



Rep. Anna Moeller

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1 AMENDMENT TO HOUSE BILL 2810

2 AMENDMENT NO. _____. Amend House Bill 2810 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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 \$1,000,000 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 email address, for all elected and appointed
15 officials, the Freedom of Information officer, the chief
16 administrator, and the head administrator for each

1 department.

2 (2) The agenda, board packets, and any other prepared
3 materials of all regular meetings shall be posted at least
4 48 hours before a meeting. The agenda, board packets, and
5 any other prepared materials of all special or emergency
6 meetings shall be posted at least 24 hours before a
7 meeting. The posting shall indicate if the agendas are in
8 draft form. The minutes from any regular or special meeting
9 shall be posted within 48 hours of approval.

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

13 (4) The annual budget and appropriation ordinances.

14 (5) The ordinances under which the unit of local
15 government or school district operates as of the effective
16 date of this amendatory Act of the 101st General Assembly
17 and all ordinances thereafter adopted.

18 (6) The procedures required to apply for building
19 permits and zoning variances.

20 (7) Any budget, financial audit or audit schedule,
21 including without limitation, the comprehensive annual
22 financial report, performance audits, and reports required
23 under the Tax Increment Allocation Redevelopment Act in the
24 Illinois Municipal Code. All reports should include the
25 following:

26 (A) All actual revenues and expenditures for at

1 least the 3 previous fiscal years. Any report focusing
2 on any subset of the total should specify that only
3 partial amounts are shown and identify the total amount
4 and the nature of items not included in the report.

5 (B) Revenues should be broken out by source,
6 including the broad categories of local, State, and
7 federal tax dollars.

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

10 (D) Expenditure summaries for units of local
11 government should reflect the per-resident calculation
12 for comparison to other governmental bodies. For
13 schools, a per-pupil calculation should be made based
14 on full-time or equivalent enrollment.

15 (E) Audits should include a management letter.

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

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

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

23 (11) 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; and

5 (E) total unfunded pension liability.

6 (b) The information required to be posted under subsection
7 (a) must be easily accessible from the unit of local
8 government's or school district's website home page and
9 searchable.

10 (c) The postings required by this Section are in addition
11 to any other posting requirements required by law or ordinance.

12 (d) If a unit of local government or school district fails
13 to comply with this Section, then any person, including the
14 State's Attorney of the county in which such noncompliance may
15 occur, may bring a civil action in the circuit court for the
16 judicial circuit in which the alleged noncompliance has
17 occurred, or in which the affected public body has its
18 principal office. The court, having due regard for orderly
19 administration and the public interest, as well as for the
20 interests of the parties, may grant such relief as it deems
21 appropriate, including granting a relief by mandamus to compel
22 the unit of local government or school district to comply with
23 the requirements set forth in subsection (a) or injunction
24 against future violations of this Act. The court may assess
25 against any party reasonable attorney's fees and other
26 litigation costs reasonably incurred by any other party who

1 substantially prevails in any action brought in accordance with
2 this Section, provided that costs may be assessed against any
3 private party or parties bringing an action pursuant to this
4 Section only upon the court's determination that the action is
5 malicious or frivolous in nature.

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

11 (f) All local records required to be posted by this
12 amendatory Act of the 101st General Assembly shall remain
13 posted on the entity's website, or subsequent websites, for 10
14 years.

15 (g) This Section shall not apply to School District No.
16 428, operated by the Department of Juvenile Justice.

17 Section 10. The Freedom of Information Act is amended by
18 changing Section 7.5 as follows:

19 (5 ILCS 140/7.5)

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

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

1 Development Act.

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

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

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

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

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

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

25 (h) Information the disclosure of which is exempted
26 under the State Officials and Employees Ethics Act, and

1 records of any lawfully created State or local inspector
2 general's office that would be exempt if created or
3 obtained by an Executive Inspector General's office under
4 that Act.

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

9 (j) Information and data concerning the distribution
10 of surcharge moneys collected and remitted by carriers
11 under the Emergency Telephone System 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 Record ~~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 the Developmental Disability and
11 Mental Health Safety Act (also known as Brian's Law).

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

22 (w) Personally identifiable information which is
23 exempted from disclosure under subsection (g) of Section
24 19.1 of the Toll Highway Act.

25 (x) Information which is exempted from disclosure
26 under Section 5-1014.3 of the Counties Code or Section

1 8-11-21 of the Illinois Municipal Code.

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

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

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

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

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

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

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

26 (ff) Information that is exempted from disclosure

1 under the Revised Uniform Unclaimed Property Act.

2 (gg) Information that is prohibited from being
3 disclosed under Section 7-603.5 of the Illinois Vehicle
4 Code.

