



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4533

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.05
5 ILCS 140/3.5

Amends the Open Meetings Act and the Freedom of Information Act. Provides that an elected or appointed member of a public body of a municipality may satisfy the training requirements under the Open Meetings Act and a Freedom of Information Officer may satisfy the training requirements under the Freedom of Information Act by participating in a course of training sponsored or conducted by the Illinois Municipal League. Provides content requirements for the training. Provides that if an organization representing municipalities provides training, it must provide a certificate of course completion to each elected or appointed member of a public body who successfully completes that course of training.

LRB100 15098 HEP 31736 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 1.05 as follows:

6 (5 ILCS 120/1.05)

7 Sec. 1.05. Training.

8 (a) Every public body shall designate employees, officers,
9 or members to receive training on compliance with this Act.
10 Each public body shall submit a list of designated employees,
11 officers, or members to the Public Access Counselor. Within 6
12 months after the effective date of this amendatory Act of the
13 96th General Assembly, the designated employees, officers, and
14 members must successfully complete an electronic training
15 curriculum, developed and administered by the Public Access
16 Counselor, and thereafter must successfully complete an annual
17 training program. Thereafter, whenever a public body
18 designates an additional employee, officer, or member to
19 receive this training, that person must successfully complete
20 the electronic training curriculum within 30 days after that
21 designation.

22 (b) Except as otherwise provided in this Section, each
23 elected or appointed member of a public body subject to this

1 Act who is such a member on the effective date of this
2 amendatory Act of the 97th General Assembly must successfully
3 complete the electronic training curriculum developed and
4 administered by the Public Access Counselor. For these members,
5 the training must be completed within one year after the
6 effective date of this amendatory Act.

7 Except as otherwise provided in this Section, each elected
8 or appointed member of a public body subject to this Act who
9 becomes such a member after the effective date of this
10 amendatory Act of the 97th General Assembly shall successfully
11 complete the electronic training curriculum developed and
12 administered by the Public Access Counselor. For these members,
13 the training must be completed not later than the 90th day
14 after the date the member:

15 (1) takes the oath of office, if the member is required
16 to take an oath of office to assume the person's duties as
17 a member of the public body; or

18 (2) otherwise assumes responsibilities as a member of
19 the public body, if the member is not required to take an
20 oath of office to assume the person's duties as a member of
21 the governmental body.

22 Each member successfully completing the electronic
23 training curriculum shall file a copy of the certificate of
24 completion with the public body.

25 Completing the required training as a member of the public
26 body satisfies the requirements of this Section with regard to

1 the member's service on a committee or subcommittee of the
2 public body and the member's ex officio service on any other
3 public body.

4 The failure of one or more members of a public body to
5 complete the training required by this Section does not affect
6 the validity of an action taken by the public body.

7 An elected or appointed member of a public body subject to
8 this Act who has successfully completed the training required
9 under this subsection (b) and filed a copy of the certificate
10 of completion with the public body is not required to
11 subsequently complete the training required under this
12 subsection (b).

13 (c) An elected school board member may satisfy the training
14 requirements of this Section by participating in a course of
15 training sponsored or conducted by an organization created
16 under Article 23 of the School Code. The course of training
17 shall include, but not be limited to, instruction in:

18 (1) the general background of the legal requirements
19 for open meetings;

20 (2) the applicability of this Act to public bodies;

21 (3) procedures and requirements regarding quorums,
22 notice, and record-keeping under this Act;

23 (4) procedures and requirements for holding an open
24 meeting and for holding a closed meeting under this Act;
25 and

26 (5) penalties and other consequences for failing to

1 comply with this Act.

2 If an organization created under Article 23 of the School
3 Code provides a course of training under this subsection (c),
4 it must provide a certificate of course completion to each
5 school board member who successfully completes that course of
6 training.

7 (d) A commissioner of a drainage district may satisfy the
8 training requirements of this Section by participating in a
9 course of training sponsored or conducted by an organization
10 that represents the drainage districts created under the
11 Illinois Drainage Code. The course of training shall include,
12 but not be limited to, instruction in:

13 (1) the general background of the legal requirements
14 for open meetings;

15 (2) the applicability of this Act to public bodies;

16 (3) procedures and requirements regarding quorums,
17 notice, and record-keeping under this Act;

18 (4) procedures and requirements for holding an open
19 meeting and for holding a closed meeting under this Act;
20 and

21 (5) penalties and other consequences for failing to
22 comply with this Act.

23 If an organization that represents the drainage districts
24 created under the Illinois Drainage Code provides a course of
25 training under this subsection (d), it must provide a
26 certificate of course completion to each commissioner who

1 successfully completes that course of training.

2 (e) A director of a soil and water conservation district
3 may satisfy the training requirements of this Section by
4 participating in a course of training sponsored or conducted by
5 an organization that represents soil and water conservation
6 districts created under the Soil and Water Conservation
7 Districts Act. The course of training shall include, but not be
8 limited to, instruction in:

9 (1) the general background of the legal requirements
10 for open meetings;

11 (2) the applicability of this Act to public bodies;

12 (3) procedures and requirements regarding quorums,
13 notice, and record-keeping under this Act;

14 (4) procedures and requirements for holding an open
15 meeting and for holding a closed meeting under this Act;
16 and

17 (5) penalties and other consequences for failing to
18 comply with this Act.

