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## **STATE OF CORRUPTION**

### **Illinois open-records bill passed by House**

#### **But measure leaves intact loopholes used to shield state lawmakers, deny documents**

By Ray Long and David Kidwell

Tribune reporters

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SPRINGFIELD -- The Illinois House on Wednesday overwhelmingly passed a compromise rewrite of the open records law aimed at making it easier for the public to get information from state and local government, but the measure left intact some provisions most commonly used to deny records.

Atty. Gen. Lisa Madigan, whose office would get sweeping new enforcement powers under the bill her aides drafted, hailed the 116-0 vote as Illinois' emergence from "the Stone Age and into the modern era on transparency and openness." The measure is expected to be approved by the Senate as soon as Thursday and sent to Gov. Pat Quinn.

But critics complained the drive for a more open government wasn't open enough.

The attorney general's office and a newspaper trade group said they grudgingly went along with a provision that would exempt state lawmakers from most of the enforcement provisions. Some Republican House members complained the bill was dumped on them shortly before the vote, after days of private, behind-the-scenes negotiations between Democratic leaders, the attorney general's office and interest groups.

"How can we stand up and say we support the bill when we just saw it 30 minutes ago?" asked Rep. Bill Black (R-Danville).

Black said it was part of a plan by the Democrats who control the General Assembly to keep an iron grip on all ethics legislation in a session dominated by the fallout of the corruption case against ousted Democratic Gov. Rod Blagojevich.

"That's reform?" Black asked.

House Speaker Michael Madigan, the attorney general's father and sponsor of the records bill, brushed aside

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Republican complaints, saying GOP staffers had been kept apprised of the developments. The speaker touted the records measure as the latest in a series of ethics changes advanced by the House in an effort to clean up state government after Blagojevich.

"One of the bedrock principles of our ethics reforms has been transparency in government," the Chicago Democrat said on the House floor.

With their eye on a Sunday adjournment deadline, Democratic leaders and the Democratic governor were trying to compromise on several ethics proposals. One would breathe new life into Quinn's demand that voters be allowed to recall public officials. Negotiations also intensified on whether to put limits on campaign contribution -- a key proposal from Quinn's Illinois Reform Commission.

By Thursday's end, the open-records legislation could be sent to the governor along with a proposal that would block lawmakers' 2.8 percent cost-of-living pay raise and call for each of them to take four furlough days. Also queued up is legislation that would require Quinn to decide whether to fire or keep about 750 state employees hired in key jobs by Blagojevich and his predecessor, Gov. George Ryan, who is in prison for corruption.

The campaign finance negotiations between Democrats, Republicans and reform advocates largely focused on whether legislative leaders and political parties should have limits on how much money they can dole out to rank-and-file lawmakers -- a tactic power brokers have long used to exert influence.

Sen. Don Harmon (D-Oak Park), a lead negotiator on the issue, said he hoped to enact a transfer limit under \$200,000 -- far more than the \$30,000 limit recommended by the Quinn commission.

The current recall proposal would only allow for a governor to be booted. Rep. Jack Franks (D-Marengo), the sponsor, won House passage last year of a broader measure that applied to more officials but stalled in the Senate.

House Republican leader Tom Cross of Oswego said he preferred a version that would require fewer voter signatures to put a recall on the ballot, and wanted it to apply to all statewide officials and legislators.

A push for transparency has been at the center of many of the ethics proposals.

The records bill passed by the House gives the attorney general's office sweeping authority to interpret the new law, subpoena local governments and settle records disputes. It would shorten somewhat the time government has to respond to record requests, establish civil fines for violators, and force public agencies to pay for attorneys fees on both sides when they lose in court.

But the new measure would do little to open up new types of records to public scrutiny. There is still broad language that leaves open the door to oft-abused exemptions for requests that are "unduly burdensome" and "a clearly unwarranted invasion of personal privacy."

Also intact is another often-abused exemption that allows public officials to keep secret "preliminary drafts, notes, recommendations memoranda and other records in which opinions are expressed, or policies or actions are formulated." The exemption has come under fire from critics who say these are the records most needed by citizens to question and evaluate the actions of their public servants.

Public agencies -- other than the legislature -- must notify the attorney general's office for approval whenever they want to assert the privacy-and-draft exemptions.

The new measure was endorsed by the Illinois Press Association, which represents many newspapers around the state. Its largest member, the Chicago Tribune, had participated in earlier negotiations with the attorney general's office but abstained from the IPA endorsement.

"There's been some improvement and that's great," said Tribune Editor Gerould Kern. "But there's still much room for improvement." Leaders of the press association and members of Quinn's reform commission acknowledged the bill's shortcomings but touted it as a major step forward given the long-standing penchant for secrecy in Illinois government.

"I'm pretty excited about this bill," said Hanke Gratteau, a former Tribune managing editor who served as a point person on the issue for Quinn's panel. "I think it achieved huge strides in transparency in this state."

*David Kidwell reported from Chicago.*

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