



Sen. Thomas Cullerton

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LRB100 04991 AWJ 40650 a

1 AMENDMENT TO SENATE BILL 36

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 36 by replacing  
3 everything after the enacting clause with the following:

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.

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

5           "Public body" includes all legislative, executive,  
6 administrative or advisory bodies of the State, counties,  
7 townships, cities, villages, incorporated towns, school  
8 districts and all other municipal corporations, boards,  
9 bureaus, committees or commissions of this State, and any  
10 subsidiary bodies of any of the foregoing including but not  
11 limited to committees and subcommittees which are supported in  
12 whole or in part by tax revenue, or which expend tax revenue,  
13 except the General Assembly and committees or commissions  
14 thereof. "Public body" includes tourism boards, for-profit and  
15 not-for-profit tourism organizations receiving public moneys,  
16 and convention or civic center boards located in any county  
17 ~~counties that are contiguous to the Mississippi River with~~  
18 ~~populations of more than 250,000 but less than 300,000.~~ "Public  
19 body" includes the Health Facilities and Services Review Board.  
20 "Public body" does not include a child death review team or the  
21 Illinois Child Death Review Teams Executive Council  
22 established under the Child Death Review Team Act, an ethics  
23 commission acting under the State Officials and Employees  
24 Ethics Act, a regional youth advisory board or the Statewide  
25 Youth Advisory Board established under the Department of  
26 Children and Family Services Statewide Youth Advisory Board

1 Act, or the Illinois Independent Tax Tribunal.

2 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

3 Section 10. The Freedom of Information Act is amended by  
4 changing Section 2 as follows:

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

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

7 (a) "Public body" means all legislative, executive,  
8 administrative, or advisory bodies of the State, state  
9 universities and colleges, counties, townships, cities,  
10 villages, incorporated towns, school districts and all other  
11 municipal corporations, boards, bureaus, committees, or  
12 commissions of this State, any subsidiary bodies of any of the  
13 foregoing including but not limited to committees and  
14 subcommittees thereof, and a School Finance Authority created  
15 under Article 1E of the School Code. "Public body" also  
16 includes any for-profit or not-for-profit tourism board, or  
17 tourism organization, receiving public moneys. "Public body"  
18 does not include a child death review team or the Illinois  
19 Child Death Review Teams Executive Council established under  
20 the Child Death Review Team Act, or 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.

24 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting  
2 individually or as a group.

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

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

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

1 to be made for a "commercial purpose" when the principal  
2 purpose of the request is (i) to access and disseminate  
3 information concerning news and current or passing events, (ii)  
4 for articles of opinion or features of interest to the public,  
5 or (iii) for the purpose of academic, scientific, or public  
6 research or education.

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

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

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

23 (g) "Recurrent requester", as used in Section 3.2 of this  
24 Act, means a person that, in the 12 months immediately  
25 preceding the request, has submitted to the same public body  
26 (i) a minimum of 50 requests for records, (ii) a minimum of 15

1 requests for records within a 30-day period, or (iii) a minimum  
2 of 7 requests for records within a 7-day period. For purposes  
3 of this definition, requests made by news media and non-profit,  
4 scientific, or academic organizations shall not be considered  
5 in calculating the number of requests made in the time periods  
6 in this definition when the principal purpose of the requests  
7 is (i) to access and disseminate information concerning news  
8 and current or passing events, (ii) for articles of opinion or  
9 features of interest to the public, or (iii) for the purpose of  
10 academic, scientific, or public research or education.

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

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

1 map, microfilm, tape, or recording.

2 "Voluminous request" does not include a request made by  
3 news media and non-profit, scientific, or academic  
4 organizations if the principal purpose of the request is: (1)  
5 to access and disseminate information concerning news and  
6 current or passing events; (2) for articles of opinion or  
7 features of interest to the public; or (3) for the purpose of  
8 academic, scientific, or public research or education.

9 For the purposes of this subsection (h), "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 or records the requester seeks. One  
15 request may identify multiple individual records to be  
16 inspected or copied.

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

20 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
21 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

22 Section 15. The Counties Code is amended by changing  
23 Section 5-1038 as follows:

24 (55 ILCS 5/5-1038) (from Ch. 34, par. 5-1038)

1           Sec. 5-1038. Historical museums; tourism grants. A county  
2 board may own and operate historical museums and may make  
3 grants to not-for-profit tourism organizations from federal,  
4 State or any other monies available. Any not-for-profit tourism  
5 organization receiving State or other public monies from a  
6 county board must disclose all employee salaries and all  
7 expenses on its publicly accessible website. If a  
8 not-for-profit tourism board receiving State or other public  
9 monies from a county board does not have a publicly accessible  
10 website, then the board shall, within 30 days of the effective  
11 date of this amendatory Act of the 100th General Assembly,  
12 create such a website and publish the salary and expense  
13 information on that website.

14           (Source: P.A. 86-962; 86-1028.)

15           Section 99. Effective date. This Act takes effect upon  
16 becoming law."