



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4053

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

605 ILCS 10/19
605 ILCS 10/23

from Ch. 121, par. 100-19
from Ch. 121, par. 100-23

Amends the Toll Highway Act. Provides that beginning July 1, 2018, all toll revenue collected by the Illinois State Toll Highway Authority from the toll highway system, including, but not limited to, any civil fines or fees collected under the Act, shall be used to pay the principal and interest payments of all bonds issued by the Authority under the Act until all bond payment obligations have been satisfied. Provides that after satisfaction of the bond payment obligations, the Authority shall spend toll revenue received from the toll highway system as provided under the Act.

LRB100 12886 AXK 26671 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Toll Highway Act is amended by changing
5 Sections 19 and 23 as follows:

6 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

7 Sec. 19. The Authority shall fix and revise from time to
8 time, tolls or charges or rates for the privilege of using each
9 of the toll highways constructed pursuant to this Act. Such
10 tolls shall be so fixed and adjusted at rates calculated to
11 provide the lowest reasonable toll rates that will provide
12 funds sufficient with other revenues of the Authority to pay,
13 (a) the cost of the construction of a toll highway authorized
14 by joint resolution of the General Assembly pursuant to Section
15 14.1 and the reconstruction, major repairs or improvements of
16 toll highways, (b) the cost of maintaining, repairing,
17 regulating and operating the toll highways including only the
18 necessary expenses of the Authority, and (c) the principal of
19 all bonds, interest thereon and all sinking fund requirements
20 and other requirements provided by resolutions authorizing the
21 issuance of the bonds as they shall become due. In fixing the
22 toll rates pursuant to this Section 19 and Section 10(c) of
23 this Act, the Authority shall take into account the effect of

1 the provisions of this Section 19 permitting the use of the
2 toll highway system without payment of the covenants of the
3 Authority contained in the resolutions and trust indentures
4 authorizing the issuance of bonds of the Authority. No such
5 provision permitting the use of the toll highway system without
6 payment of tolls after the date of this amendatory Act of the
7 95th General Assembly shall be applied in a manner that impairs
8 the rights of bondholders pursuant to any resolution or trust
9 indentures authorizing the issuance of bonds of the Authority.
10 The use and disposition of any sinking or reserve fund shall be
11 subject to such regulation as may be provided in the resolution
12 or trust indenture authorizing the issuance of the bonds.
13 Subject to the provisions of any resolution or trust indenture
14 authorizing the issuance of bonds any moneys in any such
15 sinking fund in excess of an amount equal to one year's
16 interest on the bonds then outstanding secured by such sinking
17 fund may be applied to the purchase or redemption of bonds. All
18 such bonds so redeemed or purchased shall forthwith be
19 cancelled and shall not again be issued. No person shall be
20 permitted to use any toll highway without paying the toll
21 established under this Section except when on official Toll
22 Highway Authority business which includes police and other
23 emergency vehicles. However, any law enforcement agency
24 vehicle, fire department vehicle, public or private ambulance
25 service vehicle engaged in the performance of an emergency
26 service or duty that necessitates the use of the toll highway

1 system, or other emergency vehicle that is plainly marked shall
2 not be required to pay a toll to use a toll highway. A law
3 enforcement, fire protection, or emergency services officer
4 driving a law enforcement, fire protection, emergency services
5 agency vehicle, or public or private ambulance service vehicle
6 engaging in the performance of emergency services or duties
7 that is not plainly marked must present an Official Permit Card
8 which the law enforcement, fire protection, or emergency
9 services officer receives from his or her law enforcement, fire
10 protection, emergency services agency, or public or private
11 ambulance service in order to use a toll highway without paying
12 the toll. A law enforcement, fire protection, emergency
13 services agency, or public or private ambulance service
14 engaging in the performance of emergency services or duties
15 must apply to the Authority to receive a permit, and the
16 Authority shall adopt rules for the issuance of a permit, that
17 allows public or private ambulance service vehicles engaged in
18 the performance of emergency services or duties that
19 necessitate the use of the toll highway system and all law
20 enforcement, fire protection, or emergency services agency
21 vehicles of the law enforcement, fire protection, or emergency
22 services agency to use any toll highway without paying the toll
23 established under this Section. The Authority shall maintain in
24 its office a list of all persons that are authorized to use any
25 toll highway without charge when on official business of the
26 Authority and such list shall be open to the public for

1 inspection. In recognition of the unique role of the Suburban
2 Bus Division of the Regional Transportation Authority in
3 providing effective transportation in the Authority's service
4 region and to give effect to the exemption set forth in
5 subsection (b) of Section 2.06 of the Regional Transportation
6 Authority Act, a vehicle owned or operated by the Suburban Bus
7 Division of the Regional Transportation Authority that is being
8 used to transport passengers for hire may use any toll highway
9 without paying the toll.

10 Among other matters, this amendatory Act of 1990 is
11 intended to clarify and confirm the prior intent of the General
12 Assembly to allow toll revenues from the toll highway system to
13 be used to pay a portion of the cost of the construction of the
14 North-South Toll Highway authorized by Senate Joint Resolution
15 122 of the 83rd General Assembly in 1984.

