



Rep. David B. Reis

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LRB100 17666 AWJ 40483 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 AUTHORITY ACT

5 Section 5-1. Short title. This Part may be cited as the New
6 Harmony Bridge Authority Act. References in this Part to "this
7 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. Definitions. As used in this Act:

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

15 (2) "Bridge authority" means the New Harmony River Bridge
16 Authority created by Section 5-15.

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

20 Section 5-15. Authority establishment.

21 (a) The New Harmony River Bridge Authority is established
22 as a body corporate and politic of the State for the purposes
23 set forth in Section 5-35.

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

1 into any contract that may be necessary to implement this Act.
2 The bridge authority's contract power includes the ability to
3 enter into an agreement or contract with the State of Indiana
4 or any governmental entity in the State of Indiana to:

5 (1) form a joint bridge authority; or

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

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

12 (c) The bridge authority may exercise its powers with
13 respect to the assets of the commission, if any, including the
14 power to contract with an entity, public or private,
15 established in Indiana, to the extent permitted by Indiana law.

16 Section 5-20. Members.

17 (a) The bridge authority shall be composed of the following
18 individuals:

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

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

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

23 (b) If the bridge authority:

24 (1) forms a joint bridge authority between:

25 (A) the State and Indiana; or

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

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

4 then the joint bridge authority may determine the
5 membership and term of office for any bridge authority
6 member representing Indiana or an Indiana entity.

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

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

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

13 (3) account for all moneys and property that may come
14 into the member's possession or under the member's control.

15 The cost of the bond shall be paid by the bridge authority
16 upon securing of funding.

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

19 (e) Bridge authority members are not entitled to salaries
20 but may seek reimbursement for expenses incurred in the
21 performance of their duties upon securing of funding.

22 Section 5-25. Member terms and vacancies.

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

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

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

3 (3) remains eligible for reappointment to the bridge
4 authority if the requirements described in Section 5-20 of
5 this Act remain met; and

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

8 (b) A vacancy shall be filled by appointment by the
9 Governor, by and with the advice and consent of the Senate, for
10 the unexpired term. In the case of a vacancy while the Senate
11 is not in session, the Governor shall make a temporary
12 appointment until the next meeting of the Senate, when the
13 Governor shall nominate a person to fill the office.

14 (c) A member of the bridge authority, including a member
15 appointed under Section 5-20, may be reappointed.

16 Section 5-30. Meetings.

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

22 (1) A chair.

23 (2) A vice chair.

24 (3) A secretary treasurer.

25 (b) The bridge authority may adopt rules in order to

1 implement this Section.

2 Section 5-35. Purpose. The bridge authority is established
3 for the purpose of:

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

6 (2) accepting the transfer and ownership of the bridge
7 and all interests of the commission in real and personal
8 property;

9 (3) accepting or receiving all other assets of the
10 commission; and

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

15 Section 5-40. Powers.

16 (a) The bridge authority may:

17 (1) Accept the assets of the commission.

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

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

24 (4) Provide a pension and retirement system for

1 employees of the bridge authority through use of the
2 appropriate public employees' retirement fund.

3 (5) Contract for the alteration, construction,
4 extension, improvement, rehabilitation, or restoration of
5 the bridge.

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

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

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

13 (9) Borrow money and issue bonds, notes, certificates,
14 or other evidences of indebtedness for the purpose of
15 accomplishing any of the corporate purposes and refund or
16 advance refund any of the evidences of indebtedness with
17 bonds, notes, certificates, or other evidence of
18 indebtedness, subject to compliance with any condition or
19 limitation set forth in this Act.

20 (10) Convert the bridge to and from a pedestrian
21 bridge, vehicular bridge, or a combination of a pedestrian
22 and vehicular bridge.

23 (11) Transfer ownership of the bridge to Indiana only
24 after approval by White County residents through
25 referendum.

26 (b) The bridge authority may exercise any of the powers

1 authorized by this Act in the state of Indiana to the extent
2 provided:

3 (1) under Indiana law; or

4 (2) through a joint action taken with Indiana or an
5 Indiana entity as described in Section 5-15 of this Act.

6 Section 5-45. Bridge rehabilitation. The Authority is
7 authorized and directed to proceed with the rehabilitation of
8 the bridge as rapidly as economically practicable and is vested
9 with all necessary and appropriate powers, not inconsistent
10 with the constitution or the laws of the United States or of
11 either the State of Illinois or the State of Indiana, to effect
12 the same, except the power to assess or levy taxes.

13 Section 5-50. Taxes. The Authority has no independent power
14 to tax. The Authority is not required to pay any taxes or
15 assessments of any kind or nature upon any property required or
16 used by it for its purposes or any rates, fees, rents,
17 receipts, or incomes at any time received by it. The bonds
18 issued by the Authority under item (9) of subsection (a) of
19 Section 5-40, their transfer, and the income from the bonds are
20 not taxable income for the purposes of the individual and
21 corporate income tax under Illinois law and shall not be taxed
22 by any unit of local government.

