



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3668

Introduced 11/7/2014, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
5 ILCS 140/2	from Ch. 116, par. 202
55 ILCS 5/5-1038	from Ch. 34, par. 5-1038

Amends the Open Meetings Act. Adds for-profit and not-for profit tourism organizations receiving public moneys to the definition of "public body". Makes similar changes in the Freedom of Information Act. Amends the Counties Code. Requires any not-for-profit tourism organization receiving State or other public monies to disclose all expenses and employee salary information on its website. Requires a not-for profit tourism organization to create a website within 30 days of the effective date of the amendatory Act if it does not currently maintain a website. Effective immediately.

LRB098 21591 JLK 60350 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, for-profit and
8 not-for-profit tourism organizations receiving public moneys,
9 and convention or civic center boards located in any county
10 ~~counties that are contiguous to the Mississippi River with~~
11 ~~populations of more than 250,000 but less than 300,000.~~ "Public
12 body" includes the Health Facilities and Services Review Board.
13 "Public body" does not include a child death review team or the
14 Illinois Child Death Review Teams Executive Council
15 established under the Child Death Review Team Act, an ethics
16 commission acting under the State Officials and Employees
17 Ethics Act, or the Illinois Independent Tax Tribunal.
18 (Source: P.A. 96-31, eff. 6-30-09; 97-1129, eff. 8-28-12.)

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

21 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

23 (a) "Public body" means all legislative, executive,
24 administrative, or advisory bodies of the State, state

1 universities and colleges, counties, townships, cities,
2 villages, incorporated towns, school districts and all other
3 municipal corporations, boards, bureaus, committees, or
4 commissions of this State, any subsidiary bodies of any of the
5 foregoing including but not limited to committees and
6 subcommittees thereof, and a School Finance Authority created
7 under Article 1E of the School Code. "Public body" also
8 includes any for-profit or not-for-profit tourism board, or
9 tourism organization, receiving public moneys. "Public body"
10 does not include a child death review team or the Illinois
11 Child Death Review Teams Executive Council established under
12 the Child Death Review Team Act.

13 (b) "Person" means any individual, corporation,
14 partnership, firm, organization or association, acting
15 individually or as a group.

16 (c) "Public records" means all records, reports, forms,
17 writings, letters, memoranda, books, papers, maps,
18 photographs, microfilms, cards, tapes, recordings, electronic
19 data processing records, electronic communications, recorded
20 information and all other documentary materials pertaining to
21 the transaction of public business, regardless of physical form
22 or characteristics, having been prepared by or for, or having
23 been or being used by, received by, in the possession of, or
24 under the control of any public body.

25 (c-5) "Private information" means unique identifiers,
26 including a person's social security number, driver's license

1 number, employee identification number, biometric identifiers,
2 personal financial information, passwords or other access
3 codes, medical records, home or personal telephone numbers, and
4 personal email addresses. Private information also includes
5 home address and personal license plates, except as otherwise
6 provided by law or when compiled without possibility of
7 attribution to any person.

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

20 (d) "Copying" means the reproduction of any public record
21 by means of any photographic, electronic, mechanical or other
22 process, device or means now known or hereafter developed and
23 available to the public body.

24 (e) "Head of the public body" means the president, mayor,
25 chairman, presiding officer, director, superintendent,
26 manager, supervisor or individual otherwise holding primary

1 executive and administrative authority for the public body, or
2 such person's duly authorized designee.

3 (f) "News media" means a newspaper or other periodical
4 issued at regular intervals whether in print or electronic
5 format, a news service whether in print or electronic format, a
6 radio station, a television station, a television network, a
7 community antenna television service, or a person or
8 corporation engaged in making news reels or other motion
9 picture news for public showing.

10 (g) "Recurrent requester", as used in Section 3.2 of this
11 Act, means a person that, in the 12 months immediately
12 preceding the request, has submitted to the same public body
13 (i) a minimum of 50 requests for records, (ii) a minimum of 15
14 requests for records within a 30-day period, or (iii) a minimum
15 of 7 requests for records within a 7-day period. For purposes
16 of this definition, requests made by news media and non-profit,
17 scientific, or academic organizations shall not be considered
18 in calculating the number of requests made in the time periods
19 in this definition when the principal purpose of the requests
20 is (i) to access and disseminate information concerning news
21 and current or passing events, (ii) for articles of opinion or
22 features of interest to the public, or (iii) for the purpose of
23 academic, scientific, or public research or education.

24 For the purposes of this subsection (g), "request" means a
25 written document (or oral request, if the public body chooses
26 to honor oral requests) that is submitted to a public body via

1 personal delivery, mail, telefax, electronic mail, or other
2 means available to the public body and that identifies the
3 particular public record the requester seeks. One request may
4 identify multiple records to be inspected or copied.

5 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
6 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

7 Section 15. The Counties Code is amended by changing
8 Section 5-1038 as follows:

9 (55 ILCS 5/5-1038) (from Ch. 34, par. 5-1038)

10 Sec. 5-1038. Historical museums; tourism grants. A county
11 board may own and operate historical museums and may make
12 grants to not-for-profit tourism organizations from federal,
13 State or any other monies available. Any not-for-profit tourism
14 organization receiving State or other public monies from a
15 county board must disclose all employee salaries and all
16 expenses on its publicly accessible website. If a
17 not-for-profit tourism board receiving State or other public
18 monies from a county board does not have a publicly accessible
19 website, then the board shall, within 30 days of the effective
20 date of this amendatory Act of the 98th General Assembly,
21 create such a website and publish the salary and expense
22 information on that website.

23 (Source: P.A. 86-962; 86-1028.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.