

1 AN ACT in relation to highways.

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 Section 11 and adding Sections 8.1, 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, with the advice and consent of the
10 Senate, shall on January 20, 2004 appoint an Inspector
11 General who shall have the authority to conduct
12 investigations into allegations or incidents of waste, fraud,
13 and financial mismanagement in Authority operations involving
14 an Authority employee or contractor. The Inspector General
15 shall make recommendations to the Authority regarding his or
16 her investigations. The Inspector General shall be appointed
17 for a term of 4 years. The Governor shall determine the
18 compensation to be received by the Inspector General. The
19 Inspector General shall be independent of the operations of
20 the Authority and perform other duties as requested by the
21 Authority.

22 (b) The Inspector General shall have access to all
23 information and personnel necessary to perform the duties of
24 the office. If the Inspector General determines that a
25 possible criminal act has been committed or that special
26 expertise is required in the investigation, he or she shall
27 immediately notify the State Police. All investigations
28 conducted by the Inspector General shall be conducted in a
29 manner that ensures the preservation of evidence for use in
30 criminal prosecutions.

31 (c) At all times, the Inspector General shall be granted

1 access to any building or facility that is owned, operated,
2 or leased by the Authority.

3 (d) The Inspector General shall have the power to
4 subpoena witnesses and compel the production of books and
5 papers pertinent to an investigation authorized by this
6 Section. A person is guilty of a Class A misdemeanor if he or
7 she:

8 (1) fails to appear in response to a subpoena;

9 (2) fails to answer any question;

10 (3) fails to produce any books or papers pertinent
11 to an investigation under this Section; or

12 (4) knowingly gives false testimony during an
13 investigation under this Section.

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

25 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

26 Sec. 11. The Authority shall have power:

27 (a) To enter upon lands, waters and premises in the
28 State for the purpose of making surveys, soundings, drillings
29 and examinations as may be necessary, expedient or convenient
30 for the purposes of this Act, and such entry shall not be
31 deemed to be a trespass, nor shall an entry for such purpose
32 be deemed an entry under any condemnation proceedings which
33 may be then pending; provided, however, that the Authority

1 shall make reimbursement for any actual damage resulting to
2 such lands, waters and premises as the result of such
3 activities.

4 (b) To construct, maintain and operate stations for the
5 collection of tolls or charges upon and along any toll
6 highways.

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

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

27 The Authority may not hold more than one hearing on the
28 same day in connection with a proposed increase in the rates
29 for toll under this subsection. The Authority must schedule a
30 minimum of 4 hours for each such hearing. At least 3
31 directors of the Authority must be present at each such
32 hearing, and each such director must be present for the
33 entire duration of the hearing.

34 After consideration of any statements filed or oral

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

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

29 (e) To contract with and grant concessions to or lease
30 or license to any person, partnership, firm, association or
31 corporation so desiring the use of any part of any toll
32 highways, excluding the paved portion thereof, but including
33 the right of way adjoining, under, or over said paved portion
34 for the placing of telephone, telegraph, electric, power

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

11 The Authority shall also have power to establish
12 reasonable regulations for the installation, construction,
13 maintenance, repair, renewal, relocation and removal of
14 pipes, mains, conduits, cables, wires, towers, poles and
15 other equipment and appliances (herein called public
16 utilities) of any public utility as defined in the Public
17 Utilities Act along, over or under any toll road project.
18 Whenever the Authority shall determine that it is necessary
19 that any such public utility facilities which now are located
20 in, on, along, over or under any project or projects be
21 relocated or removed entirely from any such project or
22 projects, the public utility owning or operating such
23 facilities shall relocate or remove the same in accordance
24 with the order of the Authority. All costs and expenses of
25 such relocation or removal, including the cost of installing
26 such facilities in a new location or locations, and the cost
27 of any land or lands, or interest in land, or any other
28 rights required to accomplish such relocation or removal
29 shall be ascertained and paid by the Authority as a part of
30 the cost of any such project or projects, and further, there
31 shall be no rent, fee or other charge of any kind imposed
32 upon the public utility owning or operating any facilities
33 ordered relocated on the properties of the said Authority and
34 the said Authority shall grant to the said public utility

1 owning or operating said facilities and its successors and
2 assigns the right to operate the same in the new location or
3 locations for as long a period and upon the same terms and
4 conditions as it had the right to maintain and operate such
5 facilities in their former location or locations.

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

7 (605 ILCS 10/16.2 new)

8 Sec. 16.2. Financial benefit prohibited.

9 (a) A director, employee, or agent of the Authority may
10 not receive a financial benefit from a contract let by the
11 Authority during his or her term of service with the
12 Authority and for a period of one year following the
13 termination of his or her term of service as a director of
14 the Authority or as an employee or agent of the Authority.

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

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

29 (d) A member of the immediate family or household of a
30 director, employee, or agent of the Authority may not use
31 material non-public information for personal financial gain
32 nor may he or she disclose that information to any other
33 person for that person's personal financial gain when that

1 information was obtained as a result of his or her immediate
2 family or household member's directorship, employment, or
3 agency with the Authority.

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

10 (605 ILCS 10/20.2 new)

11 Sec. 20.2. Comprehensive Strategic Financial Plan.

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

23 (b) Before submitting the plan under subsection (a), the
24 Authority must hold at least 2 public hearings at which any
25 person may appear, express opinions, suggestions, or
26 objections, or direct inquiries relating to the proposed
27 plan. The Authority may not hold more than one hearing on the
28 same day in connection with the proposed plan. The Authority
29 must schedule a minimum of 4 hours for each such hearing. At
30 least 3 directors of the Authority must be present at each
31 such hearing, and each such director must be present for the
32 entire duration of the hearing.