



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB3796

Introduced 1/21/2022, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/4	from Ch. 121, par. 100-4
605 ILCS 10/6	from Ch. 121, par. 100-6
605 ILCS 10/7.2 new	
605 ILCS 10/8	from Ch. 121, par. 100-8

Amends the Toll Highway Act. Removes language authorizing the chairman to exercise general supervision over all powers, duties, obligations and functions of the Toll Highway Authority. Provides that the directors shall appoint agents or employees as they consider necessary or desirable. Provides that such agents or employees, other than technical or engineering employees, shall be subject to the Personnel Code. Provides that the Governor, with the advice and consent of the Senate, shall appoint from the State at large an Executive Director to the Toll Highway Authority to serve as the chief executive officer of the Board of Directors. Provides that the Board shall employ and fix the compensation of the Executive Director. Removes language permitting the Toll Highway Authority to appoint assistant attorneys who shall be under the control, direction, and supervision of the Attorney General. Removes language permitting the Authority to retain special counsel and fix their compensation, provided they are subject to the control, direction, and supervision of the Attorney General.

LRB102 25732 RAM 35042 b

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 4, 6, and 8 and by adding Section 7.2 as follows:

6 (605 ILCS 10/4) (from Ch. 121, par. 100-4)

7 Sec. 4. Of the directors appointed by the Governor, one  
8 such director shall be appointed by the Governor as chairman  
9 and shall hold office for 4 years from the date of his  
10 appointment, and until his successor shall be duly appointed  
11 and qualified, but shall be subject to removal by the Governor  
12 for incompetency, neglect of duty or malfeasance. The term of  
13 the initial chairman appointed under this amendatory Act of  
14 the 100th General Assembly shall end March 1, 2021 and the  
15 chairman shall serve until his or her successor is duly  
16 appointed and qualified.

17 The chairman shall preside at all meetings of the Board of  
18 Directors of the Authority, ~~shall exercise general supervision~~  
19 ~~over all powers, duties, obligations and functions of the~~  
20 ~~Authority,~~ and shall approve or disapprove all resolutions,  
21 by-laws, rules, rates and regulations made and established by  
22 the Board of Directors, and if he shall approve thereof, he  
23 shall sign the same, and such as he shall not approve he shall

1 return to the Board of Directors with his objections thereto  
2 in writing at the next regular meeting of the Board of  
3 Directors occurring after the passage thereof. Such veto may  
4 extend to any one or more items contained in such resolution,  
5 by-law, rule, rate or regulation, or to its entirety; and in  
6 case the veto extends to a part of such resolution, by-law,  
7 rule, rate or regulation, the residue thereof shall take  
8 effect and be in force, but in case the chairman shall fail to  
9 return any resolution, by-law, rule, rate or regulation with  
10 his objections thereto by the time aforesaid, he shall be  
11 deemed to have approved the same, and the same shall take  
12 effect accordingly. Upon the return of any resolution, by-law,  
13 rule, rate or regulation by the chairman, the vote by which the  
14 same was passed shall be reconsidered by the Board of  
15 Directors, and if upon such reconsideration two-thirds of all  
16 the Directors agree by yeas and nays to pass the same, it shall  
17 go into effect notwithstanding the chairman's refusal to  
18 approve thereof. The process of approving or disapproving all  
19 resolutions, by-laws, rules, rates and regulations, as well as  
20 the ability of the Board of Directors to override the  
21 disapproval of the chairman, under this Section shall be set  
22 forth in the Authority's by-laws. Nothing in the Authority's  
23 by-laws, rules, or regulations may be contrary to this  
24 Section.

25 The chairman shall receive a salary of \$18,000 per annum,  
26 or as set by the Compensation Review Board, whichever is

1 greater, payable in monthly installments, together with  
2 reimbursement for necessary expenses incurred in the  
3 performance of his duties. The chairman shall be eligible for  
4 reappointment.

5 (Source: P.A. 100-1180, eff. 2-28-19.)

