

1 AN ACT to amend the Toll Highway Act by changing Section
2 17 and adding Sections 8.1 and 21.1.

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

5 Section 5. The Toll Highway Act is amended by changing
6 Section 17 and adding Sections 8.1 and 21.1 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Authority shall appoint an Inspector General who
10 shall have the authority to conduct investigations into
11 allegations or incidents of waste, fraud, and financial
12 mismanagement in Authority operations involving an Authority
13 employee or contractor. The Inspector General shall make
14 recommendations to the Authority regarding his or her
15 investigations. The Inspector General shall be appointed for
16 a term of 4 years. The Inspector General shall be
17 independent of the operations of the Authority and perform
18 other duties as requested by the Authority.

19 (b) The Inspector General shall have access to all
20 information and personnel necessary to perform the duties of
21 the office. If the Inspector General determines that a
22 possible criminal act has been committed or that special
23 expertise is required in the investigation, he or she shall
24 immediately notify the State Police. All investigations
25 conducted by the Inspector General shall be conducted in a
26 manner that ensures the preservation of evidence for use in
27 criminal prosecutions.

28 (c) At all times, the Inspector General shall be granted
29 access to any building or facility that is owned, operated,
30 or leased by the Authority.

31 (d) The Inspector General shall have the power to

1 subpoena witnesses and compel the production of books and
2 papers pertinent to an investigation authorized by this
3 Section. Any person who:

4 (1) fails to appear in response to a subpoena;

5 (2) fails to answer any question;

6 (3) fails to produce any books or papers pertinent
7 to an investigation under this Section; or

8 (4) knowingly gives false testimony during an
9 investigation under this Section;

10 is guilty of a Class A misdemeanor.

11 (e) The Inspector General shall provide to the Authority
12 and the General Assembly a summary of reports and
13 investigations made under this Section for the previous
14 fiscal year no later than January 1 of each year. The
15 summaries shall detail the final disposition of the Inspector
16 General's recommendations. The summaries shall not contain
17 any confidential or identifying information concerning the
18 subjects of the reports and investigations. The summaries
19 shall also include detailed, recommended administrative
20 actions and matters for consideration by the General
21 Assembly.

22 (605 ILCS 10/17) (from Ch. 121, par. 100-17)

23 Sec. 17. (a) The Authority may from time to time issue
24 bonds for any lawful purpose including, without limitation,
25 the costs of issuance thereof and all such bonds or other
26 obligations of the Authority issued pursuant to this Act
27 shall be and are hereby declared to be negotiable for all
28 purposes notwithstanding their payment from a limited source
29 and without regard to any other law or laws.

30 (b) The bonds of every issue shall be payable solely out
31 of revenues of the Authority, accumulated reserves or sinking
32 funds, bond proceeds, proceeds of refunding bonds, or
33 investment earnings as the Authority shall specify in a bond

1 resolution.

2 (c) The bonds may be issued as serial bonds or as term
3 bonds, or the Authority, in its discretion, may issue bonds
4 of both types. The bonds shall be authorized by a bond
5 resolution of the Authority, may be issued in one or more
6 series and shall bear such date or dates, mature at such time
7 or times not exceeding 25 years from their respective date or
8 dates of issue, bear interest at such rate or rates, fixed or
9 variable, without regard to any limit contained in any other
10 statute or law of the State of Illinois, be payable as to
11 principal and interest at such time or times, be in such
12 denominations, be in such form, either coupon or fully
13 registered, carry such registration and conversion
14 privileges, be payable in lawful money of the United States
15 of America at such places, be subject to such terms of
16 redemption and may contain such other terms and provisions,
17 as such bond resolution or resolutions may provide. The
18 bonds shall be executed by the manual or facsimile signatures
19 of the Chairman and the Secretary. In case any of the
20 officers whose signature appears on the bonds or coupons, if
21 any, shall cease to be an officer before the delivery of such
22 bonds, such signature shall nevertheless be valid and
23 sufficient for all purposes, as if he had remained in office
24 until such delivery. The bonds shall be sold in such manner
25 as the Authority shall determine. The proceeds from the sale
26 of such bonds shall be paid to the Treasurer of the State of
27 Illinois as ex officio custodian. Pending preparation of the
28 definitive bonds, the Authority may issue interim receipts or
29 certificates which shall be exchanged for such definitive
30 bonds.

31 (d) Any bond resolution, or trust indenture entered into
32 pursuant to a bond resolution, may contain provisions, which
33 shall be a part of the contract with the holders of the bonds
34 to be authorized, as to: (i) pledging or creating a lien upon

1 all or part of the revenues of the Authority or any reserves,
2 sinking funds, bond proceeds or investment earnings; (ii) the
3 setting aside of reserves or sinking funds, and the
4 regulation, investment and disposition thereof; (iii) the use
5 and maintenance requirements for the toll highways; (iv) the
6 purposes to which or the investments in which the proceeds of
7 sale of any series or issue of bonds then or thereafter to be
8 issued may be applied; (v) the issuance of additional bonds,
9 the terms upon which additional bonds may be issued and
10 secured, the purposes for such additional bonds, and the
11 terms upon which additional bonds may rank on a parity with,
12 or be subordinate or superior to other bonds; (vi) the
13 refunding of outstanding bonds; (vii) the procedure, if any,
14 by which the terms of any contract with bondholders may be
15 amended or abrogated, the amount of bonds the holders of
16 which must consent thereto, and the manner in which such
17 consent may be given; (viii) defining the acts or omissions
18 to act which shall constitute a default in the duties of the
19 Authority to holders of its obligations and providing the
20 rights and remedies of such holders in the event of a
21 default; (ix) any other matters relating to the bonds which
22 the Authority deems desirable.

