



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0442

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.03.5 new
5 ILCS 140/7.5
20 ILCS 405/405-335
30 ILCS 805/8.41 new

Amends the Open Meetings Act. Requires a unit of local government or school district with an operating budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, the following information: (1) information about elected and appointed officials; (2) notice of and materials prepared for meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances; (6) procedures to apply for building permits and zoning variances; (7) financial reports and audits; (8) information concerning employee compensation; (9) contracts with lobbying firms; (10) taxes and fees imposed by the unit of local government or school district; (11) rules governing the award of contracts; (12) bids and contracts worth \$25,000 or more; (13) a debt disclosure report; and (14) public notices. Provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Amends the Freedom of Information Act. Provides for a statutory exemption for any electronic copy of a record or information maintained on specified websites. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois to make conforming changes. Effective immediately.

LRB100 05395 RJF 15406 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. The Open Meetings Act is amended by adding
5 Section 2.03.5 as follows:

6 (5 ILCS 120/2.03.5 new)

7 Sec. 2.03.5. Internet posting requirements.

8 (a) A unit of local government or school district with an
9 operating budget of \$1 million or more shall maintain an
10 Internet website and post to its website for the current
11 calendar or fiscal year, as the case may be, the following
12 information:

13 (1) The contact information, including the phone
14 number and e-mail address, for all elected and appointed
15 officials, the Freedom of Information Officer, the chief
16 administrator, and the head administrator for each
17 department.

18 (2) The agenda, board packets, and any other prepared
19 materials of all regular meetings shall be posted at least
20 72 hours before a meeting. The agenda, board packets, and
21 any other prepared materials of all special or emergency
22 meetings shall be posted at least 24 hours before a
23 meeting. The posting shall indicate if the agendas are in

1 draft form. The minutes from any regular or special meeting
2 shall be posted within 72 hours of approval.

3 (3) In accordance with the Freedom of Information Act,
4 the procedure for requesting information from the unit of
5 local government or school district.

6 (4) The annual budget and appropriation ordinances.

7 (5) The ordinances under which the unit of local
8 government or school district operates as of the effective
9 date of this amendatory Act of the 100th General Assembly
10 and all ordinances thereafter adopted.

11 (6) The procedures required to apply for building
12 permits and zoning variances.

13 (7) Any budget, financial audit, audit schedule, or
14 special project report, including without limitation the
15 comprehensive annual financial report, performance audits,
16 and reports required under the Tax Increment Allocation
17 Redevelopment Act in the Illinois Municipal Code. All
18 reports should include the following:

19 (A) All actual revenues and expenditures for at
20 least the 3 previous fiscal years. Any report focusing
21 on any subset of Total should specify that only partial
22 amounts are shown and identify the Total amount and the
23 nature of items not included in the report.

24 (B) Revenues should be broken out by source,
25 including the broad categories of local, State, and
26 federal tax dollars.

1 (C) Expenditures should be separated into current
2 operating, capital, and debt service.

3 (D) Expenditure summaries for units of local
4 government should reflect the per-resident calculation
5 for comparison to other governmental bodies. For
6 schools, a per-pupil calculation should be made based
7 on full-time or equivalent enrollment.

8 (E) Audits should include a management letter.

9 (8) A detailed list of the total compensation paid to
10 each employee including wages, salary, overtime, and
11 benefits, including health, dental, life, and pension.

12 (9) Contracts with lobbying firms hired by the unit of
13 local government or school district. The name and amount of
14 money paid to lobbying associations by the unit of local
15 government or school district.

16 (10) A detailed list of the taxes and fees imposed by
17 the unit of local government or school district.

18 (11) The ordinances and rules governing the award of
19 all bids and contracts for purchase in the amount of
20 \$25,000 or more.

21 (12) All bids and contracts for purchase in the amount
22 of \$25,000 or more.

