



Rep. Margo McDermed

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LRB100 11107 AWJ 22653 a

1 AMENDMENT TO HOUSE BILL 2846

2 AMENDMENT NO. _____. Amend House Bill 2846 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 140/7.5)

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

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

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

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

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by wireless
6 carriers under the Wireless Emergency Telephone Safety
7 Act.

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

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the Capital
23 Crimes Litigation Act. This subsection (n) shall apply
24 until the conclusion of the trial of the case, even if the
25 prosecution chooses not to pursue the death penalty prior
26 to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Illinois Department of Transportation under Sections
8 2705-300 and 2705-615 of the Department of Transportation
9 Law of the Civil Administrative Code of Illinois, the
10 Regional Transportation Authority under Section 2.11 of
11 the Regional Transportation Authority Act, or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act.

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

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

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

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

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

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

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

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

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

26 (y) Confidential information under the Adult

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

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

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

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

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

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

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

24 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
25 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
26 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;

1 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
2 8-19-16; revised 9-1-16.)

3 Section 10. The Department of Transportation Law of the
4 Civil Administrative Code of Illinois is amended by changing
5 Section 2705-300 and adding Section 2705-615 as follows:

6 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

7 Sec. 2705-300. Powers concerning mass transportation. The
8 Department has the power to do the following:

9 (1) Advise and assist the Governor and the General Assembly
10 in formulating (i) a mass transportation policy for the State,
11 (ii) proposals designed to help meet and resolve special
12 problems of mass transportation within the State, and (iii)
13 programs of assistance for the comprehensive planning,
14 development, and administration of mass transportation
15 facilities and services.

16 (2) Appear and participate in proceedings before any
17 federal, State, or local regulatory agency involving or
18 affecting mass transportation in the State.

19 (3) Study mass transportation problems and provide
20 technical assistance to units of local government.

21 (4) Encourage experimentation in developing new mass
22 transportation facilities and services.

23 (5) Recommend policies, programs, and actions designed to
24 improve utilization of mass transportation services.

1 (6) Cooperate with mass transit districts and systems,
2 local governments, and other State agencies in meeting those
3 problems of air, noise, and water pollution associated with
4 transportation.

5 (7) Participate fully in a statewide effort to improve
6 transport safety, including, but not limited to:-

7 (A) developing, adopting, and implementing a system
8 safety program standard meeting the compliance
9 requirements of 49 U.S.C. 5329 and 49 CFR Part 674, as now
10 or hereafter amended, for the safety of planned, under
11 construction, or in revenue operation rail fixed guideway
12 systems and the personal security of the systems'
13 passengers and employees;

14 (B) establishing procedures in accordance with 49
15 U.S.C. 5329 and 49 CFR Part 674 to regulate, investigate,
16 inspect, audit, and enforce all other necessary and
17 incidental functions related to the effectuation of 49
18 U.S.C. 5329 and 49 CFR Part 674 or other federal law
19 pertaining to public transportation oversight; and

20 (C) requiring the mass transit districts, the Regional
21 Transportation Authority, St. Clair County Transit
22 District, and applicable service boards to comply with the
23 requirements of 49 U.S.C. 5329 and 49 CFR Part 674, as now
24 or hereafter amended. The Department may contract for the
25 services of a qualified consultant to comply with this
26 subsection.

1 The security portion of the system safety program,
2 investigation reports, surveys, schedules, lists, or data
3 compiled, collected, or prepared by or for the Department under
4 this subsection shall not be subject to discovery or admitted
5 into evidence in federal or State court or considered for other
6 purposes in any civil action for damages arising from any
7 matter mentioned or addressed in such reports, surveys,
8 schedules, lists, data, or information.

9 Except for willful or wanton conduct, neither the
10 Department nor its employees, nor the Regional Transportation
11 Authority, nor the St. Clair County Transit District, nor any
12 mass transit district nor service board subject to this
13 Section, nor their respective directors, officers, or
14 employees, shall be held liable in any civil action for any
15 injury to or death of any person or loss of or damage to
16 property for any act, omission, or failure to act under this
17 Section, 49 U.S.C. 5329, 49 CFR Part 659, or 49 CFR Part 674,
18 as now or hereafter amended.

19 (8) Conduct by contract or otherwise technical studies, and
20 demonstration and development projects which shall be designed
21 to test and develop methods for increasing public use of mass
22 transportation and for providing mass transportation in an
23 efficient, coordinated, and convenient manner.

