

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 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.

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

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

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

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

1 investigatory capacity; (B) 5 or more years of service as
2 a federal, State, or local prosecutor; or (C) 5 or more
3 years of service as a senior manager or executive of a
4 federal, State, or local law enforcement agency.

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

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

17 No inspector may have peace officer status or exercise
18 police powers unless he or she successfully completes the
19 basic police training mandated and approved by the Illinois
20 Law Enforcement Training Standards Board or the Board waives
21 the training requirement by reason of the inspector's prior
22 law enforcement experience or training, or both.

23 The Board may not waive the training requirement unless
24 the inspector has had a minimum of 5 years of experience as a
25 sworn officer of a local, State, or federal law enforcement
26 agency, 2 of which must have been in an investigatory
27 capacity.

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

32 (1) To have access to all records, reports, audits,
33 reviews, documents, papers, recommendations, or other
34 materials available that relate to programs and

1 operations with respect to which the Inspector General
2 has responsibilities under this Section.

3 (2) To make any investigations and reports relating
4 to the administration of the programs and operations of
5 the Authority that are, in the judgement of the Inspector
6 General, necessary or desirable.

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

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

33 (5) To have direct and prompt access to the Board
34 of Directors of the Authority for any purpose pertaining

1 to the performance of functions and responsibilities
2 under this Section.

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

12 The Inspector General may not, after receipt of a
13 complaint or information from an employee, disclose the
14 identity of the employee without the consent of the employee.

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

24 (g) The Inspector General must adopt rules, in
25 accordance with the provisions of the Illinois Administrative
26 Procedure Act, establishing minimum requirements for
27 initiating, conducting, and completing investigations. The
28 rules must establish criteria for determining, based upon the
29 nature of the allegation, the appropriate method of
30 investigation, which may include, but is not limited to, site
31 visits, telephone contacts, personal interviews, or requests
32 for written responses. The rules must also clarify how the
33 Office of the Inspector General shall interact with other
34 local, State, and federal law enforcement investigations.

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

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