

AN ACT concerning transportation.

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

PART 5. NEW HARMONY BRIDGE AUTHORITY ACT

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

Section 5-5. Findings; intent. The General Assembly finds that the New Harmony Bridge, which crosses the Wabash River south of Interstate 64 and has an entrance span in Illinois and Indiana, is in need of rehabilitation. The White County Bridge Commission, a private entity created by Congress in 1941, lacks the resources necessary to rehabilitate and maintain the bridge. The New Harmony Bridge provides an important link between this State and Indiana. The rehabilitation and continued use of the New Harmony Bridge is essential to preserve and improve the public welfare and prosperity of the people of this State. It is in the best interests of the public welfare and public safety that this State and the State of Indiana work together to repair and maintain this historical bridge. The intent of this Act is to ensure that the New Harmony Bridge is rehabilitated and maintained so that it can

meet the needs of motorists for years to come.

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

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

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

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

Section 5-15. Authority establishment.

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

(b) The bridge authority has the power to make and enter into any contract that may be necessary to implement this Act. The bridge authority's contract power includes the ability to enter into an agreement or contract with the State of Indiana or any governmental entity in the State of Indiana to:

(1) form a joint bridge authority; or

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

by the commission to the bridge authority.

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

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

Section 5-20. Members.

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

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

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

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

(b) If the bridge authority:

(1) forms a joint bridge authority between:

(A) the State and Indiana; or

(B) the State and an Indiana entity; or

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

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

(c) Each bridge authority member, before beginning the

member's duties, shall execute a bond payable to the State. The bond must:

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

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

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

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

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

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

Section 5-25. Member terms and vacancies.

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

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

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

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

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

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

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

Section 5-30. Meetings.

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

- (1) A chair.
- (2) A vice chair.
- (3) A secretary treasurer.

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

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

- (1) inheriting the assets, duties, powers, and rights of the commission;
- (2) accepting the transfer and ownership of the bridge

and all interests of the commission in real and personal property;

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

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

Section 5-40. Powers.

(a) The bridge authority may:

(1) Accept the assets of the commission.

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

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

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

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

(6) Accept grants, loans, and other forms of financial assistance from the federal government, the State, a unit

of local government, a foundation, or any other source.

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

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

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

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

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

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

(1) under Indiana law; or

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

Section 5-45. Bridge rehabilitation. The Authority is

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

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

Section 5-55. Interstate compact; rights of the Authority. If both the State of Illinois and the State of Indiana enter into the compact under Section 10-5 of the New Harmony Bridge Interstate Compact Act, then the Authority may transfer all rights, powers, and duties of the Authority to the New Harmony Bridge Bi-State Commission.

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

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

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

ARTICLE I

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

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

(2) To assume the rights and responsibilities of the Illinois New Harmony Bridge Authority and the Indiana New

Harmony and Wabash River Bridge Authority as they relate to the New Harmony Bridge;

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

(4) To secure financing, for the rehabilitation and maintenance of the New Harmony Bridge;

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

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

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

(2) Five members shall be chosen by the State of Indiana.

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

ARTICLE V

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

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

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

ARTICLE VI

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

ARTICLE VII

The Commission has no independent power to tax.

The Commission is not required to pay any taxes or assessments of any kind or nature upon any property required or used by it for its purposes or any rates, fees, rents, receipts, or incomes at any time received by it. The bonds

issued by the Commission under Article VIII, their transfer, and the income from the bonds are not taxable income for the purposes of the individual and corporate income tax under Illinois or Indiana law and shall not be taxed by any political subdivision of Illinois or Indiana.

ARTICLE VIII

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

ARTICLE IX

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

(Signed)

In the Presence of:

(Signed)

Section 10-10. Signing and filing of compact; bi-state participation required. The compact shall, when signed by the signatories as provided by this Act, become binding upon the

State of Illinois and shall be filed in the office of the Secretary of State, except the compact shall not become effective unless prior to the signing of the compact, the Indiana General Assembly passes legislation providing for the creation of the New Harmony Bridge Bi-State Commission under terms consistent with this Act.

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

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

Section 10-20. Tenure; successors. The term of a commissioner is 4 years. At the expiration of the term of each commissioner and of each succeeding commissioner, the Governor shall appoint a successor who shall hold office for a term of 3 years. Each commissioner shall hold office until his or her successor has been appointed and qualified.

Section 10-25. Filling vacancies. A vacancy occurring in the office of an appointed commissioner shall be filled by

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

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

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

PART 99. EFFECTIVE DATE

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