23 (13) A debt disclosure report that includes the
24 following:

25 (A) sum total of all debts and liabilities;

26 (B) sum total of gross tax levy for the most recent

1 tax year;

2 (C) gross operating budget revenue for the most
3 recent fiscal year;

4 (D) total pension liability;

5 (E) total unfunded pension liability; and

6 (F) actuarial cost method used to calculate total
7 pension liability and total unfunded pension
8 liability, and other post-employment benefits,
9 including:

10 (i) projected investment rate of return;

11 (ii) actual investment rate of return over the
12 past 10 years;

13 (iii) annual rate of salary increases;

14 (iv) participant mortality rate; and

15 (v) healthcare cost trend rate for Other
16 Post-Employment Benefits (OPEB).

17 (14) Public notices.

18 (b) No later than one year after the effective date of this
19 amendatory Act of the 100th General Assembly, each unit of
20 local government or school district shall develop, maintain,
21 and make publicly available, in any format the unit of local
22 government or school district would otherwise utilize for its
23 own purposes, information concerning moneys collected and
24 expended by the unit of local government or school district.

25 This information shall include the following:

26 (1) the name and principal location or address of the

1 entity receiving moneys, except that information
2 concerning a payment to an employee of the unit of local
3 government or school district shall identify the
4 individual employee by name and business address or
5 location only;

6 (2) the amount of expended moneys;

7 (3) the funding source of the expended moneys;

8 (4) the date of the expenditure;

9 (5) the name of the budget program, activity, or
10 category supporting the expenditure;

11 (6) a description of the purpose for the expenditure;

12 and

13 (7) to the extent possible, a unique identifier for
14 each expenditure.

15 The website shall contain only information that is a public
16 record or that is not confidential or otherwise protected from
17 public disclosure pursuant to State or federal law.

18 The unit of local government or school district shall
19 update the financial data contained on the website at least
20 monthly, and archive the financial data, which shall remain
21 accessible on the website. The financial data must be easily
22 accessible from the main page of the unit of local government
23 or school district's website. The unit of local government or
24 school district shall create and make easily accessible an
25 automated Rich Site Summary (RSS) feed to which users of the
26 website may subscribe for notification of updates to the

1 information.

2 The unit of local government or school district may meet
3 all requirements of this subsection by having the information
4 and data required to be included on the unit's website database
5 posted in the Illinois Transparency and Accountability Portal.
6 The unit of local government or school district may also meet
7 each requirement of this subsection by supplying labeled links
8 on the unit of local government's or school district's website
9 to the website of other units of local government or school
10 districts that independently post and maintain the information
11 and data online.

12 This subsection shall not apply until 6 months after the
13 effective date of this amendatory Act of the 100th General
14 Assembly.

15 (c) The information required to be posted under subsection
16 (a) must be easily accessible from the unit of local
17 government's or school district's home page and searchable.

18 (d) The postings required by this Section are in addition
19 to any other posting requirements required by law or ordinance.

20 (e) If a unit of local government or school district fails
21 to comply with this Section, then any citizen who is a resident
22 of the unit of local government or school district may file
23 suit in the circuit court for the county where the unit of
24 local government or school district is located. The citizen may
25 bring a mandamus or injunction action to compel the unit of
26 local government or school district to comply with the

1 requirements set forth in subsection (a). The court may impose
2 any penalty or other sanction as it deems appropriate. The
3 court, in its discretion, may also award to the citizen
4 bringing the action reasonable attorneys' fees and costs.

5 (f) No home rule unit may adopt posting requirements that
6 are less restrictive than this Section. This Section is a
7 limitation under subsection (i) of Section 6 of Article VII of
8 the Illinois Constitution on the concurrent exercise by home
9 rule units of powers and functions exercised by the State.

10 (g) All local records required to be posted by this
11 amendatory Act of the 100th General Assembly shall remain
12 posted on the entity's website, or subsequent websites, for 10
13 years.

14 (h) This Section shall not apply to the Department of
15 Juvenile Justice School District.