19 If an organization that represents the soil and water
20 conservation districts created under the Soil and Water
21 Conservation Districts Act provides a course of training under
22 this subsection (e), it must provide a certificate of course
23 completion to each director who successfully completes that
24 course of training.

25 (f) An elected or appointed member of a public body of a
26 park district, forest preserve district, or conservation

1 district may satisfy the training requirements of this Section
2 by participating in a course of training sponsored or conducted
3 by an organization that represents the park districts created
4 in the Park District Code. The course of training shall
5 include, but not be limited to, instruction in:

6 (1) the general background of the legal requirements
7 for open meetings;

8 (2) the applicability of this Act to public bodies;

9 (3) procedures and requirements regarding quorums,
10 notice, and record-keeping under this Act;

11 (4) procedures and requirements for holding an open
12 meeting and for holding a closed meeting under this Act;
13 and

14 (5) penalties and other consequences for failing to
15 comply with this Act.

16 If an organization that represents the park districts
17 created in the Park District Code provides a course of training
18 under this subsection (f), it must provide a certificate of
19 course completion to each elected or appointed member of a
20 public body who successfully completes that course of training.

21 (g) An elected or appointed member of a public body of a
22 municipality may satisfy the training requirements of this
23 Section by participating in a course of training sponsored or
24 conducted by an organization that represents municipalities as
25 designated in Section 1-8-1 of the Illinois Municipal Code. The
26 course of training shall include, but not be limited to,

1 instruction in:

2 (1) the general background of the legal requirements
3 for open meetings;

4 (2) the applicability of this Act to public bodies;

5 (3) procedures and requirements regarding quorums,
6 notice, and record-keeping under this Act;

7 (4) procedures and requirements for holding an open
8 meeting and for holding a closed meeting under this Act;
9 and

10 (5) penalties and other consequences for failing to
11 comply with this Act.

12 If an organization that represents municipalities as
13 designated in Section 1-8-1 of the Illinois Municipal Code
14 provides a course of training under this subsection (g), it
15 must provide a certificate of course completion to each elected
16 or appointed member of a public body who successfully completes
17 that course of training.

18 (Source: P.A. 97-504, eff. 1-1-12; 97-1153, eff. 1-25-13;
19 98-900, eff. 8-15-14.)

20 Section 10. The Freedom of Information Act is amended by
21 changing Section 3.5 as follows:

22 (5 ILCS 140/3.5)

23 Sec. 3.5. Freedom of Information officers.

24 (a) Each public body shall designate one or more officials

1 or employees to act as its Freedom of Information officer or
2 officers. Except in instances when records are furnished
3 immediately, Freedom of Information officers, or their
4 designees, shall receive requests submitted to the public body
5 under this Act, ensure that the public body responds to
6 requests in a timely fashion, and issue responses under this
7 Act. Freedom of Information officers shall develop a list of
8 documents or categories of records that the public body shall
9 immediately disclose upon request.

10 Upon receiving a request for a public record, the Freedom
11 of Information officer shall:

12 (1) note the date the public body receives the written
13 request;

14 (2) compute the day on which the period for response
15 will expire and make a notation of that date on the written
16 request;

17 (3) maintain an electronic or paper copy of a written
18 request, including all documents submitted with the
19 request until the request has been complied with or denied;
20 and

21 (4) create a file for the retention of the original
22 request, a copy of the response, a record of written
23 communications with the requester, and a copy of other
24 communications.

25 (b) Except as provided in subsection (c), all ~~All~~ Freedom
26 of Information officers shall, within 6 months after the

1 effective date of this amendatory Act of the 96th General
2 Assembly, successfully complete an electronic training
3 curriculum to be developed by the Public Access Counselor and
4 thereafter successfully complete an annual training program.
5 Thereafter, whenever a new Freedom of Information officer is
6 designated by a public body, that person shall successfully
7 complete the electronic training curriculum within 30 days
8 after assuming the position. Successful completion of the
9 required training curriculum within the periods provided shall
10 be a prerequisite to continue serving as a Freedom of
11 Information officer.

12 (c) A Freedom of Information officer of a municipality may
13 satisfy the training requirements of this Section by
14 participating in a course of training sponsored or conducted by
15 an organization that represents municipalities as designated
16 in Section 1-8-1 of the Illinois Municipal Code. The course of
17 training shall include, but not be limited to, instruction in:

18 (1) the general background of the legal requirements
19 for the disclosure of public records;

20 (2) the applicability of this Act to public bodies;

21 (3) procedures and requirements regarding requests for
22 public records, timely responses to requests,
23 correspondence with requesters, exceptions to disclosure
24 requirements, and record-keeping under this Act;

25 (4) procedures and requirements for inquiries from and
26 responses to the Public Access Counselor under this Act;

1 and

2 (5) penalties and other consequences for failing to
3 comply with this Act.

4 If an organization that represents municipalities as
5 designated in Section 1-8-1 of the Illinois Municipal Code
6 provides a course of training under this subsection, it must
7 provide a certificate of course completion to each elected or
8 appointed member of a public body who successfully completes
9 that course of training.

10 (Source: P.A. 96-542, eff. 1-1-10.)