

1 AMENDMENT TO HOUSE BILL 2815

2 AMENDMENT NO. _____. Amend House Bill 2815 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Highway Act is amended by changing
5 Section 11 and adding Sections 8.1, 9.65, 16.2, and 20.2 as
6 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 Inspector General shall be represented
22 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 and after the effective date of this
28 amendatory Act of the 93rd General Assembly.

29 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

30 Sec. 11. The Authority shall have power:

31 (a) To enter upon lands, waters and premises in the
32 State for the purpose of making surveys, soundings, drillings

1 and examinations as may be necessary, expedient or convenient
2 for the purposes of this Act, and such entry shall not be
3 deemed to be a trespass, nor shall an entry for such purpose
4 be deemed an entry under any condemnation proceedings which
5 may be then pending; provided, however, that the Authority
6 shall make reimbursement for any actual damage resulting to
7 such lands, waters and premises as the result of such
8 activities.

9 (b) To construct, maintain and operate stations for the
10 collection of tolls or charges upon and along any toll
11 highways.

12 (c) To provide for the collection of tolls and charges
13 for the privilege of using the said toll highways. Before it
14 adopts an increase in the rates for toll, the Authority shall
15 hold a public hearing at which any person may appear, express
16 opinions, suggestions, or objections, or direct inquiries
17 relating to the proposed increase. Any person may submit a
18 written statement to the Authority at the hearing, whether
19 appearing in person or not. The hearing shall be held in the
20 county in which the proposed increase of the rates is to take
21 place.

22 The Authority shall give notice of the hearing by
23 advertisement on 3 successive days at least 15 days prior to
24 the date of the hearing in a daily newspaper of general
25 circulation within the county within which the hearing is
26 held. The notice shall state the date, time, and place of
27 the hearing, shall contain a description of the proposed
28 increase, and shall specify how interested persons may obtain
29 copies of any reports, resolutions, or certificates
30 describing the basis on which the proposed change,
31 alteration, or modification was calculated.

32 The Authority may not hold more than one hearing on the
33 same day in connection with a proposed increase in the rates
34 for toll under this subsection. The Authority must schedule a

1 minimum of 4 hours for each such hearing. At least 3
2 directors of the Authority must be present at each such
3 hearing, and each such director must be present for the
4 entire duration of the hearing.

5 After consideration of any statements filed or oral
6 opinions, suggestions, objections, or inquiries made at the
7 hearing, the Authority may proceed to adopt the proposed
8 increase of the rates for toll. No change or alteration in
9 or modification of the rates for toll shall be effective
10 unless at least 30 days prior to the effective date of such
11 rates notice thereof shall be given to the public by
12 publication in a newspaper of general circulation, and such
13 notice, or notices, thereof shall be posted and publicly
14 displayed at each and every toll station upon or along said
15 toll highways.

16 (d) To construct, at the Authority's discretion, grade
17 separations at intersections with any railroads, waterways,
18 street railways, streets, thoroughfares, public roads or
19 highways intersected by the said toll highways, and to change
20 and adjust the lines and grades thereof so as to accommodate
21 the same to the design of such grade separation and to
22 construct interchange improvements. The Authority is
23 authorized to provide such grade separations or interchange
24 improvements at its own cost or to enter into contracts or
25 agreements with reference to division of cost therefor with
26 any municipality or political subdivision of the State of
27 Illinois, or with the Federal Government, or any agency
28 thereof, or with any corporation, individual, firm, person or
29 association. Where such structures have been built by the
30 Authority and a local highway agency did not enter into an
31 agreement to the contrary, the Authority shall maintain the
32 entire structure, including the road surface, at the
33 Authority's expense.

34 (e) To contract with and grant concessions to or lease

1 or license to any person, partnership, firm, association or
2 corporation so desiring the use of any part of any toll
3 highways, excluding the paved portion thereof, but including
4 the right of way adjoining, under, or over said paved portion
5 for the placing of telephone, telegraph, electric, power
6 lines and other utilities, and for the placing of pipe lines,
7 and to enter into operating agreements with or to contract
8 with and grant concessions to or to lease to any person,
9 partnership, firm, association or corporation so desiring the
10 use of any part of the toll highways, excluding the paved
11 portion thereof, but including the right of way adjoining, or
12 over said paved portion for motor fuel service stations and
13 facilities, garages, stores and restaurants, or for any other
14 lawful purpose, and to fix the terms, conditions, rents,
15 rates and charges for such use.