23 Section 5-55. Interstate compact; rights of the Authority.

1 If both the State of Illinois and the State of Indiana enter
2 into the compact under Section 10-5 of the New Harmony Bridge
3 Interstate Compact Act, then the Authority may transfer all
4 rights, powers, and duties of the Authority to the New Harmony
5 Bridge Bi-State Commission.

6 PART 10. NEW HARMONY BRIDGE INTERSTATE COMPACT ACT

7 Section 10-1. Short title. This Part may be cited as the
8 New Harmony Bridge Interstate Compact Act. References in this
9 Part to "this Act" mean this Part.

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

1 powers and duties:

2 (1) To engage in negotiations for the acceptance,
3 rehabilitation, and continued use of the New Harmony Bridge
4 connecting Illinois State Highway 14 to Indiana State Highway
5 66 at New Harmony, Indiana;

6 (2) To assume the rights and responsibilities of the
7 Illinois New Harmony Bridge Authority and the Indiana New
8 Harmony and Wabash River Bridge Authority as they relate to the
9 New Harmony Bridge;

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

18 (4) To secure financing, for the rehabilitation and
19 maintenance of the 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.

26 The members shall be chosen in the manner and for the terms

1 fixed by the legislature of each State, except as provided by
2 this compact.

3 ARTICLE V

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

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

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

20 ARTICLE VI

21 The Commission is authorized and directed to proceed with
22 the rehabilitation of the bridge as rapidly as economically
23 practicable and is vested with all necessary and appropriate
24 powers, not inconsistent with the constitution or the laws of
25 the United States or of either the State of Illinois or the
26 State of Indiana, to effect the same, except the power to

1 assess or levy taxes.

2 ARTICLE VII

3 The Commission has no independent power to tax.

4 The Commission is not required to pay any taxes or
5 assessments of any kind or nature upon any property required or
6 used by it for its purposes or any rates, fees, rents,
7 receipts, or incomes at any time received by it. The bonds
8 issued by the Commission under Article VIII, their transfer,
9 and the income from the bonds are not taxable income for the
10 purposes of the individual and corporate income tax under
11 Illinois or Indiana law and shall not be taxed by any political
12 subdivision of Illinois or Indiana.

13 ARTICLE VIII

14 The Commission may incur indebtedness subject to debt
15 limits imposed by substantially identical laws of the states of
16 Illinois and Indiana. Indebtedness of the Commission may not be
17 secured by the full faith and credit or the tax revenues of the
18 state of Illinois or Indiana or a political subdivision of the
19 state of Illinois or Indiana other than the Commission or as
20 otherwise authorized by substantially identical laws of the
21 states of Illinois and Indiana. Bonds shall be issued only
22 under terms authorized by substantially identical laws of the
23 states of Illinois and Indiana.

24 ARTICLE IX

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

1 (Signed)

2 In the Presence of:

3 (Signed)

4 Section 10-10. Signing and filing of compact; bi-state
5 participation required. The compact shall, when signed by the
6 signatories as provided by this Act, become binding upon the
7 State of Illinois and shall be filed in the office of the
8 Secretary of State, except the compact shall not become
9 effective unless prior to the signing of the compact, the
10 Indiana General Assembly passes legislation providing for the
11 creation of the New Harmony Bridge Bi-State Commission under
12 terms consistent with this Act.

13 Section 10-15. Appointment and qualifications of
14 commissioners. The commissioners appointed by the Governor
15 under Section 10-5 shall also be members of the New Harmony
16 Bridge Bi-State Commission created by compact between the
17 States of Illinois and Indiana.

18 The White County Board shall appoint one member and the
19 Mayor of Phillipstown shall appoint one member to the New
20 Harmony Bridge Bi-State Commission no later than 30 days after
21 the Harmony Bridge Bi-State Commission is created.

22 Section 10-20. Tenure; successors. The term of a
23 commissioner is 4 years. At the expiration of the term of each

1 commissioner and of each succeeding commissioner, the Governor
2 shall appoint a successor who shall hold office for a term of 3
3 years. Each commissioner shall hold office until his or her
4 successor has been appointed and qualified.

5 Section 10-25. Filling vacancies. A vacancy occurring in
6 the office of an appointed commissioner shall be filled by
7 appointment by the Governor, by and with the advice and consent
8 of the Senate, for the unexpired term. In the case of a vacancy
9 while the Senate is not in session, the Governor shall make a
10 temporary appointment until the next meeting of the Senate,
11 when the Governor shall nominate a person to fill the office.

12 Section 10-30. Compensation and expenses of commissioners.
13 The commissioners shall serve without compensation but shall be
14 reimbursed for the necessary expenses incurred in the
15 performance of their duties.

16 Section 10-35. Powers and duties of commissioners. The
17 commissioners shall have the powers and duties and be subject
18 to the limitations provided for in the compact entered between
19 the State of Illinois and the State of Indiana to form the New
20 Harmony Bridge Bi-State Commission, and, together with the
21 commissioners from the State of Indiana, shall form the New
22 Harmony Bridge Bi-State Commission.

1

PART 99. EFFECTIVE DATE

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

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becoming law."