



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0934

Introduced 2/7/2017, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.03.5 new
5 ILCS 140/7.5
20 ILCS 405/405-335
715 ILCS 5/2.1
30 ILCS 805/8.41 new

Amends the Open Meetings Act. Requires certain specified information to be posted on Internet websites maintained by units of local government or school districts with an operating budget of \$1,000,000 or more. Requires units of local government and school districts to develop, maintain, and make publicly available, in any format the unit of local government or school district would otherwise utilize for its own purposes, information concerning moneys collected and expended by the unit of local government or school district. Amends the Freedom of Information Act. Provides that 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 is exempt from inspection and copying. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Provides that 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. Amends the Notice by Publication Act. Provides that whenever an officer of a court, unit of local government, or school district is required by law to provide notice by publication in a newspaper, it is sufficient to publish certain specified information in lieu of the entire text of the notice. Contains a severability clause and a mandate exemption. Effective immediately.

LRB100 07065 RJF 17119 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 1. 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 e-mail 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 72 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 meeting
2 shall be posted within 72 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 100th 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, audit schedule, or
14 special project report, including without limitation the
15 comprehensive annual financial report, performance audits,
16 and reports required under the Tax Increment Allocation
17 Redevelopment Act in the Illinois Municipal Code. All
18 reports should include 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 amount should specify that
22 only 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 total compensation paid to
11 each employee, including wages, salary, overtime, and
12 benefits, including health, dental, life, and pension.

13 (9) Contracts with lobbying firms hired by the unit of
14 local government or school district. The name and amount of
15 money paid to lobbying associations by the unit of local
16 government or school district.

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

19 (11) The ordinances and rules governing the award of
20 all bids and contracts for purchase in the amount of
21 \$25,000 or more.

22 (12) All bids and contracts for purchase in the amount
23 of \$25,000 or more.

24 (13) All campaign contributions made by a vendor to an
25 official of the unit of local government or school
26 district.

1 (14) A debt disclosure report that includes the
2 following:

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

4 (B) sum total of gross tax levy for the most recent
5 tax year;

6 (C) gross operating budget revenue for the most
7 recent fiscal year;

8 (D) total pension liability;

9 (E) total unfunded pension liability; and

10 (F) actuarial cost method used to calculate total
11 pension liability and total unfunded pension
12 liability, and other post-employment benefits,
13 including:

14 (i) projected investment rate of return;

15 (ii) actual investment rate of return over the
16 past 10 years;

17 (iii) annual rate of salary increases;

18 (iv) participant mortality rate; and

19 (v) healthcare cost trend rate for Other
20 Post-Employment Benefits; and

21 (15) public notices.

22 (b) No later than one-year after the effective date of this
23 amendatory Act of the 100th General Assembly, each unit of
24 local government or school district shall develop, maintain,
25 and make publicly available, in any format the unit of local
26 government or school district would otherwise utilize for its

1 own purposes, information concerning moneys collected and
2 expended by the unit of local government or school district.

3 This information shall include the following:

4 (1) the name and principal location or address of the
5 entity receiving moneys, except that information
6 concerning a payment to an employee of the unit of local
7 government or school district shall identify the
8 individual employee by name and business address or
9 location only;

10 (2) the amount of expended moneys;

11 (3) the funding source of the expended moneys;

12 (4) the date of the expenditure;

13 (5) the name of the budget program, activity, or
14 category supporting the expenditure;

15 (6) a description of the purpose for the expenditure;

16 and

17 (7) to the extent possible, a unique identifier for
18 each expenditure.

19 The website shall contain only information that is a public
20 record or that is not confidential or otherwise protected from
21 public disclosure pursuant to State or federal law.

22 The unit of local government or school district shall
23 update the financial data contained on the website at least
24 monthly, and archive the financial data, which shall remain
25 accessible on the website. The financial data must be easily
26 accessible from the main page of the unit of local government's

1 or school district's website. The unit of local government or
2 school district shall create and make easily accessible an
3 automated Rich Site Summary feed to which users of the website
4 may subscribe for notification of updates to the information.

5 The unit of local government or school district may meet
6 all requirements of this subsection (b) by having the
7 information and data required to be included on the unit's
8 website database posted in the Illinois Transparency and
9 Accountability Portal. The unit of local government or school
10 district may also meet each requirement of this subsection (b)
11 by supplying labeled links on the unit of local government's or
12 school district's website to the website of other units of
13 local government or school districts that independently post
14 and maintain the information and data online.

15 The provisions of this subsection (b) shall not apply until
16 6 months after the effective date of this amendatory Act of the
17 100th General Assembly.

18 (c) The information required to be posted under subsection
19 (a) must be easily accessible from the unit of local
20 government's or school district's home page and searchable.

21 (d) The postings required by this Section are in addition
22 to any other posting requirements required by law or ordinance.

