



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

#### SB3118

Introduced 2/8/2010, by Sen. Susan Garrett

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/8

from Ch. 121, par. 100-8

605 ILCS 10/32.5 new

Amends the Toll Highway Act. Provides that the Illinois State Toll Highway Authority (the Authority) has the power to employ and discharge, subject to (rather than without regard to) the requirements of any civil service or personnel Act. Creates the Office of the Toll Highway Inspector General under the direction and supervision of the Toll Highway Inspector General (Inspector General) as a fully independent office with separate appropriations. Provides that the Governor shall appoint the Inspector General, and provides for appointment procedures and the minimum qualifications for the Inspector General. Contains provisions concerning the term, filling vacancies, compensation, ethics, and removal of the Inspector General. Provides that the Inspector General shall have jurisdiction over the Authority and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Authority. Provides that subject to a person's privilege against self-incrimination, any person who fails to appear in response to a subpoena, answer any question, or produce any books or papers pertinent to an investigation or who knowingly gives false testimony in relation to an investigation by the Inspector General is guilty of a Class A misdemeanor. Provides that the annual budget for the Inspector General shall be set to 0.5% of the Authority's total revenue for the immediately preceding fiscal year.

LRB096 19776 AJT 35213 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 Section 8 and by adding Section 32.5 as follows:

6 (605 ILCS 10/8) (from Ch. 121, par. 100-8)

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

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

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

23 (c) To employ and discharge, subject ~~without regard~~ to the

1 requirements of any civil service or personnel act, such  
2 administrative, engineering, traffic, architectural,  
3 construction, and financial experts, and inspectors, and such  
4 other employees, as are necessary in the Authority's judgment  
5 to carry out the purposes of this Act; and to establish and  
6 administer standards of classification of all of such persons  
7 with respect to their compensation, duties, performance, and  
8 tenure; and to enter into contracts of employment with such  
9 persons for such periods and on such terms as the Authority  
10 deems desirable.

11 (d) To appoint by and with the consent of the Attorney  
12 General, assistant attorneys for such Authority, which said  
13 assistant attorneys shall be under the control, direction and  
14 supervision of the Attorney General and shall serve at his  
15 pleasure.

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

21 (f) To acquire, construct, relocate, operate, regulate and  
22 maintain a system of toll highways through and within the State  
23 of Illinois. However, the Authority does not have the power to  
24 acquire, operate, regulate or maintain any system of toll  
25 highways or toll bridges or portions of them (including but not  
26 limited to any system organized pursuant to Division 108 of

1 Article 11 of the Illinois Municipal Code) in the event either  
2 of the following conditions exists at the time the proposed  
3 acquisition, operation, regulation or maintenance of such  
4 system is to become effective:

5 (1) the principal or interest on bonds or other instruments  
6 evidencing indebtedness of the system are in default; or

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

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

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

17 (605 ILCS 10/32.5 new)

18 Sec. 32.5. Office of the Toll Highway Inspector General.

19 (a) The Office of the Toll Highway Inspector General is  
20 hereby created. The Office shall be under the direction and  
21 supervision of the Toll Highway Inspector General and shall be  
22 a fully independent office with separate appropriations.

23 (b) The Governor shall appoint the Toll Highway Inspector  
24 General. Appointments shall be made by and with the advice and  
25 consent of the Senate by three-fifths of the elected members

1 concurring by record vote. Any nomination not acted upon by the  
2 Senate within 60 session days of the receipt thereof shall be  
3 deemed to have received the advice and consent of the Senate.  
4 If, during a recess of the Senate, there is a vacancy in the  
5 office of the Toll Highway Inspector General, the appointing  
6 authority shall make a temporary appointment until the next  
7 meeting of the Senate when the appointing authority shall make  
8 a nomination to fill that office. No person rejected for the  
9 office of the Toll Highway Inspector General shall, except by  
10 the Senate's request, be nominated again for that office at the  
11 same session of the Senate or be appointed to that office  
12 during a recess of that Senate.

13 Nothing in this Section precludes the appointment by the  
14 Governor, Attorney General, Secretary of State, Comptroller,  
15 or Treasurer of any other inspector general required or  
16 permitted by law. The Governor may appoint an existing  
17 inspector general as the Toll Highway Inspector General  
18 required by this Section, provided that such an inspector  
19 general is not prohibited by law, rule, jurisdiction,  
20 qualification, or interest from serving as the Toll Highway  
21 Inspector General required by this Section. The Governor may  
22 not appoint a relative as the Toll Highway Inspector General.

