Public Law 91-390

August 28, 1970
[H. R. 13971]

AN ACT

Granting the consent of Congress to the Falls of the Ohio Interstate Park Compact.

Falls of the Ohio Interstate Park Compact. Consent of Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby given to the Falls of the Ohio Interstate Park Compact in substantially the following form:

"SECTION 1. The State of Indiana and the Commonwealth of Kentucky agree to create, develop and operate an interstate park to be known as Falls of the Ohio Interstate Park, which shall be located along the Ohio River at the Falls of the Ohio and on adjacent areas in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

"SEC. 2. There is hereby created the Falls of the Ohio Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Indiana and Kentucky. The commission shall consist of three (3) commissioners from each of the two (2) states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the governor. Vacancies shall be filled by the governor for the unexpired term. The term of one of the first commissioners appointed shall be for two (2) years, the term of another for three (3) years, and the term of the third for four (4) years. Their successors shall be appointed for terms of four (4) years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

"SEC. 3. The commission created herein shall be a joint corporate instrumentality of both the State of Indiana and the Commonwealth of Kentucky for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable bylaws, rules and regulations. The commission shall have the authority to acquire by gift, purchase, or otherwise real estate and other property, and to dispose of such real estate and other property. Each state agrees that it will exercise the right of eminent domain to acquire property located within each state required by the commission to effectuate the purposes of this compact.

"SEC. 4. The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and inci-

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dent to the performance of their duties. They shall take the oath of office required of officers of their respective states.

"SEC. 5. Each state agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representative of the two (2) states as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each state or by the governor thereof.

"SEC. 6. The cost of acquiring land and other property required in the development and operation of the Falls of the Ohio Interstate Park and constructing, maintaining, and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

"SEC. 7. All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance, and operation of the park or for other park purposes.

"The commission shall not pledge the credit of either state except by and with the authority of the general assembly thereof.

"SEC. 8. This compact may be amended from time to time by the concurrent action of the two (2) states parties hereto.

"The compact approved herein shall become effective upon ratification and approval of the compact by the general assembly of the state of Indiana and upon approval of this compact by the Congress of the United States." Effective date.

SEC. 2. The consent herein granted does not constitute consent in advance for amendments to the compact made pursuant to section 8 thereof or for the conferral of additional powers upon the Falls of the Ohio Interstate Park Commission pursuant to section 2 of the compact.

SEC. 3. Notwithstanding the last sentence of section 2 of the compact, this Act does not grant consent for the appointment to the Commission of an officer or employee of the United States whose service as a member of the Commission is prohibited by Federal law or regulation.

SEC. 4. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Falls of the Ohio Interstate Park Commission in its operation under the compact as is deemed appropriate by Congress or such committee. Congressional right to data.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 28, 1970.