



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3170

Introduced 2/11/2020, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.03.5 new
5 ILCS 140/7.5
20 ILCS 405/405-335
30 ILCS 805/8.44 new

Amends the Open Meetings Act. Provides that a unit of local government or school district with a population of 25,000 or more shall maintain an Internet website, and any unit of local government or school district that maintains an Internet website shall post to its website for the current calendar or fiscal year specified information. Limits home rule. Provides that all local records required to be posted shall remain posted on the entity's website, or subsequent websites, for 10 years. Exempts school districts controlled by the Department of Juvenile Justice. Amends the Freedom of Information Act. Provides an exemption from inspection and copying of any record or information that a unit of local government or school district maintains an electronic copy of on its website to comply with the Open Meetings Act. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Provides that within 6 months after the effective date of the amendatory Act, the Illinois Transparency and Accountability Portal shall have the capability to compile and update its database with information received from all school districts and units of local government. Authorizes the Illinois Transparency and Accountability Portal to provide direct access to information compiled under specified provisions of the Open Meetings Act. Provides an exempt mandate provision. Provides a severability clause. Effective immediately.

LRB101 20349 RJF 69894 b

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning open meetings.

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 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 a
9 population of 25,000 or more shall maintain an Internet
10 website, and any unit of local government or school district
11 that maintains an Internet website shall post to its website
12 for the current calendar or fiscal year, as the case may be,
13 the following information:

14 (1) The official contact information, including the
15 official phone number and email address, for all elected
16 and appointed officials of the unit of local government or
17 school district, the Freedom of Information Officer, the
18 chief administrator, and the head administrator for each
19 department.

20 (2) The agenda, board packets, and any other prepared
21 materials, except for supplemental materials, of all
22 regular meetings shall be posted at least 48 hours before a
23 meeting. The agenda, board packets, and any other prepared

1 materials, except for supplemental materials, of all
2 special meetings shall be posted at least 24 hours before a
3 meeting. The agenda, board packets, and any other prepared
4 materials, except for supplemental materials, of all
5 emergency meetings shall be posted when practicable. The
6 postings required by this paragraph (2) shall indicate if
7 the agendas are in draft form. The minutes from any regular
8 or special meeting shall be posted within 72 hours after
9 approval, along with any supplemental materials not posted
10 prior to a meeting.

11 (3) The annual budget and appropriation ordinances.

12 (4) Any ordinances under which the unit of local
13 government or school district operates as of the effective
14 date of this amendatory Act of the 101st General Assembly
15 and all ordinances thereafter adopted. If codified,
16 ordinances shall be posted in codified form.

17 (5) Any procedures required to apply for building
18 permits and zoning variances.

19 (6) If not already posted on the Internet website the
20 State Comptroller, any budget, compliance, or financial
21 audit prepared by an external or independent auditor, audit
22 schedule, or special project report, including, without
23 limitation, the comprehensive annual financial report,
24 performance audits, and reports required under the Tax
25 Increment Allocation Redevelopment Act in the Illinois
26 Municipal Code. All reports should include the following:

1 (A) All actual revenues and expenditures for at
2 least the 3 previous fiscal years. Any report focusing
3 on any subset of the total should specify that only
4 partial amounts are shown and identify the total amount
5 and the nature of items not included in the report.

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

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

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

16 (E) Audits should include a management letter.

17 (7) Contracts with lobbying firms hired by the unit of
18 local government or school district, as well as a list of
19 the names and amounts of money paid to lobbying
20 associations by the unit of local government or school
21 district.

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

24 (9) The names of the recipients of, the amounts awarded
25 for, and descriptions of all bids and contracts for
26 purchase in the amount of \$25,000 or more.

1 (10) Public notices.

2 (b) The postings required by this Section are in addition
3 to any other posting requirements required by law or ordinance.

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

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

13 (e) This Section shall not apply to any school district
14 operated by the Department of Juvenile Justice.

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

17 (5 ILCS 140/7.5)

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

21 (a) All information determined to be confidential
22 under Section 4002 of the Technology Advancement and
23 Development Act.

24 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

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

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

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

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

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

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

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

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

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

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

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

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the Capital
25 Crimes Litigation Act. This subsection (n) shall apply
26 until the conclusion of the trial of the case, even if the

1 prosecution chooses not to pursue the death penalty prior
2 to trial or sentencing.

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

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

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

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

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

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

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as 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) Information that is exempted from disclosure
23 under Section 30.1 of the Pharmacy Practice Act.

24 (ff) Information that is exempted from disclosure
25 under the Revised Uniform Unclaimed Property Act.

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle
2 Code.

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

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

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

13 (kk) Information prohibited from disclosure under the
14 Seizure and Forfeiture Reporting Act.

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

18 (mm) Records that are exempt from disclosure under
19 Section 4.2 of the Crime Victims Compensation Act.

20 (nn) Information that is exempt from disclosure under
21 Section 70 of the Higher Education Student Assistance Act.

22 (oo) Communications, notes, records, and reports
23 arising out of a peer support counseling session prohibited
24 from disclosure under the First Responders Suicide
25 Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law
2 enforcement agency under the First Responders Suicide
3 Prevention Act.

4 (qq) Information and records held by the Department of
5 Public Health and its authorized representatives collected
6 under the Reproductive Health Act.

7 (rr) Information that is exempt from disclosure under
8 the Cannabis Regulation and Tax Act.

9 (ss) Data reported by an employer to the Department of
10 Human Rights pursuant to Section 2-108 of the Illinois
11 Human Rights Act.

12 (tt) Recordings made under the Children's Advocacy
13 Center Act, except to the extent authorized under that Act.

14 (uu) Information that is exempt from disclosure under
15 Section 50 of the Sexual Assault Evidence Submission Act.

