



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3146

by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Open Meetings Act and the Freedom of Information Act. Modifies the term "public body" under the respective Acts to include all other units of government, including, but not limited to, township road districts of this State, and any combination of public body entities formed under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement.

LRB101 04684 RJF 49693 b

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 5. The Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by
9 video or audio conference, telephone call, electronic means
10 (such as, without limitation, electronic mail, electronic
11 chat, and instant messaging), or other means of contemporaneous
12 interactive communication, of a majority of a quorum of the
13 members of a public body held for the purpose of discussing
14 public business or, for a 5-member public body, a quorum of the
15 members of a public body held for the purpose of discussing
16 public business.

17 Accordingly, for a 5-member public body, 3 members of the
18 body constitute a quorum and the affirmative vote of 3 members
19 is necessary to adopt any motion, resolution, or ordinance,
20 unless a greater number is otherwise required.

21 "Public body" includes all legislative, executive,
22 administrative or advisory bodies of the State, counties,
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
2 bureaus, committees, ~~or~~ commissions, or any other units of
3 government, including, but not limited to, township road
4 districts, of this State, and any subsidiary bodies of any of
5 the foregoing including but not limited to committees and
6 subcommittees which are supported in whole or in part by tax
7 revenue, or which expend tax revenue, except the General
8 Assembly and committees or commissions thereof, and any
9 combination of the above entities formed under an
10 intergovernmental agreement that includes provisions for a
11 governing body of the agency created by the agreement. "Public
12 body" includes tourism boards and convention or civic center
13 boards located in counties that are contiguous to the
14 Mississippi River with populations of more than 250,000 but
15 less than 300,000. "Public body" includes the Health Facilities
16 and Services Review Board. "Public body" does not include a
17 child death review team or the Illinois Child Death Review
18 Teams Executive Council established under the Child Death
19 Review Team Act, an ethics commission acting under the State
20 Officials and Employees Ethics Act, a regional youth advisory
21 board or the Statewide Youth Advisory Board established under
22 the Department of Children and Family Services Statewide Youth
23 Advisory Board Act, or the Illinois Independent Tax Tribunal.
24 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

25 Section 10. The Freedom of Information Act is amended by

1 changing Section 2 as follows:

2 (5 ILCS 140/2) (from Ch. 116, par. 202)

3 Sec. 2. Definitions. As used in this Act:

4 (a) "Public body" means all legislative, executive,
5 administrative, or advisory bodies of the State, state
6 universities and colleges, counties, townships, cities,
7 villages, incorporated towns, school districts and all other
8 municipal corporations, boards, bureaus, committees, ~~or~~
9 commissions, or any other units of government, including, but
10 not limited to, township road districts, of this State, any
11 subsidiary bodies of any of the foregoing including but not
12 limited to committees and subcommittees thereof, ~~and~~ a School
13 Finance Authority created under Article 1E of the School Code,
14 and any combination of the above entities formed under an
15 intergovernmental agreement that includes provisions for a
16 governing body of the agency created by the agreement. "Public
17 body" does not include a child death review team or the
18 Illinois Child Death Review Teams Executive Council
19 established under the Child Death Review Team Act, or a
20 regional youth advisory board or the Statewide Youth Advisory
21 Board established under the Department of Children and Family
22 Services Statewide Youth Advisory Board Act.

23 (b) "Person" means any individual, corporation,
24 partnership, firm, organization or association, acting
25 individually or as a group.

1 (c) "Public records" means all records, reports, forms,
2 writings, letters, memoranda, books, papers, maps,
3 photographs, microfilms, cards, tapes, recordings, electronic
4 data processing records, electronic communications, recorded
5 information and all other documentary materials pertaining to
6 the transaction of public business, regardless of physical form
7 or characteristics, having been prepared by or for, or having
8 been or being used by, received by, in the possession of, or
9 under the control of any public body.