16 The Authority shall also have power to establish
17 reasonable regulations for the installation, construction,
18 maintenance, repair, renewal, relocation and removal of
19 pipes, mains, conduits, cables, wires, towers, poles and
20 other equipment and appliances (herein called public
21 utilities) of any public utility as defined in the Public
22 Utilities Act along, over or under any toll road project.
23 Whenever the Authority shall determine that it is necessary
24 that any such public utility facilities which now are located
25 in, on, along, over or under any project or projects be
26 relocated or removed entirely from any such project or
27 projects, the public utility owning or operating such
28 facilities shall relocate or remove the same in accordance
29 with the order of the Authority. All costs and expenses of
30 such relocation or removal, including the cost of installing
31 such facilities in a new location or locations, and the cost
32 of any land or lands, or interest in land, or any other
33 rights required to accomplish such relocation or removal
34 shall be ascertained and paid by the Authority as a part of

1 the cost of any such project or projects, and further, there
2 shall be no rent, fee or other charge of any kind imposed
3 upon the public utility owning or operating any facilities
4 ordered relocated on the properties of the said Authority and
5 the said Authority shall grant to the said public utility
6 owning or operating said facilities and its successors and
7 assigns the right to operate the same in the new location or
8 locations for as long a period and upon the same terms and
9 conditions as it had the right to maintain and operate such
10 facilities in their former location or locations.

11 (Source: P.A. 90-681, eff. 7-31-98.)

12 (605 ILCS 10/16.2 new)

13 Sec. 16.2. Financial benefit prohibited.

14 (a) A director, employee, or agent of the Authority may
15 not receive a financial benefit from a contract let by the
16 Authority during his or her term of service with the
17 Authority and for a period of one year following the
18 termination of his or her term of service as a director of
19 the Authority or as an employee or agent of the Authority.

20 (b) A member of the immediate family or household of a
21 director, employee, or agent of the Authority may not receive
22 a financial benefit from a contract let by the Authority
23 during the immediate family or household member's term of
24 service with the Authority and for a period of one year
25 following the termination of the immediate family or
26 household member's term of service as a director of the
27 Authority or as an employee or agent of the Authority.

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

1 (d) A member of the immediate family or household of a
2 director, employee, or agent of the Authority may not use
3 material non-public information for personal financial gain
4 nor may he or she disclose that information to any other
5 person for that person's personal financial gain when that
6 information was obtained as a result of his or her immediate
7 family or household member's directorship, employment, or
8 agency with the Authority.

9 (e) For purposes of this Section, "immediate family or
10 household member" means the spouse, child, parent, brother,
11 sister, grandparent, or grandchild whether of the
12 whole-blood, half-blood, or adoption, or a person who shares
13 a common dwelling with a director of the Authority or with an
14 employee or agent of the Authority.

15 (605 ILCS 10/20.2 new)

16 Sec. 20.2. Comprehensive Strategic Financial Plan.

17 (a) The Authority must submit to the General Assembly,
18 not later than December 31, 2003, a 15-year comprehensive
19 strategic financial plan. The plan must include detailed
20 information regarding the Authority's income, expenditures,
21 debt, capital needs, and the cost of any planned toll highway
22 extensions. The Authority must provide detailed and specific
23 information regarding how it will fund its debt, unfunded
24 capital needs, and the planned toll highway extensions. This
25 information must include the possibility of obtaining federal
26 funds, both loans and grants, under the Transportation
27 Infrastructure Innovation Act or other federal programs.

28 (b) Before submitting the plan under subsection (a), the
29 Authority must hold at least 2 public hearings at which any
30 person may appear, express opinions, suggestions, or
31 objections, or direct inquiries relating to the proposed
32 plan. The Authority may not hold more than one hearing on the
33 same day in connection with the proposed plan. The Authority

1 must schedule a minimum of 4 hours for each such hearing. At
2 least 3 directors of the Authority must be present at each
3 such hearing, and each such director must be present for the
4 entire duration of the hearing."