



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3410

Introduced 2/22/2021, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.03.5 new
5 ILCS 140/7.5
20 ILCS 405/405-335
30 ILCS 805/8.45 new

Amends the Open Meetings Act. Provides that a unit of local government or school district with an operating budget of \$1,000,000 or more shall maintain an Internet website and post to its website for the current calendar or fiscal year specified information. Provides that the information required to be posted must be easily accessible from the unit of local government's or school district's website home page and searchable. Provides penalties for noncompliance. Provides that no home rule unit may adopt posting requirements that are less restrictive than those provided in the Act. Provides that all local records required to be posted shall remain posted on the entity's website, or subsequent websites, for 10 years. Exempts the School District of 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 Internet website in order 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 this 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.

LRB102 12541 RJF 17879 b

1 AN ACT concerning State 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 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 an
9 operating budget of \$1,000,000 or more shall maintain an
10 Internet website and post to its website for the current
11 calendar or fiscal year, as the case may be, the following
12 information:

13 (1) The contact information, including the phone
14 number and email address, for all elected and appointed
15 officials, the Freedom of Information officer, the chief
16 administrator, and the head administrator for each
17 department.

18 (2) The agenda, board packets, and any other prepared
19 materials of all regular meetings shall be posted at least
20 48 hours before a meeting. The agenda, board packets, and
21 any other prepared materials of all special or emergency
22 meetings shall be posted at least 24 hours before a
23 meeting. The posting shall indicate if the agendas are in

1 draft form. The minutes from any regular or special
2 meeting shall be posted within 48 hours of approval.

3 (3) In accordance with the Freedom of Information Act,
4 the procedure for requesting information from the unit of
5 local government or school district.

6 (4) The annual budget and appropriation ordinances.

7 (5) The ordinances under which the unit of local
8 government or school district operates as of the effective
9 date of this amendatory Act of the 102nd General Assembly
10 and all ordinances thereafter adopted.

11 (6) The procedures required to apply for building
12 permits and zoning variances.

13 (7) Any budget, financial audit or audit schedule,
14 including without limitation, the comprehensive annual
15 financial report, performance audits, and reports required
16 under the Tax Increment Allocation Redevelopment Act in
17 the Illinois Municipal Code. All reports should include
18 the following:

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

25 (B) Revenues should be broken out by source,
26 including the broad categories of local, State, and

1 federal tax dollars.

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

4 (D) Expenditure summaries for units of local
5 government should reflect the per-resident calculation
6 for comparison to other governmental bodies. For
7 schools, a per-pupil calculation should be made based
8 on full-time or equivalent enrollment.

9 (E) Audits should include a management letter.

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

12 (9) The ordinances and rules governing the award of
13 all bids and contracts for purchase in the amount of
14 \$25,000 or more.

15 (10) All bids and contracts for purchase in the amount
16 of \$25,000 or more.

17 (11) A debt disclosure report that includes the
18 following:

19 (A) sum total of all debts and liabilities;

20 (B) sum total of gross tax levy for the most recent
21 tax year;

22 (C) gross operating budget revenue for the most
23 recent fiscal year;

24 (D) total pension liability; and

25 (E) total unfunded pension liability.

26 (b) The information required to be posted under subsection

1 (a) must be easily accessible from the unit of local
2 government's or school district's website home page and
3 searchable.

4 (c) The postings required by this Section are in addition
5 to any other posting requirements required by law or
6 ordinance.

7 (d) If a unit of local government or school district fails
8 to comply with this Section, then any person, including the
9 State's Attorney of the county in which such noncompliance may
10 occur, may bring a civil action in the circuit court for the
11 judicial circuit in which the alleged noncompliance has
12 occurred, or in which the affected public body has its
13 principal office. The court, having due regard for orderly
14 administration and the public interest, as well as for the
15 interests of the parties, may grant such relief as it deems
16 appropriate, including granting a relief by mandamus to compel
17 the unit of local government or school district to comply with
18 the requirements set forth in subsection (a) or injunction
19 against future violations of this Act. The court may assess
20 against any party reasonable attorney's fees and other
21 litigation costs reasonably incurred by any other party who
22 substantially prevails in any action brought in accordance
23 with this Section, provided that costs may be assessed against
24 any private party or parties bringing an action pursuant to
25 this Section only upon the court's determination that the
26 action is malicious or frivolous in nature.

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

6 (f) All local records required to be posted by this
7 amendatory Act of the 102nd General Assembly shall remain
8 posted on the entity's website, or subsequent websites, for 10
9 years.

10 (g) This Section shall not apply to School District No.
11 428, operated by the Department of Juvenile Justice.

