

1 AMENDMENT TO SENATE BILL 399

2 AMENDMENT NO. _____. Amend Senate Bill 399 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 seek a subpoena or subpoena duces tecum to
21 be issued by a court of competent jurisdiction in Cook
22 County, Sangamon County, or any county where the subpoena
23 or subpoena duces tecum is sought to be enforced. Except
24 for a person who has petitioned a court of competent
25 jurisdiction in Cook County, Sangamon County, or any
26 county where the subpoena or subpoena duces tecum is
27 sought to be enforced for a protective order or to quash
28 or modify the subpoena or subpoena duces tecum, a person
29 duly subpoenaed for testimony or documents who neglects
30 or refuses to testify or produce any documents or
31 records, under the requirements of the subpoena or
32 subpoena duces tecum, shall be proceeded against and
33 punished for contempt of court. In the event that a
34 subpoena is issued for records maintained in the ordinary

1 course of business by a labor organization as defined
2 under the Illinois Public Labor Relations Act, the labor
3 organization may petition a court of competent
4 jurisdiction for an "in camera" review of the documents
5 and determination regarding whether a protective order
6 should issue relative to information integrally related
7 to negotiation of a collective bargaining agreement.
8 Nothing within this paragraph (4) limits a person's right
9 to protection against self-incrimination under the Fifth
10 Amendment of the United States Constitution or Article I,
11 Section 10, of the Constitution of the State of Illinois.
12 A court, on motion of the Inspector General, may order
13 that a person be granted immunity from prosecution in a
14 criminal case as to any information directly or
15 indirectly derived from the production of evidence from
16 the person if the person has refused or is likely to
17 refuse to produce the evidence on the basis of his or her
18 privilege against self-incrimination. The production of
19 evidence so compelled under the order, and any
20 information directly or indirectly derived from it, may
21 not be used against the witness in a criminal case,
22 except in a prosecution for perjury, false swearing, or
23 an offense otherwise involving a failure to comply with
24 the order. An order of immunity granted under this
25 Section does not bar prosecution of the witness, except
26 as specifically provided in this Section.

27 (5) To have direct and prompt access to the Board
28 of Directors of the Authority for any purpose pertaining
29 to the performance of functions and responsibilities
30 under this Section.

31 (f) The Inspector General may receive and investigate
32 complaints or information from an employee of the Authority
33 concerning the possible existence of an activity constituting
34 a violation of law, rules, or regulations; mismanagement;

1 abuse of authority; or substantial and specific danger to the
2 public health and safety. Any employee who knowingly files a
3 false complaint or files a complaint with reckless disregard
4 for the truth or the falsity of the facts underlying the
5 complaint may be subject to discipline.

6 The Inspector General may not, after receipt of a
7 complaint or information from an employee, disclose the
8 identity of the employee without the consent of the employee.

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

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

29 Any employee of the Authority subject to investigation or
30 inquiry by the Inspector General or any agent or
31 representative of the Inspector General shall have the right
32 to be notified of the right to remain silent during the
33 investigation or inquiry and the right to be represented in
34 the investigation or inquiry by a representative of a labor

1 organization that is the exclusive collective bargaining
2 representative of employees of the Authority. Any such
3 investigation or inquiry must be conducted in compliance with
4 the provisions of a collective bargaining agreement that
5 applies to the employees of the Authority. Any recommendation
6 for discipline or any action taken against any employee by
7 the Inspector General or any representative or agent of the
8 Inspector General must comply with the provisions of the
9 collective bargaining agreement that applies to the employee.

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

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