the Commission's ability to secure  
24 federal financing, to assume the rights and responsibilities of  
25 the White County Bridge Commission as they relate to the New

1 Harmony Bridge;

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

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

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

15 (6) To perform all other necessary and incidental  
16 functions.

17 ARTICLE II

18 The rate of toll to be charged for transit over the New  
19 Harmony Bridge shall be adjusted by the Commission as to  
20 provide a fund sufficient to pay for the reasonable cost of  
21 maintenance, repairs, and operation (including the approaches  
22 to the bridge) under economical management, and also to provide  
23 a sinking fund sufficient to pay the principal and interest of  
24 any outstanding bonds. All tolls and other revenues derived  
25 from facilities of the Commission shall be used as provided in  
26 this Article II.

## 1 ARTICLE III

2 The Commission shall keep an accurate record of the cost of  
3 the bridge and of other expenses and of the daily revenues  
4 collected, and shall report annually to the Governor of each  
5 State setting forth in detail the operations and transactions  
6 conducted by the Commission under this agreement and other  
7 applicable laws.

## 8 ARTICLE IV

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

11 (1) Five members shall be chosen by the State of  
12 Illinois: the 3 commissioners who were appointed by the  
13 Governor to enter into the compact, but no more than 2 of  
14 these appointees may be from the same political party; 1  
15 member appointed by the White County Board; and 1 member  
16 appointed by the Mayor of Phillipstown.

17 (2) Five members shall be chosen by the State of  
18 Indiana: 3 members shall be appointed by the Governor and  
19 no more than 2 shall be from the same political party; one  
20 member shall be appointed by the appropriate county  
21 executive of Posey County; and one member shall be  
22 appointed by the appropriate town executive of New Harmony.

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

## 26 ARTICLE V

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

5           (2) Unless otherwise determined by the legislatures of the  
6 State of Illinois and the State of Indiana, no action of the  
7 Commission shall be binding unless taken at a meeting at which  
8 at least 2 members from each State are present and unless a  
9 majority of the members from each State present at the meeting  
10 vote in favor of the action. Each State reserves the right to  
11 provide by law for the exercise of the veto power by the  
12 Governor over any action of any commissioner.

13           (3) The State of Illinois and the State of Indiana shall  
14 provide penalties for violations of any order, rule, or  
15 regulation of the Commission, and for the manner of  
16 enforcement.

17                                   ARTICLE VI

18           Contingent upon the Commission's ability to secure federal  
19 financing, the Commission is authorized and directed to proceed  
20 with the rehabilitation of the bridge as rapidly as  
21 economically practicable and is vested with all necessary and  
22 appropriate powers, not inconsistent with the constitution or  
23 the laws of the United States or of either the State of  
24 Illinois or the State of Indiana, to effect the same, except  
25 the power to assess or levy taxes.

26                                   ARTICLE VII



1           The White County Board shall appoint one member and the  
2 Mayor of Phillipstown shall appoint one member to the New  
3 Harmony Bridge Bi-State Commission no later than 30 days after  
4 the Harmony Bridge Bi-State Commission is created.

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

13           Section 5-35. Filling vacancies. A vacancy occurring in the  
14 office of an appointed commissioner shall be filled by  
15 appointment by the Governor, by and with the advice and consent  
16 of the Senate, for the unexpired term. In the case of a vacancy  
17 while the Senate is not in session, the Governor shall make a  
18 temporary appointment until the next meeting of the Senate,  
19 when the Governor shall nominate a person to fill the office.

20           Section 5-40. Compensation and expenses of commissioners.  
21 The commissioners shall serve without compensation but shall be  
22 reimbursed for the necessary expenses incurred in the  
23 performance of their duties.

1           Section 5-45. Powers and duties of commissioners. The  
2 commissioners shall have the powers and duties and be subject  
3 to the limitations provided for in the compact entered between  
4 the State of Illinois and the State of Indiana to form the New  
5 Harmony Bridge Bi-State Commission, and, together with the  
6 commissioners from the State of Indiana, shall form the New  
7 Harmony Bridge Bi-State Commission.

