



Sen. Dale A. Righter

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LRB100 17666 AWJ 39146 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 Act may be cited as the New
6 Harmony Bridge Interstate Compact Act.

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

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

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

16 COMPACT BETWEEN ILLINOIS AND INDIANA CREATING THE NEW HARMONY
17 BRIDGE BI-STATE COMMISSION

18 ARTICLE I

19 There is created the New Harmony Bridge Bi-State
20 Commission, which is a body corporate and politic and which has
21 the following powers and duties:

22 (1) Contingent upon the Commission's ability to secure
23 federal financing, to engage in negotiations for the
24 acceptance, rehabilitation, and continued use of the New
25 Harmony Bridge connecting Illinois State Highway 14 to Indiana

1 State Highway 66 at New Harmony, Indiana;

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

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

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

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

19 (6) 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 The membership of the Commission created by this compact
14 shall consist of 10 voting members, appointed as follows:

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

21 (2) Five members shall be chosen by the State of
22 Indiana: 3 members shall be appointed by the governor and
23 no more than 2 shall be from the same political party; one
24 member shall be appointed by the appropriate county
25 executive of Posey County; and one member shall be
26 appointed by the appropriate town executive of New Harmony.

1 the laws of the United States or of either the State of
2 Illinois or the State of Indiana, to effect the same, except
3 the power to assess or levy taxes.

4 ARTICLE VII

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

7 (Signed)

8 In the Presence of:

9 (Signed)

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

20 Section 5-20. Filling of vacancies. A vacancy occurring in
21 the office of an appointed commissioner shall be filled by
22 appointment by the Governor for the unexpired term, as provided
23 in Section 35.

1 Section 5-25. Appointment and qualifications of
2 commissioners. No later than January 1, 2019, the Governor, by
3 and with the advice and consent of the Senate, shall appoint 3
4 commissioners to enter into the compact and who shall also be
5 members of the New Harmony Bridge Bi-State Commission created
6 by compact between the States of Illinois and Indiana. If the
7 Senate is not in session at the time for making appointments,
8 the Governor shall make temporary appointments as in the case
9 of a vacancy. No more than 2 members appointed by the Governor
10 may be from the same political party.

11 The White County Board shall appoint one member and the
12 Mayor of Phillipstown shall appoint one member to the New
13 Harmony Bridge Bi-State Commission no later than 30 days after
14 the Harmony Bridge Bi-State Commission is created.

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

23 Section 5-35. Filling vacancies. A vacancy occurring in the
24 office of an appointed commissioner shall be filled by

1 appointment by the Governor, by and with the advice and consent
2 of the Senate, for the unexpired term. In the case of a vacancy
3 while the Senate is not in session, the Governor shall make a
4 temporary appointment until the next meeting of the Senate,
5 when the Governor shall nominate a person to fill the office.

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

10 Section 5-45. Powers and duties of commissioners. The
11 commissioners shall have the powers and duties and be subject
12 to the limitations provided for in the compact entered between
13 the State of Illinois and the State of Indiana to form the New
14 Harmony Bridge Bi-State Commission, and, together with 3
15 commissioners from the State of Indiana, shall form the New
16 Harmony Bridge Bi-State Commission.

17 Section 5-50. Liability of Illinois Department of
18 Transportation. The Illinois Department of Transportation and
19 its employees are not liable for any action or inaction of the
20 New Harmony Bridge Bi-State Commission including, but not
21 limited to, damages or injury suffered by any person.

22 Section 5-55. Repeal. If both the State of Illinois and the

1 State of Indiana do not enter into the compact under Section
2 5-10 on or before December 31, 2019, then this Act is repealed
3 on January 1, 2020.

4 PART 10. NEW HARMONY BRIDGE AUTHORITY ACT

5 Section 10-1. Short title. This Act may be cited as the New
6 Harmony Bridge Authority Act.

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

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

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

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

18 Section 10-10. Authority establishment.

19 (a) If the State of Illinois and the State of Indiana do
20 not enter into the compact under Section 5-10 of the New
21 Harmony Bridge Interstate Compact Act on or before December 31,
22 2019, the New Harmony River Bridge Authority is established on

1 January 1, 2020 as a body corporate and politic of the State
2 for the purposes set forth in Section 10-30.

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

11 (1) form a joint bridge authority; or

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

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

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

23 Section 10-15. Members.

24 (a) The bridge authority shall be composed of the following
25 individuals:

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

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

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

5 (b) If the bridge authority:

6 (1) forms a joint bridge authority between:

7 (A) the State and Indiana; or

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

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

11 then the joint bridge authority may determine the
12 membership and term of office for any bridge authority
13 member representing Indiana or an Indiana entity.

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

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

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

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

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

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

26 (e) Bridge authority members are not entitled to salaries

1 but may seek reimbursement for expenses incurred in the
2 performance of their duties upon securing of federal funding or
3 other non-State funding.

4 Section 10-20. Member terms and vacancies.

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

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

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

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

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

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

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

21 Section 10-25. Meetings.

22 (a) The bridge authority shall hold an organizational
23 meeting within 30 days after the initial appointment of the
24 members and every January of each subsequent year. During each

1 organizational meeting, the bridge authority must elect the
2 following officers from existing bridge authority membership:

3 (1) A chair.

4 (2) A vice chair.

5 (3) A secretary treasurer.

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

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

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

12 (2) accepting the transfer and ownership of the bridge
13 and all interests of the commission in real and personal
14 property;

15 (3) accepting or receiving all other assets of the
16 commission; and

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

21 Section 10-35. Powers.

22 (a) The bridge authority may do the following subject to
23 adequate federal funding or other non-State funding:

24 (1) Accept the assets of the commission.

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

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

7 (4) Provide a pension and retirement system for
8 employees of the bridge authority through use of the
9 Illinois public employees' retirement fund.

10 (5) Contract for the alteration, construction,
11 extension, improvement, rehabilitation, or restoration of
12 the bridge.

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

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

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

20 (b) The bridge authority may exercise any of the powers
21 authorized by this Act in the state of Indiana to the extent
22 provided:

23 (1) under Indiana law; or

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

