



Rep. Carol A. Sente

Filed: 4/13/2012

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LRB097 13904 KMW 68461 a

1 AMENDMENT TO HOUSE BILL 3859

2 AMENDMENT NO. _____. Amend House Bill 3859, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory Exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be exempt
10 from inspection and copying:

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

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library Records
15 Confidentiality Act.

16 (c) Applications, related documents, and medical records

1 received by the Experimental Organ Transplantation Procedures
2 Board and any and all documents or other records prepared by
3 the Experimental Organ Transplantation Procedures Board or its
4 staff relating to applications it has received.

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

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

12 (f) Firm performance evaluations under Section 55 of the
13 Architectural, Engineering, and Land Surveying Qualifications
14 Based Selection Act.

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

17 (h) Information the disclosure of which is exempted under
18 the State Officials and Employees Ethics Act, and records of
19 any lawfully created State or local inspector general's office
20 that would be exempt if created or obtained by an Executive
21 Inspector General's office under that Act.

22 (i) Information contained in a local emergency energy plan
23 submitted to a municipality in accordance with a local
24 emergency energy plan ordinance that is adopted under Section
25 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution of

1 surcharge moneys collected and remitted by wireless carriers
2 under the Wireless Emergency Telephone Safety Act.

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

7 (l) Records and information provided to a residential
8 health care facility resident sexual assault and death review
9 team or the Executive Council under the Abuse Prevention Review
10 Team Act.

11 (m) Information provided to the predatory lending database
12 created pursuant to Article 3 of the Residential Real Property
13 Disclosure Act, except to the extent authorized under that
14 Article.

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

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

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act or the St. Clair County
4 Transit District under the Bi-State Transit Safety Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Records Review Act.

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

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

11 (t) All identified or deidentified health information in
12 the form of health data or medical records contained in, stored
13 in, submitted to, transferred by, or released from the Illinois
14 Health Information Exchange, and identified or deidentified
15 health information in the form of health data and medical
16 records of the Illinois Health Information Exchange in the
17 possession of the Illinois Health Information Exchange
18 Authority due to its administration of the Illinois Health
19 Information Exchange. The terms "identified" and
20 "deidentified" shall be given the same meaning as in the Health
21 Insurance Accountability and Portability Act of 1996, Public
22 Law 104-191, or any subsequent amendments thereto, and any
23 regulations promulgated thereunder.

24 (u) Records and information provided to an independent team
25 of experts under Brian's Law.

26 (v) Names and information of people who have applied for or

1 received Firearm Owner's Identification Cards under the
2 Firearm Owners Identification Card Act.

3 (w) ~~(v)~~ Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section 19.1
5 of the Toll Highway Act.

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

9 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
10 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
11 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

12 Section 10. The Counties Code is amended by changing
13 Section 5-1014.3 as follows:

14 (55 ILCS 5/5-1014.3)

15 Sec. 5-1014.3. Agreements to share or rebate occupation
16 taxes.

17 (a) On and after June 1, 2004, a county board shall not
18 enter into any agreement to share or rebate any portion of
19 retailers' occupation taxes generated by retail sales of
20 tangible personal property if: (1) the tax on those retail
21 sales, absent the agreement, would have been paid to another
22 unit of local government; and (2) the retailer maintains,
23 within that other unit of local government, a retail location
24 from which the tangible personal property is delivered to

1 purchasers, or a warehouse from which the tangible personal
2 property is delivered to purchasers. Any unit of local
3 government denied retailers' occupation tax revenue because of
4 an agreement that violates this Section may file an action in
5 circuit court against only the county. Any agreement entered
6 into prior to June 1, 2004 is not affected by this amendatory
7 Act of the 93rd General Assembly. Any unit of local government
8 that prevails in the circuit court action is entitled to
9 damages in the amount of the tax revenue it was denied as a
10 result of the agreement, statutory interest, costs, reasonable
11 attorney's fees, and an amount equal to 50% of the tax.

12 (b) On and after the effective date of this amendatory Act
13 of the 93rd General Assembly, a home rule unit shall not enter
14 into any agreement prohibited by this Section. This Section is
15 a denial and limitation of home rule powers and functions under
16 subsection (g) of Section 6 of Article VII of the Illinois
17 Constitution.

18 (c) Any county that enters into an agreement to share or
19 rebate any portion of retailers' occupation taxes generated by
20 retail sales of tangible personal property must complete and
21 submit a report by electronic filing to the Department of
22 Revenue within 30 days after the execution of the agreement.
23 Any county that has entered into such an agreement before the
24 effective date of this amendatory Act of the 97th General
25 Assembly that has not been terminated or expired as of the
26 effective date of this amendatory Act of the 97th General

1 Assembly shall submit a report with respect to the agreements
2 within 90 days after the effective date of this amendatory Act
3 of the 97th General Assembly.