16 (vv) Information that is exempt from disclosure under
17 subsections (f) and (j) of Section 5-36 of the Illinois
18 Public Aid Code.

19 (ww) Information that is exempt from disclosure under
20 Section 16.8 of the State Treasurer Act.

21 (xx) Information that is exempt from disclosure or
22 information that shall not be made public under the
23 Illinois Insurance Code.

24 (yy) ~~(oo)~~ Information prohibited from being disclosed
25 under the Illinois Educational Labor Relations Act.

26 (zz) ~~(pp)~~ Information prohibited from being disclosed

1 under the Illinois Public Labor Relations Act.

2 (aaa) ~~(cc)~~ Information prohibited from being disclosed
3 under Section 1-167 of the Illinois Pension Code.

4 (bbb) Any record or information that a unit of local
5 government or school district maintains an electronic copy
6 of on its Internet website in order to comply with the Open
7 Meetings Act.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised
17 1-6-20.)

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

21 (20 ILCS 405/405-335)

22 Sec. 405-335. Illinois Transparency and Accountability
23 Portal (ITAP).

24 (a) The Department, within 12 months after the effective

1 date of this amendatory Act of the 96th General Assembly, shall
2 establish and maintain a website, known as the Illinois
3 Transparency and Accountability Portal (ITAP), with a
4 full-time webmaster tasked with compiling and updating the ITAP
5 database with information received from all State agencies as
6 defined in this Section. Within 6 months after the effective
7 date of this amendatory Act of the 101st General Assembly, ITAP
8 shall have the capability to compile and update the ITAP
9 database with information received from all school districts
10 and units of local government, including, but not limited to,
11 counties, townships, library districts, and municipalities.
12 Subject to appropriation, the full-time webmaster must also
13 compile and update the ITAP database with information received
14 from all school districts and units of local government
15 including, but not limited to, counties, townships, library
16 districts, and municipalities.

17 (b) For purposes of this Section:

18 "State agency" means the offices of the constitutional
19 officers identified in Article V of the Illinois Constitution,
20 executive agencies, and departments, boards, commissions, and
21 Authorities under the Governor.

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

26 "Appropriation" means line-item detail of spending

1 approved by the General Assembly and Governor, categorized by
2 object of expenditure.

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

5 "Recipients" means State agencies receiving
6 appropriations.

7 (c) The ITAP shall provide direct access to each of the
8 following:

9 (1) A database of all current State employees and
10 individual consultants, except sworn law enforcement
11 officers, sorted separately by:

12 (i) Name.

13 (ii) Employing State agency.

14 (iii) Employing State division.

15 (iv) Employment position title.

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

17 (2) A database of all current State expenditures,
18 sorted separately by agency, category, recipient, and
19 Representative District.

20 (3) A database of all development assistance
21 reportable pursuant to the Corporate Accountability for
22 Tax Expenditures Act, sorted separately by tax credit
23 category, taxpayer, and Representative District.

24 (4) A database of all revocations and suspensions of
25 State occupation and use tax certificates of registration
26 and all revocations and suspensions of State professional

1 licenses, sorted separately by name, geographic location,
2 and certificate of registration number or license number,
3 as applicable. Professional license revocations and
4 suspensions shall be posted only if resulting from a
5 failure to pay taxes, license fees, or child support.

6 (5) A database of all current State contracts, sorted
7 separately by contractor name, awarding officer or agency,
8 contract value, and goods or services provided.

9 (6) A database of all employees hired after the
10 effective date of this amendatory Act of 2010, sorted
11 searchably by each of the following at the time of
12 employment:

13 (i) Name.

14 (ii) Employing State agency.

15 (iii) Employing State division.

16 (iv) Employment position title.

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

18 (vi) County of employment location.

19 (vii) Rutan status.

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

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

25 (x) Status as a military veteran.

26 (7) A searchable database of all current county,

1 township, library district, and municipal employees sorted
2 separately by:

3 (i) Employing unit of local government.

4 (ii) Employment position title.

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

6 (8) A searchable database of all county, township, and
7 municipal employees hired on or after the effective date of
8 this amendatory Act of the 97th General Assembly, sorted
9 separately by each of the following at the time of
10 employment:

11 (i) Employing unit of local government.

12 (ii) Employment position title.

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

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

18 (i) Employing unit of local government.

19 (ii) Employment position title.

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

21 (10) A link to a website maintained by the Department
22 that contains a list of contact information for each State
23 agency, including a telephone number and a link to the
24 Agency's website. Each State agency shall be responsible
25 for providing and updating the Department with this
26 information.

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

3 (d) The ITAP shall include all information required to be
4 published by subsection (c) of this Section that is available
5 to the Department in a format the Department can compile and
6 publish on the ITAP. The Department shall update the ITAP as
7 additional information becomes available in a format that can
8 be compiled and published on the ITAP by the Department.

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

13 (f) Each county, township, library district, or
14 municipality submitting information to be displayed on the
15 Illinois Transparency and Accountability Portal (ITAP) is
16 responsible for the accuracy of the information provided.

17 (g) The Department, within 6 months after January 1, 2014
18 (the effective date of Public Act 98-283), shall distribute a
19 spreadsheet or otherwise make data entry available to each
20 State agency to facilitate the collection of data on the
21 State's annual workforce characteristics, workforce
22 compensation, and employee mobility. The Department shall
23 determine the data to be collected by each State agency. Each
24 State agency shall cooperate with the Department in furnishing
25 the data necessary for the implementation of this subsection
26 within the timeframe specified by the Department. The

1 Department shall publish the data received from each State
2 agency on the ITAP or another open data site annually.

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.44 as follows:

7 (30 ILCS 805/8.44 new)

8 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 101st General Assembly.

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

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