16 Section 5. The Freedom of Information Act is amended by
17 changing Section 7.5 as follows:

18 (5 ILCS 140/7.5)

19 Sec. 7.5. Statutory exemptions. To the extent provided for
20 by the statutes referenced below, the following shall be exempt
21 from inspection and copying:

22 (a) All information determined to be confidential
23 under Section 4002 of the Technology Advancement and
24 Development Act.

1 (b) Library circulation and order records identifying
2 library users with specific materials under the Library
3 Records Confidentiality Act.

4 (c) Applications, related documents, and medical
5 records received by the Experimental Organ Transplantation
6 Procedures Board and any and all documents or other records
7 prepared by the Experimental Organ Transplantation
8 Procedures Board or its staff relating to applications it
9 has received.

10 (d) Information and records held by the Department of
11 Public Health and its authorized representatives relating
12 to known or suspected cases of sexually transmissible
13 disease or any information the disclosure of which is
14 restricted under the Illinois Sexually Transmissible
15 Disease Control Act.

16 (e) Information the disclosure of which is exempted
17 under Section 30 of the Radon Industry Licensing Act.

18 (f) Firm performance evaluations under Section 55 of
19 the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (g) Information the disclosure of which is restricted
22 and exempted under Section 50 of the Illinois Prepaid
23 Tuition Act.

24 (h) Information the disclosure of which is exempted
25 under the State Officials and Employees Ethics Act, and
26 records of any lawfully created State or local inspector

1 general's office that would be exempt if created or
2 obtained by an Executive Inspector General's office under
3 that Act.

4 (i) Information contained in a local emergency energy
5 plan submitted to a municipality in accordance with a local
6 emergency energy plan ordinance that is adopted under
7 Section 11-21.5-5 of the Illinois Municipal Code.

8 (j) Information and data concerning the distribution
9 of surcharge moneys collected and remitted by wireless
10 carriers under the Wireless Emergency Telephone Safety
11 Act.

12 (k) Law enforcement officer identification information
13 or driver identification information compiled by a law
14 enforcement agency or the Department of Transportation
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Executive Council under the Abuse
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the Capital

1 Crimes Litigation Act. This subsection (n) shall apply
2 until the conclusion of the trial of the case, even if the
3 prosecution chooses not to pursue the death penalty prior
4 to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Regional Transportation Authority under Section 2.11 of
12 the Regional Transportation Authority Act or the St. Clair
13 County Transit District under the Bi-State Transit Safety
14 Act.

15 (q) Information prohibited from being disclosed by the
16 Personnel Records Review Act.

17 (r) Information prohibited from being disclosed by the
18 Illinois School Student Records Act.

19 (s) Information the disclosure of which is restricted
20 under Section 5-108 of the Public Utilities Act.

21 (t) All identified or deidentified health information
22 in the form of health data or medical records contained in,
23 stored in, submitted to, transferred by, or released from
24 the Illinois Health Information Exchange, and identified
25 or deidentified health information in the form of health
26 data and medical records of the Illinois Health Information

1 Exchange in the possession of the Illinois Health
2 Information Exchange Authority due to its administration
3 of the Illinois Health Information Exchange. The terms
4 "identified" and "deidentified" shall be given the same
5 meaning as in the Health Insurance Portability and
6 Accountability Act of 1996, Public Law 104-191, or any
7 subsequent amendments thereto, and any regulations
8 promulgated thereunder.

9 (u) Records and information provided to an independent
10 team of experts under Brian's Law.

11 (v) Names and information of people who have applied
12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed Carry
18 Licensing Review Board under the Firearm Concealed Carry
19 Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

21 (w) Personally identifiable information which is
22 exempted from disclosure under subsection (g) of Section
23 19.1 of the Toll Highway Act.

24 (x) Information which is exempted from disclosure
25 under Section 5-1014.3 of the Counties Code or Section
26 8-11-21 of the Illinois Municipal Code.

