

1 AMENDMENT TO HOUSE BILL 1110

2 AMENDMENT NO. _____. Amend House Bill 1110, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Toll Highway Act is amended by adding
6 Sections 8.1, 9.65, and 16.2 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Governor must, with the advice and consent of
10 the Senate, appoint an Inspector General for the purpose of
11 detection, deterrence, and prevention of fraud, corruption,
12 and mismanagement in the Authority. The Inspector General
13 shall serve a 2-year term. If no successor is appointed and
14 qualified upon the expiration of the Inspector General's
15 term, the Office of Inspector General is deemed vacant and
16 the powers and duties under this Section may be exercised
17 only by an appointed and qualified interim Inspector General
18 until a successor Inspector General is appointed and
19 qualified. If the General Assembly is not in session when a
20 vacancy in the Office of Inspector General occurs, the
21 Governor may appoint an interim Inspector General whose term
22 shall expire 2 weeks after the next regularly scheduled

1 session day of the Senate.

2 (b) The Inspector General shall have the following
3 qualifications:

4 (1) has not been convicted of any felony under the
5 laws of this State, another State, or the United States;

6 (2) has earned a baccalaureate degree from an
7 institution of higher education; and

8 (3) has either (A) 5 or more years of service with
9 a federal, State, or local law enforcement agency, at
10 least 2 years of which have been in a progressive
11 investigatory capacity; (B) 5 or more years of service as
12 a federal, State, or local prosecutor; or (C) 5 or more
13 years of service as a senior manager or executive of a
14 federal, State, or local law enforcement agency.

15 (c) The Inspector General may review, coordinate, and
16 recommend methods and procedures to increase the integrity of
17 the Authority. The Inspector General must report directly to
18 the Governor.

19 (d) The Governor may designate the Inspector General and
20 inspectors who are members of the Inspector General's office
21 as peace officers. These inspectors shall have all the powers
22 possessed by police officers in municipalities and by
23 sheriffs of counties, and the inspectors may exercise those
24 powers anywhere in the State but only in the investigation of
25 allegations of misconduct or criminal behavior by the Board
26 of Directors of the Authority or employees of the Authority.

27 No inspector may have peace officer status or exercise
28 police powers unless he or she successfully completes the
29 basic police training mandated and approved by the Illinois
30 Law Enforcement Training Standards Board or the Board waives
31 the training requirement by reason of the inspector's prior
32 law enforcement experience or training, or both.

33 The Board may not waive the training requirement unless
34 the inspector has had a minimum of 5 years of experience as a

1 sworn officer of a local, State, or federal law enforcement
2 agency, 2 of which must have been in an investigatory
3 capacity.

4 (e) In addition to the authority otherwise provided by
5 this Section, but only when investigating the Authority, its
6 employees, or their actions for fraud, corruption, or
7 mismanagement, the Inspector General is authorized:

8 (1) To have access to all records, reports, audits,
9 reviews, documents, papers, recommendations, or other
10 materials available that relate to programs and
11 operations with respect to which the Inspector General
12 has responsibilities under this Section.

13 (2) To make any investigations and reports relating
14 to the administration of the programs and operations of
15 the Authority that are, in the judgement of the Inspector
16 General, necessary or desirable.

17 (3) To request any information or assistance that
18 may be necessary for carrying out the duties and
19 responsibilities provided by this Section from any local,
20 State, or federal governmental agency or unit thereof.

21 (4) To seek a subpoena or subpoena duces tecum to
22 be issued by a court of competent jurisdiction in Cook
23 County, Sangamon County, or any county where the subpoena
24 or subpoena duces tecum is sought to be enforced. Except
25 for a person who has petitioned a court of competent
26 jurisdiction in Cook County, Sangamon County, or any
27 county where the subpoena or subpoena duces tecum is
28 sought to be enforced for a protective order or to quash
29 or modify the subpoena or subpoena duces tecum, a person
30 duly subpoenaed for testimony or documents who neglects
31 or refuses to testify or produce any documents or
32 records, excluding documents and other communications
33 covered by privilege and excluding records regarding the
34 representation of employees and the negotiation of

1 collective bargaining agreements by a labor organization
2 authorized and recognized under the Illinois Public Labor
3 Relations Act to be the exclusive bargaining
4 representative of employees of the Authority, under the
5 requirements of the subpoena or subpoena duces tecum,
6 shall be proceeded against and punished for contempt of
7 court. Nothing within this paragraph (4) limits a
8 person's right to protection against self-incrimination
9 under the Fifth Amendment of the United States
10 Constitution or Article I, Section 10, of the
11 Constitution of the State of Illinois. A court, on motion
12 of the Inspector General, may order that a person be
13 granted immunity from prosecution in a criminal case as
14 to any information directly or indirectly derived from
15 the production of evidence from the person if the person
16 has refused or is likely to refuse to produce the
17 evidence on the basis of his or her privilege against
18 self-incrimination. The production of evidence so
19 compelled under the order, and any information directly
20 or indirectly derived from it, may not be used against
21 the witness in a criminal case, except in a prosecution
22 for perjury, false swearing, or an offense otherwise
23 involving a failure to comply with the order. An order of
24 immunity granted under this Section does not bar
25 prosecution of the witness, except as specifically
26 provided in this Section.