5 (hh) Records that are exempt from disclosure under
6 Section 1A-16.7 of the Election Code.

7 (ii) Information which is exempted from disclosure
8 under Section 2505-800 of the Department of Revenue Law of
9 the Civil Administrative Code of Illinois.

10 (jj) Information and reports that are required to be
11 submitted to the Department of Labor by registering day and
12 temporary labor service agencies but are exempt from
13 disclosure under subsection (a-1) of Section 45 of the Day
14 and Temporary Labor Services Act.

15 (kk) Information prohibited from disclosure under the
16 Seizure and Forfeiture Reporting Act.

17 (ll) Information the disclosure of which is restricted
18 and exempted under Section 5-30.8 of the Illinois Public
19 Aid Code.

20 (mm) ~~(ll)~~ Records that are exempt from disclosure under
21 Section 4.2 of the Crime Victims Compensation Act.

22 (nn) ~~(ll)~~ Information that is exempt from disclosure
23 under Section 70 of the Higher Education Student Assistance
24 Act.

25 (oo) 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. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
4 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
5 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
6 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
7 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
8 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
9 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
10 10-12-18.)

11 Section 15. The Department of Central Management Services
12 Law of the Civil Administrative Code of Illinois is amended by
13 changing Section 405-335 as follows:

14 (20 ILCS 405/405-335)

15 Sec. 405-335. Illinois Transparency and Accountability
16 Portal (ITAP).

17 (a) The Department, within 12 months after the effective
18 date of this amendatory Act of the 96th General Assembly, shall
19 establish and maintain a website, known as the Illinois
20 Transparency and Accountability Portal (ITAP), with a
21 full-time webmaster tasked with compiling and updating the ITAP
22 database with information received from all State agencies as
23 defined in this Section. Within 6 months after the effective
24 date of this amendatory Act of the 101st General Assembly, ITAP

1 shall have the capability to compile and update the ITAP
2 database with information received from all school districts
3 and units of local government, including, but not limited to,
4 counties, townships, library districts, and municipalities.

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

10 (b) For purposes of this Section:

11 "State agency" means the offices of the constitutional
12 officers identified in Article V of the Illinois Constitution,
13 executive agencies, and departments, boards, commissions, and
14 Authorities under the Governor.

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

19 "Appropriation" means line-item detail of spending
20 approved by the General Assembly and Governor, categorized by
21 object of expenditure.

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

24 "Recipients" means State agencies receiving
25 appropriations.

26 (c) The ITAP shall provide direct access to each of the

1 following:

2 (1) A database of all current State employees and
3 individual consultants, except sworn law enforcement
4 officers, sorted separately by:

5 (i) Name.

6 (ii) Employing State agency.

7 (iii) Employing State division.

8 (iv) Employment position title.

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

10 (2) A database of all current State expenditures,
11 sorted separately by agency, category, recipient, and
12 Representative District.

13 (3) A database of all development assistance
14 reportable pursuant to the Corporate Accountability for
15 Tax Expenditures Act, sorted separately by tax credit
16 category, taxpayer, and Representative District.

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

25 (5) A database of all current State contracts, sorted
26 separately by contractor name, awarding officer or agency,

1 contract value, and goods or services provided.

2 (6) A database of all employees hired after the
3 effective date of this amendatory Act of 2010, sorted
4 searchably by each of the following at the time of
5 employment:

6 (i) Name.

7 (ii) Employing State agency.

8 (iii) Employing State division.

9 (iv) Employment position title.

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

11 (vi) County of employment location.

12 (vii) Rutan status.

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

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

18 (x) Status as a military veteran.

19 (7) A searchable database of all current county,
20 township, library district, and municipal employees sorted
21 separately by:

22 (i) Employing unit of local government.

23 (ii) Employment position title.

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

25 (8) A searchable database of all county, township, and
26 municipal employees hired on or after the effective date of

1 this amendatory Act of the 97th General Assembly, sorted
2 separately by each of the following at the time of
3 employment:

4 (i) Employing unit of local government.

5 (ii) Employment position title.

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

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

11 (i) Employing unit of local government.

12 (ii) Employment position title.

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

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

20 (11) Information provided to ITAP under Section 2.03.5
21 of the Open Meetings Act.

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

1 be compiled and published on the ITAP by the Department.

2 (e) Each State agency, county, township, library district,
3 and municipality shall cooperate with the Department in
4 furnishing the information necessary for the implementation of
5 this Section within a timeframe specified by the Department.

6 (f) Each county, township, library district, or
7 municipality submitting information to be displayed on the
8 Illinois Transparency and Accountability Portal (ITAP) is
9 responsible for the accuracy of the information provided.

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

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

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.43 as follows:

1 (30 ILCS 805/8.43 new)

2 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 101st General Assembly.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".