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

17                           PART 10. NEW HARMONY BRIDGE AUTHORITY ACT

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

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



1           (1) "Bridge" means the White County bridge over the Wabash  
2 River that connects White County, Illinois, and Posey County,  
3 Indiana. "Bridge" includes all approaches and rights of way  
4 necessary or desirable for the operation and maintenance of the  
5 bridge.

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

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

11           Section 10-10. Authority establishment.

12           (a) If the State of Illinois and the State of Indiana do  
13 not enter into the compact creating the New Harmony Bridge  
14 Bi-State Commission on or before December 31, 2019, the New  
15 Harmony River Bridge Authority is established on January 1,  
16 2020 as a body corporate and politic of the State for the  
17 purposes set forth in Section 10-30.

18           (b) The bridge authority has the power to make and enter  
19 into any contract that may be necessary to implement this Act  
20 only if federal funding or other non-State funding has been  
21 secured by the bridge authority to cover any necessary or  
22 incidental costs of the contract. The bridge authority's  
23 contract power includes the ability to enter into an agreement  
24 or contract with the State of Indiana or any governmental  
25 entity in the State of Indiana to:

1 (1) form a joint bridge authority; or

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

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

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

13 Section 10-15. Members.

14 (a) The bridge authority shall be composed of the following  
15 individuals:

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

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

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

20 (b) If the bridge authority:

21 (1) forms a joint bridge authority between:

22 (A) the State and Indiana; or

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

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

1           then the joint bridge authority may determine the  
2           membership and term of office for any bridge authority  
3           member representing Indiana or an Indiana entity.

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

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

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

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

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

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

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

20           Section 10-20. Member terms and vacancies.

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

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

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

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

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

6           (b) Members of the bridge authority shall fill vacancies  
7 for any unexpired term of a member or for any member appointed  
8 by the other members of the bridge authority as provided in  
9 this Section.

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

12          Section 10-25. Meetings.

13          (a) The bridge authority shall hold an organizational  
14 meeting within 30 days after the initial appointment of the  
15 members and every January of each subsequent year. During each  
16 organizational meeting, the bridge authority must elect the  
17 following officers from existing bridge authority membership:

18               (1) A chair.

19               (2) A vice chair.

20               (3) A secretary treasurer.

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

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

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

3           (2) accepting the transfer and ownership of the bridge  
4 and all interests of the commission in real and personal  
5 property;

6           (3) accepting or receiving all other assets of the  
7 commission; and

8           (4) equipping, financing, improving, maintaining,  
9 operating, reconstructing, rehabilitating, and restoring  
10 the bridge for use by motor vehicles, pedestrians, and  
11 other modes of transportation.

12           Section 10-35. Powers.

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

15                 (1) Accept the assets of the commission.

16                 (2) Hold, exchange, lease, rent, sell (by conveyance by  
17 deed, land sale contract, or other instrument), use, or  
18 otherwise dispose of property acquired for the purpose of  
19 implementing this Act.

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

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

25                 (5) Contract for the alteration, construction,

1 extension, improvement, rehabilitation, or restoration of  
2 the bridge.

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

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

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

10 (b) The bridge authority may exercise any of the powers  
11 authorized by this Act in the state of Indiana to the extent  
12 provided:

13 (1) under Indiana law; or

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

16 Section 10-40. Repeal. If both the State of Illinois and  
17 the State of Indiana enter into the compact under Section 5-10  
18 of the New Harmony Bridge Interstate Compact Act on or before  
19 December 31, 2019, then this Act is repealed on January 1,  
20 2020. The Index Department of the Office of the Secretary of  
21 State shall notify the Clerk of the House of Representatives,  
22 the Secretary of the Senate, and the Legislative Reference  
23 Bureau by February 1, 2020 whether the State of Illinois and  
24 the State of Indiana entered into the compact on or before  
25 December 31, 2019.

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PART 99. EFFECTIVE DATE

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Section 99-1. Effective date. This Act takes effect upon

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becoming law.