23 (e) If a unit of local government or school district fails
24 to comply with this Section, then any citizen who is a resident
25 of the unit of local government or school district may file
26 suit in the circuit court for the county where the unit of

1 local government or school district is located. The citizen may
2 bring a mandamus or injunction action to compel the unit of
3 local government or school district to comply with the
4 requirements set forth in subsection (a). The court may impose
5 any penalty or other sanction as it deems appropriate. The
6 court, in its discretion, may also award to the citizen
7 bringing the action reasonable attorneys' fees and costs.

8 (f) No home rule unit may adopt posting requirements that
9 are less restrictive than this Section. This Section is a
10 limitation under subsection (i) of Section 6 of Article VII of
11 the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

13 (g) All local records required to be posted by this
14 amendatory Act of the 100th General Assembly shall remain
15 posted on the entity's website, or subsequent websites, for 10
16 years.

17 (h) This Section shall not apply to the Department of
18 Juvenile Justice School District.

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

21 (5 ILCS 140/7.5)

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

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

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library
6 Records Confidentiality Act.

7 (c) Applications, related documents, and medical
8 records received by the Experimental Organ Transplantation
9 Procedures Board and any and all documents or other records
10 prepared by the Experimental Organ Transplantation
11 Procedures Board or its staff relating to applications it
12 has received.

13 (d) Information and records held by the Department of
14 Public Health and its authorized representatives relating
15 to known or suspected cases of sexually transmissible
16 disease or any information the disclosure of which is
17 restricted under the Illinois Sexually Transmissible
18 Disease Control Act.

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

21 (f) Firm performance evaluations under Section 55 of
22 the Architectural, Engineering, and Land Surveying
23 Qualifications Based Selection Act.

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

1 (h) Information the disclosure of which is exempted
2 under the State Officials and Employees Ethics Act, and
3 records of any lawfully created State or local inspector
4 general's office that would be exempt if created or
5 obtained by an Executive Inspector General's office under
6 that Act.

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

11 (j) Information and data concerning the distribution
12 of surcharge moneys collected and remitted by wireless
13 carriers under the Wireless Emergency Telephone Safety
14 Act.

15 (k) Law enforcement officer identification information
16 or driver identification information compiled by a law
17 enforcement agency or the Department of Transportation
18 under Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential
20 health care facility resident sexual assault and death
21 review team or the Executive Council under the Abuse
22 Prevention Review Team Act.

23 (m) Information provided to the predatory lending
24 database created pursuant to Article 3 of the Residential
25 Real Property Disclosure Act, except to the extent
26 authorized under that Article.

1 (n) Defense budgets and petitions for certification of
2 compensation and expenses for court appointed trial
3 counsel as provided under Sections 10 and 15 of the Capital
4 Crimes Litigation Act. This subsection (n) shall apply
5 until the conclusion of the trial of the case, even if the
6 prosecution chooses not to pursue the death penalty prior
7 to trial or sentencing.

8 (o) Information that is prohibited from being
9 disclosed under Section 4 of the Illinois Health and
10 Hazardous Substances Registry Act.

11 (p) Security portions of system safety program plans,
12 investigation reports, surveys, schedules, lists, data, or
13 information compiled, collected, or prepared by or for the
14 Regional Transportation Authority under Section 2.11 of
15 the Regional Transportation Authority Act or the St. Clair
16 County Transit District under the Bi-State Transit Safety
17 Act.

18 (q) Information prohibited from being disclosed by the
19 Personnel Records Review Act.

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

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

24 (t) All identified or deidentified health information
25 in the form of health data or medical records contained in,
26 stored in, submitted to, transferred by, or released from

1 the Illinois Health Information Exchange, and identified
2 or deidentified health information in the form of health
3 data and medical records of the Illinois Health Information
4 Exchange in the possession of the Illinois Health
5 Information Exchange Authority due to its administration
6 of the Illinois Health Information Exchange. The terms
7 "identified" and "deidentified" shall be given the same
8 meaning as in the Health Insurance Portability and
9 Accountability Act of 1996, Public Law 104-191, or any
10 subsequent amendments thereto, and any regulations
11 promulgated thereunder.

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

14 (v) Names and information of people who have applied
15 for or received Firearm Owner's Identification Cards under
16 the Firearm Owners Identification Card Act or applied for
17 or received a concealed carry license under the Firearm
18 Concealed Carry Act, unless otherwise authorized by the
19 Firearm Concealed Carry Act; and databases under the
20 Firearm Concealed Carry Act, records of the Concealed Carry
21 Licensing Review Board under the Firearm Concealed Carry
22 Act, and law enforcement agency objections under the
23 Firearm Concealed Carry Act.

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of an
10 eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

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

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

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

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 ~~(ee)~~ (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

2 (ff) 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. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
7 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
8 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
9 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
10 8-19-16; revised 9-1-16.)

