



Sen. Laura M. Murphy

Filed: 3/13/2019

10100SB1223sam001

LRB101 07927 AWJ 57311 a

1 AMENDMENT TO SENATE BILL 1223

2 AMENDMENT NO. _____. Amend Senate Bill 1223 on page 3,
3 line 20, after the period, by inserting "The Local Government
4 Ethics Commission does not have jurisdiction over: (i) Regional
5 Transit Boards, as that term is defined in Section 1-5 of the
6 State Officials and Employees Ethics Act; (ii) local officials
7 of Regional Transit Boards; or (iii) venders and others doing
8 business with a Regional Transit Board; the Executive Ethics
9 Commission and Executive Inspector General have jurisdiction
10 over Regional Transit Boards and board members, employees,
11 vendors, and others doing business with the Regional Transit
12 Boards under Article 75 of the State Officials and Employees
13 Ethics Act."; and

14 on page 6, by replacing line 21 with the following:

15 "unit of local government or local official. The Local
16 Government Inspector General does not have jurisdiction over

1 Regional Transit Boards, as that term is defined in Section 1-5
2 of the State Officials and Employees Ethics Act, or local
3 officials of Regional Transit Boards; the Executive Inspector
4 General has jurisdiction over Regional Transit Boards and board
5 members, employees, vendors, and others doing business with the
6 Regional Transit Boards under Article 75 of the State Officials
7 and Employees Ethics Act.

8 If an investigation's focus is split between allegations of
9 misconduct investigated by the Executive Inspector General and
10 allegations investigated by the Local Government Inspector
11 General, the Local Government Inspector General shall take
12 reasonable steps, including continued consultation with the
13 Executive Inspector General, to ensure that his or her
14 investigation will not interfere with or disrupt any
15 investigation by the Executive Inspector General or law
16 enforcement authorities. In instances in which the Local
17 Government Inspector General continues to investigate other
18 allegations associated with allegations that have been
19 referred to the Executive Inspector General under this
20 subsection, the Local Government Inspector General shall
21 report the results of its investigation to the Executive
22 Inspector General."; and

23 on page 19, line 19, by replacing "body." with "body, including
24 referring allegations of misconduct by State employees or other
25 individuals or entities under the jurisdiction of the Executive

1 Inspector General to the Executive Inspector General for
2 investigation."; and

3 on page 20, below line 16, by inserting the following:

4 "Section 75. Confidentiality.

5 (a) The identity of an individual providing information or
6 reporting possible or alleged misconduct to the Office of the
7 Local Government Inspector General or the Local Government
8 Ethics Commission shall be kept confidential and may not be
9 disclosed without the consent of that individual, unless the
10 individual consents to disclosure of his or her name or
11 disclosure of the individual's identity is otherwise required
12 by law. The confidentiality granted by this subsection does not
13 preclude the disclosure of the identity of a person in any
14 capacity other than as the source of an allegation.

15 (b) Except as provided under Section 55, commissioners,
16 employees, and agents of the Local Government Ethics
17 Commission, the Local Government Inspector General, and the
18 Office of the Attorney General shall keep confidential and
19 shall not disclose information exempted from disclosure under
20 the Freedom of Information Act or by this Act.

21 (c) In his or her discretion, the Local Government
22 Inspector General may notify complainants and subjects of an
23 investigation with an update on the status of the respective
24 investigation, including when the investigation is opened and

1 closed.

2 Section 80. Exemptions.

3 (a) Documents generated by the Offices of the Local
4 Government Inspector General or the Local Government Ethics
5 Commission under this Act are exempt from disclosure under the
6 Freedom of Information Act.

7 (b) Allegations and related documents submitted to the
8 Local Government Inspector General and pleadings and related
9 documents brought before the Local Government Ethics
10 Commission are exempt from disclosure under the Freedom of
11 Information Act if the Local Government Ethics Commission does
12 not make a finding of a violation of this Act. If the Local
13 Government Ethics Commission finds that a violation has
14 occurred, the entire record of proceedings before the
15 Commission, the decision and recommendation, and the response
16 from the agency head or ultimate jurisdictional authority to
17 the Local Government Ethics Commission are not exempt from
18 disclosure under the Freedom of Information Act, but
19 information contained therein that is otherwise exempt from the
20 Freedom of Information Act must be redacted before disclosure
21 as provided in the Freedom of Information Act. A summary report
22 released by the Local Government Ethics Commission under
23 Section 55 is a public record, but information redacted by the
24 Local Government Ethics Commission is not a part of the public
25 record.

1 (c) Meetings of the Local Government Ethics Commission are
2 exempt from the provisions of the Open Meetings Act.

3 (d) Unless otherwise provided in this Act, all
4 investigatory files and reports of the Office of Local
5 Government Inspector General, other than quarterly reports
6 required under Section 70, are confidential, are exempt from
7 disclosure under the Freedom of Information Act, and shall not
8 be divulged to any person or agency, except as necessary (i) to
9 a law enforcement authority, (ii) to the ultimate
10 jurisdictional authority, (iii) to the Local Government Ethics
11 Commission, or (iv) to the Office of the Attorney General."