

1 AMENDMENT TO HOUSE BILL 1110

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

4 "Section 5. The Toll Highway Act is amended by adding
5 Section 8.1 as follows:

6 (605 ILCS 10/8.1 new)

7 Sec. 8.1. Inspector General.

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

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

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

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

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

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

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

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

32 The Board may not waive the training requirement unless
33 the inspector has had a minimum of 5 years of experience as a
34 sworn officer of a local, State, or federal law enforcement

1 agency, 2 of which must have been in an investigatory
2 capacity.

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

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

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

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

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

1 person subpoenaed by the Inspector General has the same
2 rights as a person subpoenaed by a grand jury. Any
3 person who knowingly and intentionally (A) fails to
4 appear in response to a subpoena or (B) fails to produce
5 any books or papers in his or her possession or control
6 pertinent to an investigation under this Section is
7 guilty of a Class A misdemeanor.

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

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

21 The Inspector General may not, after receipt of a
22 complaint or information from an employee, disclose the
23 identity of the employee without the consent of the employee.

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

33 (g) The Inspector General must adopt rules, in
34 accordance with the provisions of the Illinois Administrative

1 Procedure Act, establishing minimum requirements for
2 initiating, conducting, and completing investigations. The
3 rules must establish criteria for determining, based upon the
4 nature of the allegation, the appropriate method of
5 investigation, which may include, but is not limited to, site
6 visits, telephone contacts, personal interviews, or requests
7 for written responses. The rules must also clarify how the
8 Office of the Inspector General shall interact with other
9 local, State, and federal law enforcement investigations.

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

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

1 Assembly.".