24 (9) Make applications for, receive, and make use of grants
25 for mass transportation.

26 (10) Make grants for mass transportation from the

1 Transportation Fund pursuant to the standards and procedures of
2 Sections 2705-305 and 2705-310.

3 (Source: P.A. 91-239, eff. 1-1-00.)

4 (20 ILCS 2705/2705-615 new)

5 Sec. 2705-615. State safety oversight for rail fixed
6 guideway systems. The Department shall develop, adopt, and
7 implement a system safety program standard and establish
8 procedures to comply with 49 U.S.C. 5329 and 49 CFR Part 674 as
9 required under paragraph (7) of Section 2705-300 of the
10 Department of Transportation Law of the Civil Administrative
11 Code of Illinois.

12 Section 15. The Metropolitan Transit Authority Act is
13 amended by changing Section 9b and by adding Section 9c as
14 follows:

15 (70 ILCS 3605/9b) (from Ch. 111 2/3, par. 309b)

16 Sec. 9b. The Authority shall comply with the requirements
17 imposed upon a Service Board in Sections 4.09(d) and 4.11 of
18 the Regional Transportation Authority Act and with the
19 requirements of ~~subsection (b) of~~ Section 2.11 of the Regional
20 Transportation Authority Act. The Authority shall present
21 evidence that it has complied with Section 27a of this Act to
22 the Regional Transportation Authority.

23 (Source: P.A. 90-273, eff. 7-30-97.)

1 (70 ILCS 3605/9c new)

2 Sec. 9c. State safety oversight for rail fixed guideway
3 systems. The Authority shall comply with the requirements of 49
4 U.S.C. 5329 as required by the Department of Transportation
5 under paragraph (7) of Section 2705-300 of the Department of
6 Transportation Law of the Civil Administrative Code of
7 Illinois.

8 Section 20. The Regional Transportation Authority Act is
9 amended by changing Section 2.11 as follows:

10 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

11 Sec. 2.11. Safety.

12 (a) The Service Boards may establish, enforce and
13 facilitate achievement and maintenance of standards of safety
14 against accidents with respect to public transportation
15 provided by the Service Boards or by transportation agencies
16 pursuant to purchase of service agreements with the Service
17 Boards. The provisions of general or special orders, rules or
18 regulations issued by the Illinois Commerce Commission
19 pursuant to Section 57 of "An Act concerning public utilities",
20 approved June 29, 1921, as amended, which pertain to public
21 transportation and public transportation facilities of
22 railroads will continue to apply until the Service Board
23 determines that different standards are necessary to protect

1 such health and safety.

2 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~
3 ~~now or hereafter amended, the Authority shall develop and adopt~~
4 ~~a system safety program standard for the safety of rail fixed~~
5 ~~guideway systems and the personal security of the systems'~~
6 ~~passengers and employees and shall establish procedures for~~
7 ~~safety and security reviews, investigations, and oversight~~
8 ~~reporting. The Authority shall require the applicable Service~~
9 ~~Boards to comply with the requirements of 49 CFR Part 659 as~~
10 ~~now or hereafter amended. The Authority may contract for the~~
11 ~~services of a qualified consultant to comply with this~~
12 ~~subsection.~~

13 (c) The security portion of the system safety program,
14 investigation reports, surveys, schedules, lists, or data
15 compiled, collected, or prepared by or for the Department of
16 Transportation or the Authority under this subsection, shall
17 not be subject to discovery or admitted into evidence in
18 federal or State court or considered for other purposes in any
19 civil action for damages arising from any matter mentioned or
20 addressed in such reports, surveys, schedules, lists, data, or
21 information.

22 (d) Neither the Authority nor its directors, officers, or
23 employees, nor any Service Board subject to this Section nor
24 its directors, officers, or employees, nor a mass transit
25 district nor its directors, officers, or employees shall be
26 held liable in any civil action for any injury to any person or

1 property for any acts or omissions or failure to act under this
2 Section or pursuant to 49 CFR Part 659, as now or hereafter
3 amended.

4 (e) The Authority shall comply with all requirements of 49
5 U.S.C. 5329 as required by the Department of Transportation
6 under paragraph (7) of Section 2705-300 of the Department of
7 Transportation Law of the Civil Administrative Code of
8 Illinois.

9 (Source: P.A. 90-273, eff. 7-30-97.)

10 (45 ILCS 111/Act rep.)

11 Section 25. The Bi-State Transit Safety Act is repealed.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."