1 (y) Confidential information under the Adult
2 Protective Services Act and its predecessor enabling
3 statute, the Elder Abuse and Neglect Act, including
4 information about the identity and administrative finding
5 against any caregiver of a verified and substantiated
6 decision of abuse, neglect, or financial exploitation of an
7 eligible adult maintained in the Registry established
8 under Section 7.5 of the Adult Protective Services Act.

9 (z) Records and information provided to a fatality
10 review team or the Illinois Fatality Review Team Advisory
11 Council under Section 15 of the Adult Protective Services
12 Act.

13 (aa) Information which is exempted from disclosure
14 under Section 2.37 of the Wildlife Code.

15 (bb) Information which is or was prohibited from
16 disclosure by the Juvenile Court Act of 1987.

17 (cc) Recordings made under the Law Enforcement
18 Officer-Worn Body Camera Act, except to the extent
19 authorized under that Act.

20 (dd) Information that is prohibited from being
21 disclosed under Section 45 of the Condominium and Common
22 Interest Community Ombudsperson Act.

23 ~~(dd)~~ (ee) Information that is exempted from disclosure
24 under Section 30.1 of the Pharmacy Practice Act.

25 (ff) Any record or information that a unit of local
26 government or school district maintains an electronic copy

1 of on its Internet website in order to comply with the Open
2 Meetings Act.

3 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
4 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
5 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
6 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
7 8-19-16; revised 9-1-16.)

8 Section 10. The Department of Central Management Services
9 Law of the Civil Administrative Code of Illinois is amended by
10 changing Section 405-335 as follows:

11 (20 ILCS 405/405-335)

12 Sec. 405-335. Illinois Transparency and Accountability
13 Portal (ITAP).

14 (a) The Department, within 12 months after the effective
15 date of this amendatory Act of the 96th General Assembly, shall
16 establish and maintain a website, known as the Illinois
17 Transparency and Accountability Portal (ITAP), with a
18 full-time webmaster tasked with compiling and updating the ITAP
19 database with information received from all State agencies as
20 defined in this Section. Within 6 months of the effective date
21 of this amendatory Act, the ITAP shall have the capability to
22 compile and update the ITAP database with information received
23 from all school districts and units of local government
24 including, but not limited to, counties, townships, library

1 districts, and municipalities. Subject to appropriation, the
2 full-time webmaster must also compile and update the ITAP
3 database with information received from all school districts
4 and units of local government including, but not limited to,
5 counties, townships, library districts, and municipalities.

6 (b) For purposes of this Section:

7 "State agency" means the offices of the constitutional
8 officers identified in Article V of the Illinois Constitution,
9 executive agencies, and departments, boards, commissions, and
10 Authorities under the Governor.

11 "Contracts" means payment obligations with vendors on file
12 with the Office of the Comptroller to purchase goods and
13 services exceeding \$10,000 in value (or, in the case of
14 professional or artistic services, exceeding \$5,000 in value).

15 "Appropriation" means line-item detail of spending
16 approved by the General Assembly and Governor, categorized by
17 object of expenditure.

18 "Individual consultants" means temporary workers eligible
19 to receive State benefits paid on a State payroll.

20 "Recipients" means State agencies receiving
21 appropriations.

22 (c) The ITAP shall provide direct access to each of the
23 following:

24 (1) A database of all current State employees and
25 individual consultants, except sworn law enforcement
26 officers, sorted separately by:

1 (i) Name.

2 (ii) Employing State agency.

3 (iii) Employing State division.

4 (iv) Employment position title.

5 (v) Current pay rate and year-to-date pay.

6 (2) A database of all current State expenditures,
7 sorted separately by agency, category, recipient, and
8 Representative District.

9 (3) A database of all development assistance
10 reportable pursuant to the Corporate Accountability for
11 Tax Expenditures Act, sorted separately by tax credit
12 category, taxpayer, and Representative District.