10 (c-5) "Private information" means unique identifiers,
11 including a person's social security number, driver's license
12 number, employee identification number, biometric identifiers,
13 personal financial information, passwords or other access
14 codes, medical records, home or personal telephone numbers, and
15 personal email addresses. Private information also includes
16 home address and personal license plates, except as otherwise
17 provided by law or when compiled without possibility of
18 attribution to any person.

19 (c-10) "Commercial purpose" means the use of any part of a
20 public record or records, or information derived from public
21 records, in any form for sale, resale, or solicitation or
22 advertisement for sales or services. For purposes of this
23 definition, requests made by news media and non-profit,
24 scientific, or academic organizations shall not be considered
25 to be made for a "commercial purpose" when the principal
26 purpose of the request is (i) to access and disseminate

1 information concerning news and current or passing events, (ii)
2 for articles of opinion or features of interest to the public,
3 or (iii) for the purpose of academic, scientific, or public
4 research or education.

5 (d) "Copying" means the reproduction of any public record
6 by means of any photographic, electronic, mechanical or other
7 process, device or means now known or hereafter developed and
8 available to the public body.

9 (e) "Head of the public body" means the president, mayor,
10 chairman, presiding officer, director, superintendent,
11 manager, supervisor or individual otherwise holding primary
12 executive and administrative authority for the public body, or
13 such person's duly authorized designee.

14 (f) "News media" means a newspaper or other periodical
15 issued at regular intervals whether in print or electronic
16 format, a news service whether in print or electronic format, a
17 radio station, a television station, a television network, a
18 community antenna television service, or a person or
19 corporation engaged in making news reels or other motion
20 picture news for public showing.

21 (g) "Recurrent requester", as used in Section 3.2 of this
22 Act, means a person that, in the 12 months immediately
23 preceding the request, has submitted to the same public body
24 (i) a minimum of 50 requests for records, (ii) a minimum of 15
25 requests for records within a 30-day period, or (iii) a minimum
26 of 7 requests for records within a 7-day period. For purposes

1 of this definition, requests made by news media and non-profit,
2 scientific, or academic organizations shall not be considered
3 in calculating the number of requests made in the time periods
4 in this definition when the principal purpose of the requests
5 is (i) to access and disseminate information concerning news
6 and current or passing events, (ii) for articles of opinion or
7 features of interest to the public, or (iii) for the purpose of
8 academic, scientific, or public research or education.

9 For the purposes of this subsection (g), "request" means a
10 written document (or oral request, if the public body chooses
11 to honor oral requests) that is submitted to a public body via
12 personal delivery, mail, telefax, electronic mail, or other
13 means available to the public body and that identifies the
14 particular public record the requester seeks. One request may
15 identify multiple records to be inspected or copied.

16 (h) "Voluminous request" means a request that: (i) includes
17 more than 5 individual requests for more than 5 different
18 categories of records or a combination of individual requests
19 that total requests for more than 5 different categories of
20 records in a period of 20 business days; or (ii) requires the
21 compilation of more than 500 letter or legal-sized pages of
22 public records unless a single requested record exceeds 500
23 pages. "Single requested record" may include, but is not
24 limited to, one report, form, e-mail, letter, memorandum, book,
25 map, microfilm, tape, or recording.

26 "Voluminous request" does not include a request made by

1 news media and non-profit, scientific, or academic
2 organizations if the principal purpose of the request is: (1)
3 to access and disseminate information concerning news and
4 current or passing events; (2) for articles of opinion or
5 features of interest to the public; or (3) for the purpose of
6 academic, scientific, or public research or education.

7 For the purposes of this subsection (h), "request" means a
8 written document, or oral request, if the public body chooses
9 to honor oral requests, that is submitted to a public body via
10 personal delivery, mail, telefax, electronic mail, or other
11 means available to the public body and that identifies the
12 particular public record or records the requester seeks. One
13 request may identify multiple individual records to be
14 inspected or copied.

15 (i) "Severance agreement" means a mutual agreement between
16 any public body and its employee for the employee's resignation
17 in exchange for payment by the public body.

18 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
19 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)