LRB9214458DHmg

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AN ACT concerning highways.

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

Section 5. The Toll Highway Act is amended by changing
Section 17 as follows:

6 (605 ILCS 10/17) (from Ch. 121, par. 100-17)

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

14 (b) The bonds of every issue shall be payable solely out 15 of revenues of the Authority, accumulated reserves or sinking 16 funds, bond proceeds, proceeds of refunding bonds, or 17 investment earnings as the Authority shall specify in a bond 18 resolution.

19 (c) The bonds may be issued as serial bonds or as term 20 bonds, or the Authority, in its discretion, may issue bonds The bonds shall be authorized by a bond 21 of both types. 22 resolution of the Authority, may be issued in one or more series and shall bear such date or dates, mature at such time 23 or times not exceeding 25 years from their respective date or 24 dates of issue, bear interest at such rate or rates, fixed or 25 variable, without regard to any limit contained in any other 26 27 statute or law of the State of Illinois, be payable as to principal and interest at such time or times, be in such 28 29 denominations, be in such form, either coupon or fully 30 registered, carry such registration and conversion 31 privileges, be payable in lawful money of the United States

1 of America at such places, be subject to such terms of 2 redemption and may contain such other terms and provisions, as such bond resolution or resolutions may provide. 3 The 4 bonds shall be executed by the manual or facsimile signatures of the Chairman and the Secretary. 5 In case any of the officers whose signature appears on the bonds or coupons, if 6 7 any, shall cease to be an officer before the delivery of such 8 bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if he had remained in office 9 until such delivery. The bonds shall be sold in such manner 10 11 as the Authority shall determine. The proceeds from the sale of such bonds shall be paid to the Treasurer of the State of 12 Illinois as ex officio custodian. Pending preparation of the 13 definitive bonds, the Authority may issue interim receipts or 14 15 certificates which shall be exchanged for such definitive 16 bonds.

(d) Any bond resolution, or trust indenture entered into 17 pursuant to a bond resolution, may contain provisions, which 18 shall be a part of the contract with the holders of the bonds 19 20 to be authorized, as to: (i) pledging or creating a lien upon 21 all or part of the revenues of the Authority or any reserves, 22 sinking funds, bond proceeds or investment earnings; (ii) the 23 aside of reserves or sinking funds, and setting the regulation, investment and disposition thereof; (iii) the use 24 25 and maintenance requirements for the toll highways; (iv) the purposes to which or the investments in which the proceeds of 26 sale of any series or issue of bonds then or thereafter to be 27 issued may be applied; (v) the issuance of additional bonds, 28 29 the terms upon which additional bonds may be issued and 30 secured, the purposes for such additional bonds, and the terms upon which additional bonds may rank on a parity with, 31 or be subordinate or superior to other bonds; (vi) the 32 refunding of outstanding bonds; (vii) the procedure, if any, 33 34 by which the terms of any contract with bondholders may be

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1 amended or abrogated, the amount of bonds the holders of 2 which must consent thereto, and the manner in which such consent may be given; (viii) defining the acts or omissions 3 4 to act which shall constitute a default in the duties of the 5 Authority to holders of its obligations and providing the 6 rights and remedies of such holders in the event of a 7 default; (ix) any other matters relating to the bonds which 8 the Authority deems desirable.

9 (e) Neither the directors of the Authority nor any 10 person executing the bonds shall be liable personally on the 11 bonds or be subject to any personal liability or 12 accountability by reason of the issuance thereof.

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

In the discretion of the Authority any bonds issued 17 (q) 18 under the provisions of this Act may be secured by a trust 19 indenture by and between the Authority and a trustee or trustees, which may be any trust company or bank in the State 20 21 of Illinois having the powers of a trust company and possessing capital and surplus of not less than \$50,000,000. 22 23 The bond resolution or trust indenture providing for the issuance of bonds so secured shall pledge such revenues of 24 25 the Authority, sinking funds, bond proceeds, or investment earnings as may be specified therein, may contain such 26 provisions for protecting and enforcing the rights and 27 remedies of the bondholders as may be reasonable and proper 28 29 and not in violation of law, including particularly such 30 provisions as have hereinabove been specifically authorized to be included in any bond resolution or trust indenture of 31 32 the Authority, and may restrict the individual right of action by bondholders. In addition to the foregoing, any 33 bond resolution or trust indenture may contain such other 34

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1 provisions as the Authority may deem reasonable and proper 2 for the security of the bondholders, including, but not limited to, the purchase of bond insurance and the 3 4 arrangement of letters of credit, lines of credit or other 5 liquidity enhancement facilities; provided there credit or 6 shall be no pledge of the toll highway or any part thereof. 7 All expenses incurred in carrying out the provisions of any bond resolution or trust indenture may be treated as a part 8 9 of the cost of the operation of the toll highways.

(h) Bonds issued under the authority of this Act do not, 10 11 and shall state upon the face of each bond that they do not, represent or constitute a debt of the Authority or of the 12 State of Illinois within the meaning of any constitutional or 13 statutory limitation or a pledge of the faith and credit of 14 15 the Authority or the State of Illinois, or grant to the 16 owners or holders thereof any right to have the Authority or the General Assembly levy any taxes or appropriate any funds 17 for the payment of the principal thereof or interest thereon. 18 19 Such bonds shall be payable and shall state that they are payable solely from the revenues and the sources authorized 20 21 under this Act and pledged for their payment in accordance with the bond resolution or trust indenture. 22

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

Any resolution or trust indenture authorizing the 28 (i) 29 issuance of the bonds may include provision for the issuance 30 of additional bonds. All resolutions of the Authority to carry such adopted bond resolutions into effect, to provide 31 32 for the sale and delivery of the bonds, for letting of contracts for the construction of toll highways and the 33 34 acquisition of real and personal property deemed by the

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1 Authority necessary or convenient for the construction 2 thereof, shall not require the approval of the Governor or of 3 any other department, division, commission, bureau, board or 4 other agency of the State.

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