



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0988

Introduced 1/29/2013, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

New Act

Creates the New Harmony Bridge Compact Act and the New Harmony Bridge Commissioners Act. Contains a statement of legislative findings and purpose. Provides that no later than January 1, 2014, the Governor, by and with the advice and consent of the Senate, shall appoint 3 commissioners to enter into a compact on behalf of the State of Illinois with the State of Indiana to create the New Harmony Bridge Bi-State Commission to effectuate the rehabilitation and maintenance of the New Harmony Bridge. Contains provisions concerning the membership, powers, and duties of the Commission. Provides that the commissioners shall serve without compensation, but shall be entitled to be reimbursed for the necessary expenses incurred in the performance of their duties. Provides that the compact shall expire 5 years after the date it becomes effective, or upon conveyance of the New Harmony Bridge to a private entity, whichever date is earlier, unless the legislatures of the compacting States authorize an extension of the terms of the compact. Effective immediately.

LRB098 03895 MLW 33913 b

1 AN ACT concerning transportation.

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

4 ARTICLE 1

5 Section 1-1. Findings; intent. The General Assembly finds
6 that the New Harmony Bridge, which crosses the Wabash River
7 south of Interstate 64 and has an entrance span in Illinois and
8 Indiana, is in need of rehabilitation. The White County Bridge
9 Commission, a private entity created by Congress in 1941, lacks
10 the resources necessary to rehabilitate and maintain the
11 bridge. The New Harmony Bridge provides an important link
12 between this State and Indiana. The rehabilitation and
13 continued use of the New Harmony Bridge is essential to
14 preserve and improve the public welfare and prosperity of the
15 people of this State. It is in the best interests of the public
16 welfare and public safety that this State and the State of
17 Indiana work together to repair and maintain this historical
18 bridge. The intent of this amendatory Act of the 98th General
19 Assembly is to ensure that the New Harmony Bridge is
20 rehabilitated and maintained so that it can continue to meet
21 the needs of motorists for years to come.

22 ARTICLE 5

1 Section 5-1. Short title. This Act may be cited as the New
2 Harmony Bridge Compact Act.

3 Section 5-5. Compact creating commission. No later than
4 January 1, 2014, the Governor, by and with the advice and
5 consent of the Senate, shall appoint 3 commissioners to enter
6 into a compact on behalf of this State with the State of
7 Indiana. If the Senate is not in session at the time for making
8 appointments, the Governor shall make temporary appointments
9 as in the case of a vacancy. Any 2 of the commissioners so
10 appointed may act to enter into the following compact:

11 COMPACT BETWEEN ILLINOIS AND INDIANA CREATING THE NEW HARMONY
12 BRIDGE BI-STATE COMMISSION

13 ARTICLE I

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

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

22 (2) Contingent upon the Commission's ability to secure
23 federal financing, to assume the rights and responsibilities of
24 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 of
5 studies and papers entitled "Quest for Rehabilitation,
6 Finances, and Public Agency Governance for the White County
7 Bridge Commission Successor", which 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;

15 (6) Upon completion of rehabilitation of the bridge, to
16 locate a private entity capable of maintaining and operating
17 the bridge and to convey the bridge to the entity under
18 reasonable terms; and

19 (7) To perform all other necessary and incidental
20 functions.

21 ARTICLE II

22 The rate of toll to be charged for transit over the New
23 Harmony Bridge shall be adjusted by the Commission as to
24 provide a fund sufficient to pay for the reasonable cost of
25 maintenance, repairs, and operation (including the approaches
26 to the bridge) under economical management, and also to provide

1 a sinking fund sufficient to pay the principal and interest of
2 any outstanding bonds. All tolls and other revenues derived
3 from facilities of the Commission shall be used as provided in
4 this Article II.

5 ARTICLE III

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

12 ARTICLE IV

13 When the rehabilitation of the bridge has been completed,
14 the bridge shall be conveyed to a private entity under
15 reasonable terms.