23 (e) Neither the directors of the Authority nor any
24 person executing the bonds shall be liable personally on the
25 bonds or be subject to any personal liability or
26 accountability by reason of the issuance thereof.

27 (f) The Authority shall have power out of any funds
28 available therefor to purchase its bonds. The Authority may
29 hold, pledge, cancel or resell such bonds subject to and in
30 accordance with agreements with bondholders.

31 (g) In the discretion of the Authority any bonds issued
32 under the provisions of this Act may be secured by a trust
33 indenture by and between the Authority and a trustee or
34 trustees, which may be any trust company or bank in the State

1 of Illinois having the powers of a trust company and
2 possessing capital and surplus of not less than \$50,000,000.
3 The bond resolution or trust indenture providing for the
4 issuance of bonds so secured shall pledge such revenues of
5 the Authority, sinking funds, bond proceeds, or investment
6 earnings as may be specified therein, may contain such
7 provisions for protecting and enforcing the rights and
8 remedies of the bondholders as may be reasonable and proper
9 and not in violation of law, including particularly such
10 provisions as have hereinabove been specifically authorized
11 to be included in any bond resolution or trust indenture of
12 the Authority, and may restrict the individual right of
13 action by bondholders. In addition to the foregoing, any
14 bond resolution or trust indenture may contain such other
15 provisions as the Authority may deem reasonable and proper
16 for the security of the bondholders, including, but not
17 limited to, the purchase of bond insurance and the
18 arrangement of letters of credit, lines of credit or other
19 credit or liquidity enhancement facilities; provided there
20 shall be no pledge of the toll highway or any part thereof.
21 All expenses incurred in carrying out the provisions of any
22 bond resolution or trust indenture may be treated as a part
23 of the cost of the operation of the toll highways.

24 (h) Bonds issued under the authority of this Act do not,
25 and shall state upon the face of each bond that they do not,
26 represent or constitute a debt of the Authority or of the
27 State of Illinois within the meaning of any constitutional or
28 statutory limitation or a pledge of the faith and credit of
29 the Authority or the State of Illinois, or grant to the
30 owners or holders thereof any right to have the Authority or
31 the General Assembly levy any taxes or appropriate any funds
32 for the payment of the principal thereof or interest thereon.
33 Such bonds shall be payable and shall state that they are
34 payable solely from the revenues and the sources authorized

1 under this Act and pledged for their payment in accordance
2 with the bond resolution or trust indenture.

3 Nothing in this Act shall be construed to authorize the
4 Authority or any department, board, commission or other
5 agency to create an obligation of the State of Illinois
6 within the meaning of the Constitution or Statutes of
7 Illinois.

8 (i) Any resolution or trust indenture authorizing the
9 issuance of the bonds may include provision for the issuance
10 of additional bonds. All resolutions of the Authority to
11 carry such adopted bond resolutions into effect, to provide
12 for the sale and delivery of the bonds, for letting of
13 contracts for the construction of toll highways and the
14 acquisition of real and personal property deemed by the
15 Authority necessary or convenient for the construction
16 thereof, shall not require the approval of the Governor or of
17 any other department, division, commission, bureau, board or
18 other agency of the State.

19 (j) The Authority shall not issue any bonds to finance
20 new construction or the repair of any tollway without first
21 applying all surplus revenues not currently needed to meet
22 any obligation of the Authority to the cost of the new
23 construction or repair project.

24 (Source: P.A. 83-1258.)

25 (605 ILCS 10/21.1 new)

26 Sec. 21.1. Schedule of conversions.

27 (a) Recognizing the original intent of the tollway
28 system and the directive of the General Assembly stated in
29 Section 21 that the toll highways and any connecting tunnels,
30 bridges, approaches, or other appurtenances to the toll
31 highways become part of the system of State highways and are
32 to be maintained and operated free of tolls once all bonds
33 and interest have been paid and all money appropriated by the

1 General Assembly has been repaid, the Authority shall
2 structure all financing of new toll highway construction to
3 facilitate converting established portions of the toll
4 highway system to State highways. In addition, when
5 refinancing or refunding existing debt, the Authority shall
6 enter into new bond indentures so as to eliminate
7 restrictions and facilitate conversion of established
8 portions of the tollway system into State highways.

9 (b) In accordance with subsection (a), the Authority
10 shall, in consultation with the Department of Transportation,
11 submit a report every 2 years to the Governor and the General
12 Assembly detailing when each portion of the toll highway
13 system can be converted into a State highway under the
14 Department of Transportation's supervision.

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