23 The Toll Highway Inspector General shall have the following  
24 qualifications:

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

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

3           (3) has 5 or more years of cumulative service (i) with  
4           a federal, State, or local law enforcement agency, at least  
5           2 years of which have been in a progressive investigatory  
6           capacity; (ii) as a federal, State, or local prosecutor;  
7           (iii) as a senior manager or executive of a federal, State,  
8           or local agency; (iv) as a member of the General Assembly,  
9           an executive branch constitutional officer, a legislative  
10           branch constitutional officer, or a State or federal judge;  
11           or (v) representing any combination of (i) through (iv).

12           The term of the initial Toll Highway Inspector General  
13           shall commence upon qualification and shall run through June  
14           30, 2013. The initial appointments shall be made within 60 days  
15           after the effective date of this amendatory Act of the 96th  
16           General Assembly.

17           After the initial term, each Toll Highway Inspector General  
18           shall serve for 5-year terms commencing on July 1 of the year  
19           of appointment and running through June 30 of the fifth  
20           following year. An Toll Highway Inspector General may be  
21           reappointed to one or more subsequent terms.

22           A vacancy occurring other than at the end of a term shall  
23           be filled by the Governor only for the balance of the term of  
24           the Toll Highway Inspector General whose office is vacant.

25           Terms shall run regardless of whether the position is  
26           filled.

1       (c) The Toll Highway Inspector General shall have  
2 jurisdiction over the Authority and all officers and employees  
3 of, and vendors and others doing business with, the Authority.  
4 The jurisdiction of the Toll Highway Inspector General is to  
5 investigate allegations of fraud, waste, abuse, mismanagement,  
6 misconduct, nonfeasance, misfeasance, malfeasance, or  
7 violations of the State Officials and Employees Ethics Act or  
8 violations of other related laws and rules. The Toll Highway  
9 Inspector General shall:

10           (1) have access to all information and personnel  
11 necessary to perform the duties of the office;

12           (2) have the power to subpoena witnesses and compel the  
13 production of books and papers pertinent to an  
14 investigation authorized by this Section. The power to  
15 subpoena or to compel the production of books and papers,  
16 however, shall not extend to the person or documents of a  
17 labor organization or its representatives insofar as the  
18 person or documents of a labor organization relate to the  
19 function of representing an employee subject to  
20 investigation under this Section. Subject to a person's  
21 privilege against self-incrimination, any person who fails  
22 to appear in response to a subpoena, answer any question,  
23 or produce any books or papers pertinent to an  
24 investigation under this Section, except as otherwise  
25 provided in this Section, or who knowingly gives false  
26 testimony in relation to an investigation under this

1 Section is guilty of a Class A misdemeanor; and

2 (3) provide to the General Assembly and the Governor,  
3 no later than January 1 of each year, a summary of reports  
4 and investigations made under this Section for the prior  
5 fiscal year. The summaries shall detail the imposition of  
6 sanctions and the final disposition of those  
7 recommendations. The summaries shall not contain any  
8 confidential or identifying information concerning the  
9 subjects of the reports and investigations. The summaries  
10 also shall include detailed recommended administrative  
11 actions and matters for consideration by the General  
12 Assembly.

13 (d) The compensation for the Toll Highway Inspector General  
14 shall be determined by the Executive Ethics Commission and  
15 shall be made from appropriations made to the Comptroller for  
16 this purpose. Subject to Section 20-45 of the State Officials  
17 and Employees Ethics Act, the Toll Highway Inspector General  
18 has full authority to organize his or her Office, including the  
19 employment and determination of the compensation of staff, such  
20 as deputies, assistants, and other employees, as  
21 appropriations permit.

22 (e) The Toll Highway Inspector General or an employee of  
23 the Office of the Toll Highway Inspector General may not,  
24 during his or her term of appointment or employment:

25 (1) become a candidate for any elective office;

26 (2) hold any other elected or appointed public office

1 except for appointments on governmental advisory boards or  
2 study commissions or as otherwise expressly authorized by  
3 law;

4 (3) be actively involved in the affairs of any  
5 political party or political organization; or

6 (4) advocate for the appointment of another person to  
7 an appointed or elected office or position or actively  
8 participate in any campaign for any elective office.

9 (f) The Toll Highway Inspector General or an employee of  
10 the Office of the Toll Highway Inspector General may not, for  
11 one year after the termination of his or her appointment or  
12 employment:

13 (1) become a candidate for any elective office;

14 (2) hold any elected public office; or

15 (3) hold any appointed State, county, or local judicial  
16 office.

17 (g) The requirements of item (3) of subsection (f) of this  
18 Section may be waived by the Executive Ethics Commission.

19 (h) The Toll Highway Inspector General may be removed only  
20 for cause and may be removed only by the Governor. At the time  
21 of the removal, the Governor must report to the Executive  
22 Ethics Commission the justification for the removal.

23 (i) The annual budget for the Toll Highway Inspector  
24 General shall be set to 0.5% of the Illinois State Toll Highway  
25 Authority's total revenue for the immediately preceding fiscal  
26 year.