4 (d) The report described in this Section shall be made on a
5 form to be supplied by the Department of Revenue and shall
6 contain the following:

7 (1) the names of the county and the business entering
8 into the agreement;

9 (2) the location or locations of the business within
10 the county;

11 (3) the form shall also contain a statement, to be
12 answered in the affirmative or negative, as to whether or
13 not the company maintains additional places of business in
14 the State other than those described pursuant to paragraph
15 (2);

16 (4) the terms of the agreement, including (i) the
17 manner in which the amount of any retailers' occupation tax
18 to be shared, rebated, or refunded is to be determined each
19 year for the duration of the agreement, (ii) the duration
20 of the agreement, and (iii) the name of any business who is
21 not a party to the agreement but who directly or indirectly
22 receives a share, refund, or rebate of the retailers'
23 occupation tax; and

24 (5) a copy of the agreement to share or rebate any
25 portion of retailers' occupation taxes generated by retail
26 sales of tangible personal property.

1 An updated report must be filed by the county within 30
2 days after the execution of any amendment made to an agreement.

3 Reports filed with the Department pursuant to this Section
4 shall not constitute tax returns.

5 (e) The Department shall redact the sales figures, the
6 amount of sales tax collected, and the amount of sales tax
7 rebated prior to disclosure of information contained in a
8 report required by this Section. The information redacted shall
9 be exempt from the provisions of the Freedom of Information
10 Act.

11 (Source: P.A. 93-920, eff. 8-12-04.)

12 Section 15. The Illinois Municipal Code is amended by
13 changing Section 8-11-21 as follows:

14 (65 ILCS 5/8-11-21)

15 Sec. 8-11-21. Agreements to share or rebate occupation
16 taxes.

17 (a) On and after June 1, 2004, the corporate authorities of
18 a municipality shall not enter into any agreement to share or
19 rebate any portion of retailers' occupation taxes generated by
20 retail sales of tangible personal property if: (1) the tax on
21 those retail sales, absent the agreement, would have been paid
22 to another unit of local government; and (2) the retailer
23 maintains, within that other unit of local government, a retail
24 location from which the tangible personal property is delivered

1 to purchasers, or a warehouse from which the tangible personal
2 property is delivered to purchasers. Any unit of local
3 government denied retailers' occupation tax revenue because of
4 an agreement that violates this Section may file an action in
5 circuit court against only the municipality. Any agreement
6 entered into prior to June 1, 2004 is not affected by this
7 amendatory Act of the 93rd General Assembly. Any unit of local
8 government that prevails in the circuit court action is
9 entitled to damages in the amount of the tax revenue it was
10 denied as a result of the agreement, statutory interest, costs,
11 reasonable attorney's fees, and an amount equal to 50% of the
12 tax.

13 (b) On and after the effective date of this amendatory Act
14 of the 93rd General Assembly, a home rule unit shall not enter
15 into any agreement prohibited by this Section. This Section is
16 a denial and limitation of home rule powers and functions under
17 subsection (g) of Section 6 of Article VII of the Illinois
18 Constitution.

19 (c) Any municipality that enters into an agreement to share
20 or rebate any portion of retailers' occupation taxes generated
21 by retail sales of tangible personal property must complete and
22 submit a report by electronic filing to the Department of
23 Revenue within 30 days after the execution of the agreement.
24 Any municipality that has entered into such an agreement before
25 the effective date of this amendatory Act of the 97th General
26 Assembly that has not been terminated or expired as of the

1 effective date of this amendatory Act of the 97th General
2 Assembly shall submit a report with respect to the agreements
3 within 90 days after the effective date of this amendatory Act
4 of the 97th General Assembly.

5 (d) The report described in this Section shall be made on a
6 form to be supplied by the Department of Revenue and shall
7 contain the following:

8 (1) the names of the municipality and the business
9 entering into the agreement;

10 (2) the location or locations of the business within
11 the municipality;

12 (3) the form shall also contain a statement, to be
13 answered in the affirmative or negative, as to whether or
14 not the company maintains additional places of business in
15 the State other than those described pursuant to paragraph
16 (2);

17 (4) the terms of the agreement, including (i) the
18 manner in which the amount of any retailers' occupation tax
19 to be shared, rebated, or refunded is to be determined each
20 year for the duration of the agreement, (ii) the duration
21 of the agreement, and (iii) the name of any business who is
22 not a party to the agreement but who directly or indirectly
23 receives a share, refund, or rebate of the retailers'
24 occupation tax; and

25 (5) a copy of the agreement to share or rebate any
26 portion of retailers' occupation taxes generated by retail

1 sales of tangible personal property.

2 An updated report must be filed by the municipality within
3 30 days after the execution of any amendment made to an
4 agreement.

5 Reports filed with the Department pursuant to this Section
6 shall not constitute tax returns.

7 (e) The Department shall redact the sales figures, the
8 amount of sales tax collected, and the amount of sales tax
9 rebated prior to disclosure of information contained in a
10 report required by this Section. The information redacted shall
11 be exempt from the provisions of the Freedom of Information
12 Act.

13 (Source: P.A. 93-920, eff. 8-12-04.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.36 as follows:

16 (30 ILCS 805/8.36 new)

17 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 97th General Assembly."