13 (4) A database of all revocations and suspensions of
14 State occupation and use tax certificates of registration
15 and all revocations and suspensions of State professional
16 licenses, sorted separately by name, geographic location,
17 and certificate of registration number or license number,
18 as applicable. Professional license revocations and
19 suspensions shall be posted only if resulting from a
20 failure to pay taxes, license fees, or child support.

21 (5) A database of all current State contracts, sorted
22 separately by contractor name, awarding officer or agency,
23 contract value, and goods or services provided.

24 (6) A database of all employees hired after the
25 effective date of this amendatory Act of 2010, sorted
26 searchably by each of the following at the time of

1 employment:

2 (i) Name.

3 (ii) Employing State agency.

4 (iii) Employing State division.

5 (iv) Employment position title.

6 (v) Current pay rate and year-to-date pay.

7 (vi) County of employment location.

8 (vii) Rutan status.

9 (viii) Status of position as subject to collective
10 bargaining, subject to merit compensation, or exempt
11 under Section 4d of the Personnel Code.

12 (ix) Employment status as probationary, trainee,
13 intern, certified, or exempt from certification.

14 (x) Status as a military veteran.

15 (7) A searchable database of all current county,
16 township, library district, and municipal employees sorted
17 separately by:

18 (i) Employing unit of local government.

19 (ii) Employment position title.

20 (iii) Current pay rate and year-to-date pay.

21 (8) A searchable database of all county, township, and
22 municipal employees hired on or after the effective date of
23 this amendatory Act of the 97th General Assembly, sorted
24 separately by each of the following at the time of
25 employment:

26 (i) Employing unit of local government.

1 (ii) Employment position title.

2 (iii) Current pay rate and year-to-date pay.

3 (9) A searchable database of all library district
4 employees hired on or after August 9, 2013 (the effective
5 date of Public Act 98-246), sorted separately by each of
6 the following at the time of employment:

7 (i) Employing unit of local government.

8 (ii) Employment position title.

9 (iii) Current pay rate and year-to-date pay.

10 (10) A link to a website maintained by the Department
11 that contains a list of contact information for each State
12 agency, including a telephone number and a link to the
13 Agency's website. Each State agency shall be responsible
14 for providing and updating the Department with this
15 information.

16 (11) Information provided to the ITAP pursuant to
17 Section 2.03.5 of the Open Meetings Act.

18 (d) The ITAP shall include all information required to be
19 published by subsection (c) of this Section that is available
20 to the Department in a format the Department can compile and
21 publish on the ITAP. The Department shall update the ITAP as
22 additional information becomes available in a format that can
23 be compiled and published on the ITAP by the Department.

24 (e) Each State agency, county, township, library district,
25 and municipality shall cooperate with the Department in
26 furnishing the information necessary for the implementation of

1 this Section within a timeframe specified by the Department.

2 (f) Each county, township, library district, or
3 municipality submitting information to be displayed on the
4 Illinois Transparency and Accountability Portal (ITAP) is
5 responsible for the accuracy of the information provided.

6 (g) The Department, within 6 months after January 1, 2014
7 (the effective date of Public Act 98-283), shall distribute a
8 spreadsheet or otherwise make data entry available to each
9 State agency to facilitate the collection of data on the
10 State's annual workforce characteristics, workforce
11 compensation, and employee mobility. The Department shall
12 determine the data to be collected by each State agency. Each
13 State agency shall cooperate with the Department in furnishing
14 the data necessary for the implementation of this subsection
15 within the timeframe specified by the Department. The
16 Department shall publish the data received from each State
17 agency on the ITAP or another open data site annually.

18 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13; 98-283,
19 eff. 1-1-14; 98-756, eff. 7-16-14; 98-1084, eff. 1-1-15.)

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.41 as follows:

22 (30 ILCS 805/8.41 new)

23 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 100th General Assembly.

3 Section 97. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.