



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1692

Introduced 2/15/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02
5 ILCS 140/2

from Ch. 102, par. 41.02
from Ch. 116, par. 202

Amends the Open Meetings Act and the Freedom of Information Act. Specifies, in both Acts, that the term "public body" includes any association of units of local government, any not-for-profit corporation with membership consisting of units of local government, or any other entity with members consisting of units of local government irrespective of whether the entity is organized pursuant to the Illinois Constitution or any other law of this State. Effective immediately.

LRB098 10553 JDS 40798 b

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 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.

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

21 "Public body" includes all legislative, executive,
22 administrative or advisory bodies of the State, counties,
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
2 bureaus, committees or commissions of this State, and any
3 subsidiary bodies of any of the foregoing including but not
4 limited to committees and subcommittees which are supported in
5 whole or in part by tax revenue, or which expend tax revenue,
6 except the General Assembly and committees or commissions
7 thereof. "Public body" includes tourism boards and convention
8 or civic center boards located in counties that are contiguous
9 to the Mississippi River with populations of more than 250,000
10 but less than 300,000. "Public body" includes the Health
11 Facilities and Services Review Board. "Public body" also
12 includes any association of units of local government, any
13 not-for-profit corporation with membership consisting of units
14 of local government, or any other entity with members
15 consisting of units of local government irrespective of whether
16 the entity is organized pursuant to the Illinois Constitution
17 or any other law of this State. "Public body" does not include
18 a child death review team or the Illinois Child Death Review
19 Teams Executive Council established under the Child Death
20 Review Team Act, an ethics commission acting under the State
21 Officials and Employees Ethics Act, or the Illinois Independent
22 Tax Tribunal.

23 (Source: P.A. 96-31, eff. 6-30-09; 97-1129, eff. 8-28-12.)

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

1 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

3 (a) "Public body" means all legislative, executive,
4 administrative, or advisory bodies of the State, state
5 universities and colleges, counties, townships, cities,
6 villages, incorporated towns, school districts and all other
7 municipal corporations, boards, bureaus, committees, or
8 commissions of this State, any subsidiary bodies of any of the
9 foregoing including but not limited to committees and
10 subcommittees thereof, and a School Finance Authority created
11 under Article 1E of the School Code. "Public body" also
12 includes any association of units of local government, any
13 not-for-profit corporation with membership consisting of units
14 of local government, or any other entity with members
15 consisting of units of local government irrespective of whether
16 the entity is organized pursuant to the Illinois Constitution
17 or any other law of this State. "Public body" does not include
18 a child death review team or the Illinois Child Death Review
19 Teams Executive Council established under the Child Death
20 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,

1 photographs, microfilms, cards, tapes, recordings, electronic
2 data processing records, electronic communications, recorded
3 information and all other documentary materials pertaining to
4 the transaction of public business, regardless of physical form
5 or characteristics, having been prepared by or for, or having
6 been or being used by, received by, in the possession of, or
7 under the control of any public body.

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

17 (c-10) "Commercial purpose" means the use of any part of a
18 public record or records, or information derived from public
19 records, in any form for sale, resale, or solicitation or
20 advertisement for sales or services. For purposes of this
21 definition, requests made by news media and non-profit,
22 scientific, or academic organizations shall not be considered
23 to be made for a "commercial purpose" when the principal
24 purpose of the request is (i) to access and disseminate
25 information concerning news and current or passing events, (ii)
26 for articles of opinion or features of interest to the public,

1 or (iii) for the purpose of academic, scientific, or public
2 research or education.

3 (d) "Copying" means the reproduction of any public record
4 by means of any photographic, electronic, mechanical or other
5 process, device or means now known or hereafter developed and
6 available to the public body.

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

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

19 (g) "Recurrent requester", as used in Section 3.2 of this
20 Act, means a person that, in the 12 months immediately
21 preceding the request, has submitted to the same public body
22 (i) a minimum of 50 requests for records, (ii) a minimum of 15
23 requests for records within a 30-day period, or (iii) a minimum
24 of 7 requests for records within a 7-day period. For purposes
25 of this definition, requests made by news media and non-profit,
26 scientific, or academic organizations shall not be considered

1 in calculating the number of requests made in the time periods
2 in this definition when the principal purpose of the requests
3 is (i) to access and disseminate information concerning news
4 and current or passing events, (ii) for articles of opinion or
5 features of interest to the public, or (iii) for the purpose of
6 academic, scientific, or public research or education.

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

14 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
15 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

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