



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2591

Introduced 2/18/2005, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/8.1 new
605 ILCS 10/16.2 new
605 ILCS 10/16.3 new

Amends the Toll Highway Act. Requires the Governor to appoint, with the advice and consent of the Senate, an Inspector General for the Authority, and sets forth his or her powers and duties. Provides that the Office of the Inspector General shall be represented in all legal matters by the Attorney General. Places certain restrictions on directors of the Illinois State Toll Highway Authority and their employees and agents concerning receiving financial benefit from their positions or employment with the Authority. Provides that the Authority shall, in a manner consistent with the law, ensure that disadvantaged businesses have access to the Authority's contract bidding process. Effective immediately.

LRB094 08394 DRH 38594 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to 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 adding
5 Sections 8.1, 16.2, and 16.3 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 the
9 Senate, appoint an Inspector General for the purpose of
10 providing increased accountability and oversight, detection,
11 deterrence, and prevention of fraud, corruption, waste,
12 inefficiencies, and mismanagement in the Authority. The
13 Inspector General shall serve a 2-year term. If no successor is
14 appointed and qualified upon the expiration of the Inspector
15 General's term, the office of Inspector General is deemed
16 vacant and the powers and duties under this Section may be
17 exercised only by an appointed and qualified interim Inspector
18 General 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 Governor
21 may appoint an interim Inspector General whose term shall
22 expire 2 weeks after the next regularly scheduled session day
23 of the Senate.

24 (b) The Inspector General shall have the following
25 qualifications:

26 (1) no conviction of any felony under the laws of this
27 State, another state, or the United States;

28 (2) an earned baccalaureate degree from an institution
29 of higher education; and

30 (3) 5 or more years of service (A) with a federal,
31 State, or local law enforcement agency, at least 2 years of
32 which have been in a progressive investigatory capacity;

1 (B) as a federal, State, or local prosecutor; or (C) as a
2 senior manager or executive of a federal, State, or local
3 agency.

4 (c) The Inspector General may review, coordinate, and
5 recommend methods and procedures to increase the integrity of
6 the Authority. The Inspector General must report directly to
7 the Governor through the Office of the Executive Inspector
8 General for the Governor.

9 (d) In addition to the authority otherwise provided by this
10 Section, but only when investigating the Authority, its
11 employees, or their actions for fraud, corruption, or
12 mismanagement, the Inspector General is authorized:

13 (1) To have access to all records, reports, audits,
14 reviews, documents, papers, recommendations, or other
15 materials available that relate to programs and operations
16 with respect to which the Inspector General has
17 responsibilities under this Section.

18 (2) To make any investigations and reports relating to
19 the administration of the programs and operations of the
20 Authority that are, in the judgment of the Inspector
21 General, necessary or desirable.

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

26 (4) To issue subpoenas and to compel the attendance of
27 witnesses for purposes of testimony and the production of
28 documents and other items for inspection and copying. If a
29 person has petitioned a court of competent jurisdiction in
30 Cook County, Sangamon County, or any county where the
31 subpoena is sought to be enforced for a protective order or
32 to quash or modify the subpoena, then this Section does not
33 apply during the pendency of the court proceedings
34 concerning the petition. A person duly subpoenaed for
35 testimony, documents, or other items who neglects or
36 refuses to testify or produce documents or other items

1 under the requirements of the subpoena shall be subject to
2 punishment as may be determined by a court of competent
3 jurisdiction, unless the testimony, documents, or other
4 items are covered by the attorney-client privilege or any
5 other privilege recognized by State or federal law. Nothing
6 in this Section limits a person's right to protection
7 against self-incrimination under the Fifth Amendment of
8 the United States Constitution or Article I, Section 10, of
9 the Constitution of the State of Illinois.

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

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

25 The Inspector General may not, after receipt of a complaint
26 or information from an employee, disclose the identity of the
27 employee without the consent of the employee, unless the
28 Inspector General determines that disclosure of the identity is
29 reasonable and necessary for the furtherance of the
30 investigation.

31 Any employee who has the authority to recommend or approve
32 any personnel action or to direct others to recommend or
33 approve any personnel action may not, with respect to that
34 authority, take or threaten to take any action against any
35 employee as a reprisal for making a complaint or disclosing
36 information to the Inspector General, unless the complaint was

1 made or the information disclosed with the knowledge that it
2 was false or with willful disregard for its truth or falsity.

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

14 Any employee of the Authority subject to investigation or
15 inquiry by the Inspector General, or any agent or
16 representative of the Inspector General, concerning misconduct
17 that is criminal shall have the right to be notified of the
18 right to remain silent during the investigation or inquiry and
19 the right to be represented in the investigation or inquiry by
20 a representative of a labor organization that is the exclusive
21 collective bargaining representative of employees of the
22 Authority. Any such investigation or inquiry must be conducted
23 in a manner consistent with the provisions of a collective
24 bargaining agreement that applies to the employees of the
25 Authority. Any recommendation for discipline or any action
26 taken against any employee by the Inspector General, or any
27 representative or agent of the Inspector General, must be
28 undertaken in a manner consistent with the rights of the
29 employees as set forth in State and federal law and applicable
30 judicial decisions.

31 (h) The Inspector General shall provide to the Authority
32 and the General Assembly a summary of reports and
33 investigations made under this Section for the previous fiscal
34 year no later than January 1 of each year. The summaries shall
35 detail the final disposition of the Inspector General's
36 recommendations. The summaries shall not contain any

1 confidential or identifying information concerning the
2 subjects of the reports and investigations. The summaries shall
3 also include detailed, recommended administrative actions and
4 matters for consideration by the General Assembly.

5 (i) The Office of the Inspector General shall be
6 represented in all legal matters by the Attorney General.

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 not
10 receive a financial benefit from a contract let by the
11 Authority during his or her term of service with the Authority
12 and for a period of one year following the termination of his
13 or her term of service as a director of the Authority or as an
14 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 a
17 financial benefit from a contract let by the Authority during
18 the immediate family or household member's term of service with
19 the Authority and for a period of one year following the
20 termination of the immediate family or household member's term
21 of service as a director of the Authority or as an employee or
22 agent of the Authority.

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

1 the Authority.

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

8 (605 ILCS 10/16.3 new)

9 Sec. 16.3. Disadvantaged businesses. In a manner
10 consistent with the law, the Authority shall:

11 (a) set goals for the award of contracts to disadvantaged
12 businesses and attempt to meet the goals;

13 (b) attempt to identify disadvantaged businesses that
14 provide or have the potential to provide supplies, materials,
15 equipment, or services to the Authority; and

16 (c) give disadvantaged businesses full access to the
17 Authority's contract bidding process, inform the businesses
18 about the process, offer the businesses assistance concerning
19 the process, and identify and take all reasonable steps to
20 remove barriers to the businesses' participation in the
21 process.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.