16 ARTICLE V

17 The membership of the Commission created by this compact
18 shall consist of 6 voting members, appointed as follows:

19 (1) Three members shall be chosen by the State of
20 Illinois; one member shall be a resident of Carmi,
21 Illinois; one member shall be a resident of Crossville,
22 Illinois; and one member shall be a resident of White
23 County, Illinois. No more than 2 of these appointees may be
24 from the same political party.

25 (2) Three members shall be chosen by the State of
26 Indiana; one member shall be a resident of Mt. Vernon,

1 Indiana; one member shall be a resident of New Harmony,
2 Indiana; and one member shall be a resident of Posy County,
3 Indiana. No more than 2 of these appointees may be from the
4 same political party.

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

8 ARTICLE VI

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

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

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

25 ARTICLE VII

26 Contingent upon the Commission's ability to secure federal

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

8 ARTICLE VIII

9 This compact shall expire 5 years after the date it becomes
10 effective, or upon conveyance of the New Harmony Bridge to a
11 private entity, whichever date is earlier, unless the
12 legislatures of the compacting States authorize an extension of
13 the terms of this compact.

14 ARTICLE IX

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

17 (Signed)

18 In the Presence of:

19 (Signed)

20 Section 5-10. Signing and filing of compact; bi-state
21 participation required. The compact shall when signed by the
22 signatories as provided by this Act become binding upon the
23 State of Illinois and shall be filed in the office of the
24 Secretary of State, except the compact shall not become
25 effective unless prior to the signing of the compact, the

1 Indiana General Assembly passes legislation providing for the
2 creation of the New Harmony Bridge Bi-State Commission under
3 terms consistent with this Act and the New Harmony Bridge
4 Commissioners Act.

5 Section 5-15. Filling of vacancies. A vacancy occurring in
6 the office of an appointed commissioner shall be filled by
7 appointment by the Governor for the unexpired term, as provided
8 in Section 10-15 of the New Harmony Bridge Commissioners Act.

9 ARTICLE 10

10 Section 10-1. Short title. This Act may be cited as the New
11 Harmony Bridge Commissioners Act.

12 Section 10-5. Appointment and qualifications of
13 commissioners. No later than January 1, 2014, the Governor, by
14 and with the advice and consent of the Senate, shall appoint 3
15 commissioners of the New Harmony Bridge Bi-State Commission
16 created by compact between the States of Illinois and Indiana.
17 If the Senate is not in session at the time for making
18 appointments, the Governor shall make temporary appointments
19 as in the case of a vacancy. One member shall be a resident of
20 Carmi, one member shall be a resident of Crossville, and one
21 member shall be a resident of White County. No more than 2
22 commissioners may be from the same political party.

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

9 Section 10-15. Filling vacancies. A vacancy occurring in
10 the office of an appointed commissioner shall be filled by
11 appointment by the Governor, by and with the advice and consent
12 of the Senate, for the unexpired term. In the case of a vacancy
13 while the Senate is not in session, the Governor shall make a
14 temporary appointment until the next meeting of the Senate,
15 when the Governor shall nominate a person to fill the office.

16 Section 10-20. Compensation and expenses of commissioners.
17 The commissioners shall serve without compensation but shall be
18 entitled to be reimbursed for the necessary expenses incurred
19 in the performance of their duties.

20 Section 10-25. Powers and duties of commissioners. The
21 commissioners shall have the powers and duties and be subject
22 to the limitations provided for in the compact entered between

1 the State of Illinois and the State of Indiana to form the New
2 Harmony Bridge Bi-State Commission, and together with 3
3 commissioners from the State of Indiana shall form the New
4 Harmony Bridge Bi-State Commission.

5 Section 10-30. Dissolution of commission; termination of
6 compact. Upon the conveyance of the New Harmony Bridge to a
7 private entity under reasonable terms or 5 years after the date
8 the compact becomes effective, whichever date is earlier, the
9 Commission shall be dissolved and all of its rights, powers,
10 and duties under this Act and under the compact entered into
11 between the State of Illinois and the State of Indiana shall be
12 terminated. The legislatures of the compacting States may
13 authorize an extension of the terms of the compact.

14

ARTICLE 99

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.