

HB0483



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0483

Introduced 1/27/2005, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Redefines "public record" to include contracts entered into by or on behalf of a public body, notwithstanding any of the Act's exemptions. Effective immediately.

LRB094 06275 JAM 36348 b

A BILL FOR

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 Freedom of Information Act is amended by
5 changing Section 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

8 (a) "Public body" means any legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees which are supported in whole or in part by tax
16 revenue, or which expend tax revenue, and a School Finance
17 Authority created under Article 1E of the School Code. "Public
18 body" does not include a child death review team or the
19 Illinois Child Death Review Teams Executive Council
20 established under the Child Death Review Team Act.

21 (b) "Person" means any individual, corporation,
22 partnership, firm, organization or association, acting
23 individually or as a group.

24 (c) "Public records" means all records, reports, forms,
25 writings, letters, memoranda, books, papers, maps,
26 photographs, microfilms, cards, tapes, recordings, electronic
27 data processing records, recorded information and all other
28 documentary materials, regardless of physical form or
29 characteristics, having been prepared, or having been or being
30 used, received, possessed or under the control of any public
31 body. "Public records" includes, but is expressly not limited
32 to: (i) administrative manuals, procedural rules, and

1 instructions to staff, unless exempted by Section 7(p) of this
2 Act; (ii) final opinions and orders made in the adjudication of
3 cases, except an educational institution's adjudication of
4 student or employee grievance or disciplinary cases; (iii)
5 substantive rules; (iv) statements and interpretations of
6 policy which have been adopted by a public body; (v) final
7 planning policies, recommendations, and decisions; (vi)
8 factual reports, inspection reports, and studies whether
9 prepared by or for the public body; (vii) all information in
10 any account, voucher, or contract dealing with the receipt or
11 expenditure of public or other funds of public bodies; (viii)
12 the names, salaries, titles, and dates of employment of all
13 employees and officers of public bodies; (ix) materials
14 containing opinions concerning the rights of the state, the
15 public, a subdivision of state or a local government, or of any
16 private persons; (x) the name of every official and the final
17 records of voting in all proceedings of public bodies; (xi)
18 applications for any contract, permit, grant, or agreement
19 except as exempted from disclosure by subsection (g) of Section
20 7 of this Act; (xii) each report, document, study, or
21 publication prepared by independent consultants or other
22 independent contractors for the public body; (xiii) all other
23 information required by law to be made available for public
24 inspection or copying; (xiv) information relating to any grant
25 or contract made by or between a public body and another public
26 body or private organization; (xv) waiver documents filed with
27 the State Superintendent of Education or the president of the
28 University of Illinois under Section 30-12.5 of the School
29 Code, concerning nominees for General Assembly scholarships
30 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
31 complaints, results of complaints, and Department of Children
32 and Family Services staff findings of licensing violations at
33 day care facilities, provided that personal and identifying
34 information is not released; ~~and~~ (xvii) records, reports,
35 forms, writings, letters, memoranda, books, papers, and other
36 documentary information, regardless of physical form or

1 characteristics, having been prepared, or having been or being
2 used, received, possessed, or under the control of the Illinois
3 Sports Facilities Authority dealing with the receipt or
4 expenditure of public funds or other funds of the Authority in
5 connection with the reconstruction, renovation, remodeling,
6 extension, or improvement of all or substantially all of an
7 existing "facility" as that term is defined in the Illinois
8 Sports Facilities Authority Act; and (xviii) contracts entered
9 into by or on behalf of a public body notwithstanding the
10 application of any exemption contained in Section 7 of this
11 Act.

12 (d) "Copying" means the reproduction of any public record
13 by means of any photographic, electronic, mechanical or other
14 process, device or means.

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

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

27 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
28 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
29 7-11-02.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.