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

14 (5 ILCS 140/7.5)

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

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other
3 records 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
2 local emergency energy plan ordinance that is adopted
3 under 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 carriers
6 under the Emergency Telephone System Act.

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

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

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

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

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

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

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

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

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

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained
18 in, stored in, submitted to, transferred by, or released
19 from the Illinois Health Information Exchange, and
20 identified or deidentified health information in the form
21 of health data and medical records of the Illinois Health
22 Information Exchange in the possession of the Illinois
23 Health Information Exchange Office due to its
24 administration of the Illinois Health Information
25 Exchange. The terms "identified" and "deidentified" shall
26 be given the same meaning as in the Health Insurance

1 Portability and Accountability Act of 1996, Public Law
2 104-191, or any subsequent amendments thereto, and any
3 regulations promulgated thereunder.

4 (u) Records and information provided to an independent
5 team of experts under the Developmental Disability and
6 Mental Health Safety Act (also known as Brian's Law).

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

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of
3 an eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

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

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

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

13 (cc) Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

19 (ee) Information that is exempted from disclosure
20 under Section 30.1 of the Pharmacy Practice Act.

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

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

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

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

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

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

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

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

23 (pp) Names and all identifying information relating to
24 an employee of an emergency services provider or law
25 enforcement agency under the First Responders Suicide
26 Prevention Act.

1 (qq) Information and records held by the Department of
2 Public Health and its authorized representatives collected
3 under the Reproductive Health Act.

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

6 (ss) Data reported by an employer to the Department of
7 Human Rights pursuant to Section 2-108 of the Illinois
8 Human Rights Act.

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

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

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

17 (wv) Information that is exempt from disclosure under
18 Section 16.8 of the State Treasurer Act.

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

22 (yy) Information prohibited from being disclosed under
23 the Illinois Educational Labor Relations Act.

24 (zz) Information prohibited from being disclosed under
25 the Illinois Public Labor Relations Act.

26 (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

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

6 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
7 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
8 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
9 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
10 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
11 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
12 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
13 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
14 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
15 eff. 7-7-20.)

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

19 (20 ILCS 405/405-335)

20 Sec. 405-335. Illinois Transparency and Accountability
21 Portal (ITAP).

22 (a) The Department, within 12 months after the effective
23 date of this amendatory Act of the 96th General Assembly,
24 shall establish and maintain a website, known as the Illinois

1 Transparency and Accountability Portal (ITAP), with a
2 full-time webmaster tasked with compiling and updating the
3 ITAP database with information received from all State
4 agencies as defined in this Section. Within 6 months after the
5 effective date of this amendatory Act of the 102nd General
6 Assembly, ITAP shall have the capability to compile and update
7 the ITAP database with information received from all school
8 districts and units of local government, including, but not
9 limited to, counties, townships, library districts, and
10 municipalities. Subject to appropriation, the full-time
11 webmaster must also compile and update the ITAP database with
12 information received from all school districts and units of
13 local government including, but not limited to, counties,
14 townships, library districts, and municipalities.

15 (b) For purposes of this Section:

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

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

24 "Appropriation" means line-item detail of spending
25 approved by the General Assembly and Governor, categorized by
26 object of expenditure.

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

3 "Recipients" means State agencies receiving
4 appropriations.

5 (c) The ITAP shall provide direct access to each of the
6 following:

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

10 (i) Name.

11 (ii) Employing State agency.

12 (iii) Employing State division.

13 (iv) Employment position title.

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

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

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

22 (4) A database of all revocations and suspensions of
23 State occupation and use tax certificates of registration
24 and all revocations and suspensions of State professional
25 licenses, sorted separately by name, geographic location,
26 and certificate of registration number or license number,

1 as applicable. Professional license revocations and
2 suspensions shall be posted only if resulting from a
3 failure to pay taxes, license fees, or child support.

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

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

11 (i) Name.

12 (ii) Employing State agency.

13 (iii) Employing State division.

14 (iv) Employment position title.

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

16 (vi) County of employment location.

17 (vii) Rutan status.

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

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

23 (x) Status as a military veteran.

24 (7) A searchable database of all current county,
25 township, library district, and municipal employees sorted
26 separately by:

1 (i) Employing unit of local government.

2 (ii) Employment position title.

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

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

9 (i) Employing unit of local government.

10 (ii) Employment position title.

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

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

16 (i) Employing unit of local government.

17 (ii) Employment position title.

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

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

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

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

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

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

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

1 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13;
2 98-283, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1084, eff.
3 1-1-15.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.45 as follows:

6 (30 ILCS 805/8.45 new)

7 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
8 8 of this Act, no reimbursement by the State is required for
9 the implementation of any mandate created by this amendatory
10 Act of the 102nd General Assembly.

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

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