11 Section 10. The Department of Central Management Services
12 Law of the Civil Administrative Code of Illinois is amended by
13 changing Section 405-335 as follows:

14 (20 ILCS 405/405-335)

15 Sec. 405-335. Illinois Transparency and Accountability
16 Portal (ITAP).

17 (a) The Department, within 12 months after the effective
18 date of this amendatory Act of the 96th General Assembly, shall
19 establish and maintain a website, known as the Illinois
20 Transparency and Accountability Portal (ITAP), with a
21 full-time webmaster tasked with compiling and updating the ITAP
22 database with information received from all State agencies as
23 defined in this Section. Within 6 months of the effective date
24 of this amendatory Act of the 100th General Assembly, the ITAP

1 shall have the capability to compile and update the ITAP
2 database with information received from all school districts
3 and units of local government including, but not limited to,
4 counties, townships, library districts, and municipalities.

5 Subject to appropriation, the full-time webmaster must also
6 compile and update the ITAP database with information received
7 from all school districts and units of local government
8 including, but not limited to, counties, townships, library
9 districts, and municipalities.

10 (b) For purposes of this Section:

11 "State agency" means the offices of the constitutional
12 officers identified in Article V of the Illinois Constitution,
13 executive agencies, and departments, boards, commissions, and
14 Authorities under the Governor.

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

19 "Appropriation" means line-item detail of spending
20 approved by the General Assembly and Governor, categorized by
21 object of expenditure.

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

24 "Recipients" means State agencies receiving
25 appropriations.

26 (c) The ITAP shall provide direct access to each of the

1 following:

2 (1) A database of all current State employees and
3 individual consultants, except sworn law enforcement
4 officers, sorted separately by:

5 (i) Name.

6 (ii) Employing State agency.

7 (iii) Employing State division.

8 (iv) Employment position title.

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

10 (2) A database of all current State expenditures,
11 sorted separately by agency, category, recipient, and
12 Representative District.

13 (3) A database of all development assistance
14 reportable pursuant to the Corporate Accountability for
15 Tax Expenditures Act, sorted separately by tax credit
16 category, taxpayer, and Representative District.

17 (4) A database of all revocations and suspensions of
18 State occupation and use tax certificates of registration
19 and all revocations and suspensions of State professional
20 licenses, sorted separately by name, geographic location,
21 and certificate of registration number or license number,
22 as applicable. Professional license revocations and
23 suspensions shall be posted only if resulting from a
24 failure to pay taxes, license fees, or child support.

25 (5) A database of all current State contracts, sorted
26 separately by contractor name, awarding officer or agency,

1 contract value, and goods or services provided.

2 (6) A database of all employees hired after the
3 effective date of this amendatory Act of 2010, sorted
4 searchably by each of the following at the time of
5 employment:

6 (i) Name.

7 (ii) Employing State agency.

8 (iii) Employing State division.

9 (iv) Employment position title.

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

11 (vi) County of employment location.

12 (vii) Rutan status.

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

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

18 (x) Status as a military veteran.

19 (7) A searchable database of all current county,
20 township, library district, and municipal employees sorted
21 separately by:

22 (i) Employing unit of local government.

23 (ii) Employment position title.

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

25 (8) A searchable database of all county, township, and
26 municipal employees hired on or after the effective date of

1 this amendatory Act of the 97th General Assembly, sorted
2 separately by each of the following at the time of
3 employment:

4 (i) Employing unit of local government.

5 (ii) Employment position title.

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

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

11 (i) Employing unit of local government.

12 (ii) Employment position title.

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

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

20 (11) Information provided to the ITAP pursuant to
21 Section 2.03.5 of the Open Meetings Act.

22 (d) The ITAP shall include all information required to be
23 published by subsection (c) of this Section that is available
24 to the Department in a format the Department can compile and
25 publish on the ITAP. The Department shall update the ITAP as
26 additional information becomes available in a format that can

1 be compiled and published on the ITAP by the Department.

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

6 (f) Each county, township, library district, or
7 municipality submitting information to be displayed on the
8 Illinois Transparency and Accountability Portal (ITAP) is
9 responsible for the accuracy of the information provided.

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

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

24 Section 15. The Notice By Publication Act is amended by
25 changing Section 2.1 as follows:

1 (715 ILCS 5/2.1)

2 Sec. 2.1. Internet publication ~~Statewide website~~.

3 (a) Whenever notice by publication in a newspaper is
4 required by law, order of court, or contract, the newspaper
5 publishing the notice shall, at no additional cost to
6 government, place the notice on the statewide website
7 established and maintained as a joint venture of the majority
8 of Illinois newspapers as a repository for such notices.

9 (b) Whenever an officer of a court, unit of local
10 government, or school district is required by law to provide
11 notice by publication in a newspaper, it is sufficient to
12 publish, in lieu of the entire text of the notice, the
13 following information:

14 (1) a citation to the statutory basis for the
15 requirement that the notice be published; and

16 (2) the Internet website where the full text of the
17 notice may be found.

18 (Source: P.A. 96-1144, eff. 12-31-12.)

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.41 as follows:

21 (30 ILCS 805/8.41 new)

22 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 100th General Assembly.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.