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

7 Sec. 6. Immediately after such appointment and  
8 qualification as hereinafter provided said chairman and  
9 directors shall enter upon their duties. The directors shall  
10 biennially select a secretary, who may or may not be a  
11 director, and if not a director fix his compensation. The  
12 directors shall also appoint other agents or employees as they  
13 consider necessary or desirable. Such agents or employees,  
14 other than technical or engineering employees, shall be  
15 subject to the Personnel Code. Six directors shall constitute  
16 a quorum. No vacancy in the said Board of Directors shall  
17 impair the right of a quorum of the directors to exercise all  
18 the rights and perform all the duties of the Authority.

19 (Source: P.A. 81-1363.)

20 (605 ILCS 10/7.2 new)

21 Sec. 7.2. Toll Highway Executive Director. The Governor,  
22 with the advice and consent of the Senate, shall appoint from  
23 the State at large an Executive Director to the Authority to  
24 serve as the chief executive officer of the Board of

1 Directors. The Board shall employ and fix the compensation of  
2 the Executive Director.

3 (605 ILCS 10/8) (from Ch. 121, par. 100-8)

4 Sec. 8. The Authority shall have the power:

5 (a) To acquire, own, use, hire, lease, operate and dispose  
6 of personal property, real property (except with respect to  
7 the headquarters building and surrounding land of the  
8 Authority located at 2700 Ogden Avenue, Downers Grove,  
9 Illinois, which may be sold or mortgaged only as provided in  
10 Section 7.5 of the State Property Control Act to the extent  
11 that such property is subject to the State Property Control  
12 Act at the time of the proposed sale), any interest therein,  
13 including rights-of-way, franchises and easements.

14 (b) To enter into all contracts and agreements necessary  
15 or incidental to the performance of its powers under this Act.  
16 All employment contracts let under this Act shall be in  
17 conformity with the applicable provisions of "An Act  
18 regulating wages of laborers, mechanics and other workers  
19 employed under contracts for public works," approved June 26,  
20 1941, as amended.

21 (c) To employ and discharge, without regard to the  
22 requirements of any civil service or personnel act, such  
23 administrative, engineering, traffic, architectural,  
24 construction, and financial experts, and inspectors, and such  
25 other employees, as are necessary in the Authority's judgment

1 to carry out the purposes of this Act; and to establish and  
2 administer standards of classification of all of such persons  
3 with respect to their compensation, duties, performance, and  
4 tenure; and to enter into contracts of employment with such  
5 persons for such periods and on such terms as the Authority  
6 deems desirable.

7 (d) (Blank). ~~To appoint by and with the consent of the~~  
8 ~~Attorney General, assistant attorneys for such Authority,~~  
9 ~~which said assistant attorneys shall be under the control,~~  
10 ~~direction and supervision of the Attorney General and shall~~  
11 ~~serve at his pleasure.~~

12 (e) (Blank). ~~To retain special counsel, subject to the~~  
13 ~~approval of the Attorney General, as needed from time to time,~~  
14 ~~and fix their compensation, provided however, such special~~  
15 ~~counsel shall be subject to the control, direction and~~  
16 ~~supervision of the Attorney General and shall serve at his~~  
17 ~~pleasure.~~

18 (f) To acquire, construct, relocate, operate, regulate and  
19 maintain a system of toll highways through and within the  
20 State of Illinois. However, the Authority does not have the  
21 power to acquire, operate, regulate or maintain any system of  
22 toll highways or toll bridges or portions of them (including  
23 but not limited to any system organized pursuant to Division  
24 108 of Article 11 of the Illinois Municipal Code) in the event  
25 either of the following conditions exists at the time the  
26 proposed acquisition, operation, regulation or maintenance of

1 such system is to become effective:

2 (1) the principal or interest on bonds or other  
3 instruments evidencing indebtedness of the system are in  
4 default; or

5 (2) the principal or interest on bonds or other  
6 instruments evidencing indebtedness of the system have been in  
7 default at any time during the 5 year period prior to the  
8 proposed acquisition.

9 To facilitate such construction, operation and maintenance  
10 and subject to the approval of the Division of Highways of the  
11 Department of Transportation, the Authority shall have the  
12 full use and advantage of the engineering staff and facilities  
13 of the Department.

14 (Source: P.A. 93-19, eff. 6-20-03.)