27 (5) To have direct and prompt access to the Board
28 of Directors of the Authority for any purpose pertaining
29 to the performance of functions and responsibilities
30 under this Section.

31 (f) The Inspector General may receive and investigate
32 complaints or information from an employee of the Authority
33 concerning the possible existence of an activity constituting
34 a violation of law, rules, or regulations; mismanagement;

1 abuse of authority; or substantial and specific danger to the
2 public health and safety. Any employee who knowingly files a
3 false complaint or files a complaint with reckless disregard
4 for the truth or the falsity of the facts underlying the
5 complaint may be subject to discipline.

6 The Inspector General may not, after receipt of a
7 complaint or information from an employee, disclose the
8 identity of the employee without the consent of the employee.

9 Any employee who has the authority to recommend or
10 approve any personnel action or to direct others to recommend
11 or approve any personnel action may not, with respect to that
12 authority, take or threaten to take any action against any
13 employee as a reprisal for making a complaint or disclosing
14 information to the Inspector General, unless the complaint
15 was made or the information disclosed with the knowledge that
16 it was false or with willful disregard for its truth or
17 falsity.

18 (g) The Inspector General must adopt rules, in
19 accordance with the provisions of the Illinois Administrative
20 Procedure Act, establishing minimum requirements for
21 initiating, conducting, and completing investigations. The
22 rules must establish criteria for determining, based upon the
23 nature of the allegation, the appropriate method of
24 investigation, which may include, but is not limited to, site
25 visits, telephone contacts, personal interviews, or requests
26 for written responses. The rules must also clarify how the
27 Office of the Inspector General shall interact with other
28 local, State, and federal law enforcement investigations.

29 Any employee of the Authority subject to investigation or
30 inquiry by the Inspector General or any agent or
31 representative of the Inspector General shall have the right
32 to be notified of the right to remain silent during the
33 investigation or inquiry and the right to be represented in
34 the investigation or inquiry by a representative of a labor

1 organization that is the exclusive collective bargaining
2 representative of employees of the Authority. Any such
3 investigation or inquiry must be conducted in compliance with
4 the provisions of a collective bargaining agreement that
5 applies to the employees of the Authority. Any recommendation
6 for discipline or any action taken against any employee by
7 the Inspector General or any representative or agent of the
8 Inspector General must comply with the provisions of the
9 collective bargaining agreement that applies to the employee.

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

21 (i) The Office of the Inspector General shall be
22 represented in all legal matters by the Attorney General.

23 (605 ILCS 10/9.65 new)

24 Sec. 9.65. Construction of sound barriers. The
25 Authority shall use concrete masonry units to construct all
26 sound barriers along any portion of the toll highway system
27 that is constructed on or after the effective date of this
28 amendatory Act of the 93rd General Assembly.

29 (605 ILCS 10/16.2 new)

30 Sec. 16.2. Financial benefit prohibited.

31 (a) A director, employee, or agent of the Authority may
32 not receive a financial benefit from a contract let by the

1 Authority during his or her term of service with the
2 Authority and for a period of one year following the
3 termination of his or her term of service as a director of
4 the Authority or as an employee or agent of the Authority.

5 (b) A member of the immediate family or household of a
6 director, employee, or agent of the Authority may not receive
7 a financial benefit from a contract let by the Authority
8 during the immediate family or household member's term of
9 service with the Authority and for a period of one year
10 following the termination of the immediate family or
11 household member's term of service as a director of the
12 Authority or as an employee or agent of the Authority.

13 (c) A director, employee, or agent of the Authority may
14 not use material non-public information for personal
15 financial gain nor may he or she disclose that information to
16 any other person for that person's personal financial gain
17 when that information was obtained as a result of his or her
18 directorship, employment, or agency with the Authority.

19 (d) A member of the immediate family or household of a
20 director, employee, or agent of the Authority may not use
21 material non-public information for personal financial gain
22 nor may he or she disclose that information to any other
23 person for that person's personal financial gain when that
24 information was obtained as a result of his or her immediate
25 family or household member's directorship, employment, or
26 agency with the Authority.

27 (e) For purposes of this Section, "immediate family or
28 household member" means the spouse, child, parent, brother,
29 sister, grandparent, or grandchild, whether of the whole
30 blood or half blood or by adoption, or a person who shares a
31 common dwelling with a director of the Authority or with an
32 employee or agent of the Authority.

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".