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MADIGAN'S REFORM LEGISLATION PACKAGE MOVES TO HOUSE FLOOR TO ATTORNEY GENERAL'S OFFICE

Attorney General's Proposals Would Strengthen State Sunshine and Ethics Laws

Springfield—Sweeping ethics reform legislation proposed by Attorney General Lisa Madigan passed out of a House committee Wednesday in a significant step toward restoring accountability and transparency in Illinois State government. The bills, if passed by the General Assembly, would permanently establish the Public Access Counselor's position, strengthen the Freedom of Information Act and introduce far-reaching ethics reforms to improve ethics enforcement.

"To move the state forward, we must reestablish the public's confidence in its government. Ensuring transparency in government is a critical first step in restoring the public's trust," Madigan said. "With this legislation, we are working to set a new standard for conducting the people's business in a culture of openness and accountability."

FOIA Revisions

Madigan is working with a coalition of leading open-government advocates and organizations to amend the Freedom of Information Act (FOIA) and codify the Public Access Counselor position to assist people seeking to gain access to government documents. Both amendments incorporate significant changes that make sunshine laws easier to understand, easy to comply with and easier to enforce.

The bill codifying the Public Access Counselor position (House Bill 4165) would also require that government offices identify a FOIA officer and ensure that officer receives training on compliance with the sunshine laws. The bill would authorize the Attorney General's Office, through the Public Access Counselor, to issue binding opinions to resolve disputes over FOIA requests or Open Meetings Act issues. Right now, members of the public have no recourse for FOIA denials, other than going to court. House Bill 4165 is sponsored by Reps. Currie, William Black, Jack Franks, Keith Farnham and Lisa Dugan.

The FOIA amendment bill, House Bill 1370, adds provisions to ensure a tone of openness in government, adds teeth to the law by providing for penalties, provides whistleblower protections to government employees who are asked to violate the law, seeks to clarify the personal privacy exemption that is often misused to shield public records from disclosure, and adds provisions to ensure quicker responses to FOIA requests. This bill is sponsored by Reps. Currie, Jim Watson, Jack Franks, Paul Froehlich and Lisa Dugan.

Ethics Reform

Madigan's proposal also expands and strengthens state ethics laws and adds transparency and accountability to the ethics enforcement process.

House Bill 4320, which is sponsored by Rep. Constance Howard and Reps. Jack Franks, Lisa Dugan, John Fritchey and William Black, is a joint effort of Madigan and the Executive Ethics Commission (EEC), and includes provisions to tighten the revolving door prohibition and add transparency to the ethics enforcement process by providing for the public disclosure of Inspector General reports. The bill strengthens the "pay-to-play" prohibition in the Ethics Act, banning a wider range of favors a state official can offer donors in exchange for political contributions. The penalties would also be strengthened under this bill. The bill also adds greater accountability to the ethics enforcement process by expanding the information that the Inspector General must provide in investigative reports that must be filed with the EEC.

Transparency in Grant-Making, Subcontracting

HB 4320 also proposes amending the Grant Funds Recovery Act, requiring the state to obtain more detailed information about

potential grant recipients and making grant recovery easier in the event of fraud. Under the bill, grant agreements would include a requirement that recipients of more than \$25,000 in funds file detailed quarterly reports; a provision that allows the state granting agency, the Auditor General or the Attorney General to inspect the use of grant funds; and a certification from the recipient that the funds shall be used only for the purposes stated in the grant agreement.

Additionally, the bill would amend the state's procurement laws to ensure greater accountability in subcontracting by requiring that subcontractors on state projects provide extensive disclosures of information to the state. Specifically, subcontractors would be required to disclose: any bribery, felony or securities convictions; state debt delinquencies; environmental violations; and financial interests. Contractors and subcontractors who make false statements in these certifications would be subject to liability, and the state would be permitted to void the contracts for violations.

"These bills are designed to strengthen the ethics laws and make it easier for the people of Illinois to gain access to government information. Ultimately, these bills will help the state to restore the people's confidence in our government," Madigan said.

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