

1 AMENDMENT TO SENATE BILL 1041

2 AMENDMENT NO. _____. Amend Senate Bill 1041 on page 1, by
3 replacing lines 7 through 31 with the following:

4 "(605 ILCS 10/8.1 new)

5 Sec. 8.1. Inspector General.

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

21 (b) The Inspector General shall have the following
22 qualifications:

23 (1) has not been convicted of any felony under the

1 laws of this State, another State, or the United States;

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

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

11 (c) The Inspector General may review, coordinate, and
12 recommend methods and procedures to increase the integrity of
13 the Authority. The Inspector General must report directly to
14 the Governor.

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

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

29 The Board may not waive the training requirement unless
30 the inspector has had a minimum of 5 years of experience as a
31 sworn officer of a local, State, or federal law enforcement
32 agency, 2 of which must have been in an investigatory
33 capacity.

34 (e) In addition to the authority otherwise provided by

1 this Section, but only when investigating the Authority, its
2 employees, or their actions for fraud, corruption, or
3 mismanagement, the Inspector General is authorized:

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

9 (2) To make any investigations and reports relating
10 to the administration of the programs and operations of
11 the Authority that are, in the judgement of the Inspector
12 General, necessary or desirable.

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

17 (4) To require by subpoena the appearance of
18 witnesses and the production of all information,
19 documents, reports, answers, records, accounts, papers,
20 and other data and documentary evidence necessary in the
21 performance of the functions assigned by this Section,
22 with the exception of records maintained in the ordinary
23 course of business, including but not limited to the
24 representation of employees and the negotiation of
25 collective bargaining agreements by a labor organization
26 authorized and recognized under the Illinois Public Labor
27 Relations Act to be the exclusive bargaining
28 representative of employees of the Authority and with the
29 exception of subsection (c). A subpoena may be issued
30 under this paragraph (4) only by the Inspector General
31 and not by members of the Inspector General's staff. Any
32 person subpoenaed by the Inspector General has the same
33 rights as a person subpoenaed by a grand jury. Any
34 person who knowingly and intentionally (A) fails to

1 appear in response to a subpoena or (B) fails to produce
2 any books or papers in his or her possession or control
3 pertinent to an investigation under this Section is
4 guilty of a Class A misdemeanor.

5 (5) To have direct and prompt access to the Board
6 of Directors of the Authority for any purpose pertaining
7 to the performance of functions and responsibilities
8 under this Section.

9 (f) The Inspector General may receive and investigate
10 complaints or information from an employee of the Authority
11 concerning the possible existence of an activity constituting
12 a violation of law, rules, or regulations; mismanagement;
13 abuse of authority; or substantial and specific danger to the
14 public health and safety. Any employee who knowingly files a
15 false complaint or files a complaint with reckless disregard
16 for the truth or the falsity of the facts underlying the
17 complaint may be subject to discipline.

18 The Inspector General may not, after receipt of a
19 complaint or information from an employee, disclose the
20 identity of the employee without the consent of the employee.

21 Any employee who has the authority to recommend or
22 approve any personnel action or to direct others to recommend
23 or approve any personnel action may not, with respect to that
24 authority, take or threaten to take any action against any
25 employee as a reprisal for making a complaint or disclosing
26 information to the Inspector General, unless the complaint
27 was made or the information disclosed with the knowledge that
28 it was false or with willful disregard for its truth or
29 falsity.

30 (g) The Inspector General must adopt rules, in
31 accordance with the provisions of the Illinois Administrative
32 Procedure Act, establishing minimum requirements for
33 initiating, conducting, and completing investigations. The
34 rules must establish criteria for determining, based upon the

1 nature of the allegation, the appropriate method of
2 investigation, which may include, but is not limited to, site
3 visits, telephone contacts, personal interviews, or requests
4 for written responses. The rules must also clarify how the
5 Office of the Inspector General shall interact with other
6 local, State, and federal law enforcement investigations.

7 Any employee of the Authority subject to investigation or
8 inquiry by the Inspector General or any agent or
9 representative of the Inspector General shall have the right
10 to be notified of the right to remain silent during the
11 investigation or inquiry and the right to be represented in
12 the investigation or inquiry by a representative of a labor
13 organization that is the exclusive collective bargaining
14 representative of employees of the Authority. Any such
15 investigation or inquiry must be conducted in compliance with
16 the provisions of a collective bargaining agreement that
17 applies to the employees of the Authority. Any recommendation
18 for discipline or any action taken against any employee by
19 the Inspector General or any representative or agent of the
20 Inspector General must comply with the provisions of the
21 collective bargaining agreement that applies to the employee.

22 (h) The Inspector General shall provide to the Authority
23 and the General Assembly a summary of reports and
24 investigations made under this Section for the previous
25 fiscal year no later than January 1 of each year. The
26 summaries shall detail the final disposition of the Inspector
27 General's recommendations. The summaries shall not contain
28 any confidential or identifying information concerning the
29 subjects of the reports and investigations. The summaries
30 shall also include detailed, recommended administrative
31 actions and matters for consideration by the General
32 Assembly."; and

33 on page 2, by deleting lines 1 through 24.