16 Beginning July 1, 2018, all toll revenue collected by the
17 Authority from the toll highway system, including, but not
18 limited to, any civil fines or fees collected under subsection
19 (a-5) of Section 10 of this Act, shall be used to pay the
20 principal and interest payments of all bonds issued by the
21 Authority under this Act until all bond payment obligations
22 have been satisfied. After satisfaction of the bond payment
23 obligations, the Authority shall spend toll revenue received
24 from the toll highway system as provided under this Act.

25 (Source: P.A. 97-784, eff. 1-1-13.)

1 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

2 Sec. 23. Legislative declaration; Authority budget.

3 (a) It is hereby declared, as a matter of legislative
4 determination, that it is in the best interest of the State of
5 Illinois, the public, and the holders of Authority bonds that
6 Authority funds be expended only on goods and services that
7 protect and enhance the efficiency, safety, and environmental
8 quality of the toll highway system.

9 (b) Except as provided in subsection (j) of this Section,
10 the ~~The~~ Authority shall spend moneys received from the issuance
11 of bonds and as tolls or otherwise in the operation of the toll
12 highway system only on the following:

13 (1) operations and maintenance expenditures that are
14 reasonable and necessary to keep the toll highway system in
15 a state of good repair in accordance with contemporary
16 highway safety and maintenance standards;

17 (2) principal and interest payments and payment of
18 other obligations the Authority has incurred in connection
19 with bonds issued under this Act;

20 (3) renewal and replacement expenditures necessary and
21 sufficient to protect and preserve the long-term
22 structural integrity of the toll highway system; and

23 (4) system improvement expenditures necessary and
24 sufficient to improve and expand the toll highway system,
25 subject to the requirements of this Act.

26 (c) Any moneys remaining after the expenditures listed in

1 subsection (b) may be spent only for reasonable and necessary
2 Authority purposes that will enhance the safety, efficiency,
3 and environmental quality of the toll highway system in a
4 cost-effective manner. Authority funds may not be spent for
5 purposes not reasonably related to toll highway operations and
6 improvements or in a manner that is not cost-effective.

7 (d) The Authority must at all times maintain a reserve for
8 maintenance and operating expenses that is no more than 130% of
9 the operating expenses it has budgeted for its current fiscal
10 year, unless the requirements of any bond resolution or trust
11 indenture then securing obligations of the Authority mandate a
12 greater amount.

13 (e) The Authority shall file with the Governor, the Clerk
14 of the House of Representatives, the Secretary of the Senate,
15 and the Commission on Government Forecasting and
16 Accountability, on or prior to March 15th of each year, a
17 written statement and report covering its activities for the
18 preceding calendar year. The Authority shall present, to the
19 committees of the House of Representatives designated by the
20 Speaker of the House and to the committees of the Senate
21 designated by the President of the Senate, an annual report
22 outlining its planned revenues and expenditures. The Authority
23 shall prepare an annual capital plan which identifies capital
24 projects by location and details the project costs in correct
25 dollar amounts. The Authority shall also prepare and file a
26 ten-year capital plan that includes a listing of all capital

1 improvement projects contemplated during the ensuing ten-year
2 period. The first ten-year capital plan shall be filed in 1991
3 and thereafter on the anniversary of each ten-year period.

4 (f) It shall be the duty of the Auditor General of the
5 State of Illinois, annually to audit or cause to be audited the
6 books and records of the Authority and to file a certified copy
7 of the report of such audit with the Governor and with the
8 Legislative Audit Commission, which audit reports, when so
9 filed, shall be open to the public for inspection.

10 (g) The Authority shall hold a public hearing on its
11 proposed annual budget, not less than 15 days before its
12 directors meet to consider adoption of the annual budget, at
13 which any person may appear, express opinions, suggestions, or
14 objections, or direct inquiries relating to the proposed
15 budget. The Authority must give notice of the hearing at least
16 15 days prior to the hearing stating the time, place, and
17 purpose of the hearing in a daily newspaper of general
18 circulation throughout the Authority's service area and by
19 posting the meeting notice and a copy of the proposed budget on
20 the Authority's website. The proceedings at the hearing shall
21 be transcribed. The transcript shall be made available at
22 reasonable hours for public inspection, and a copy of the
23 transcript, together with a copy of all written statements
24 submitted at the hearing, shall be submitted to the directors
25 before the vote on adoption of the proposed annual budget.

26 (h) The Authority shall post on its website copies of its

1 annual report and its budget for the current year, along with
2 any other financial information necessary to adequately inform
3 the public of the Authority's financial condition and capital
4 plan.

5 (i) The requirements set forth in subsections (b) through
6 (g) may not be construed or applied in a manner that impairs
7 the rights of bondholders under any bond resolution or trust
8 indenture entered into in accordance with a bond resolution
9 authorized by the Authority's directors, nor may those
10 requirements be construed as a limitation on the Authority's
11 powers as set forth elsewhere in this Act.

12 (j) Beginning July 1, 2018, all toll revenue collected by
13 the Authority from the toll highway system, including, but not
14 limited to, any civil fines or fees collected under subsection
15 (a-5) of Section 10 of this Act, shall be used to pay the
16 principal and interest payments of all bonds issued by the
17 Authority under this Act until all bond payment obligations
18 have been satisfied. After satisfaction of the bond payment
19 obligations, the Authority shall spend toll revenue received
20 from the toll highway system as provided under this Act.

21 (Source: P.A. 93-1067, eff. 1-15-05; 94-636, eff. 8-22-05.)