

ILLINOIS SENATE

ILLINOIS FREEDOM OF INFORMATION ACT – POLICIES AND PROCEDURES

PURPOSE AND SCOPE OF MEMORANDUM

This memorandum is posted pursuant to Section 4 of the Illinois Freedom of Information Act (“FOIA”). 5 ILCS 140/4. It describes the basic purpose of the Illinois Senate, the location of all its separate offices, the total amount of its operating budget and the approximate number of full and part-time employees. Additionally, this memorandum addresses the method whereby the public may request information pursuant to the Freedom of Information Act and includes a schedule of fees that may be charged for copies of public records.

ILLINOIS SENATE

Article 4, Section 1 of the Illinois Constitution provides:

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 118 Representative Districts.

Composition. The Senate is the upper chamber of the Illinois General Assembly. It is comprised of 59 senators elected from individual legislative districts determined by population. In order to serve as a member of the General Assembly, a person must be a U.S. citizen, at least 21 years of age, and a resident of the district that they represent for the two years preceding their election.

Purpose. The Illinois Constitution charges the 59 members of the Senate with four primary areas of responsibility, three of which are shared with the House of Representatives.

Together with the House of Representatives, the Senate is responsible for enacting the laws of the State of Illinois, which include both the appropriations for the State’s budget as well as a broad range of substantive laws that address the needs of the People of Illinois. As with the House of Representatives, the Senate is charged with proposing amendments to the Illinois Constitution, and with the consideration of amendments to the Constitution of the United States of America that have been submitted by Congress.

In addition to these shared responsibilities, the Senate is also responsible for giving advice and consent of persons named to be heads of State agencies, as well as a broad range of officials appointed by the Governor and other Constitutional Officers. The Senate tries impeachments made by the House of Representatives and can convict impeached officers by a 2/3 vote.

Elections. Article 4, Section 2(a) of the Illinois Constitution of 1970 requires staggered elections for senators, meaning that not all senators are elected simultaneously. Every Senate district elects its members to serve two four-year terms and one two-year term in each decade. Senators are divided into three groups for purposes of elections: one third of the Senate is elected for one 2-year term, followed by two 4-year terms; one third of the Senate is elected for one 4-year term, followed by one 2-year

term, and then one 4-year term; and one third of the Senate is elected for two 4-year terms, followed by one 2-year term.

Officers. The officers of Senate are elected at the beginning of new legislative session (also called “General Assembly”), which occurs at the beginning of each odd number year. Senators convene under the supervision of the Governor and elect the President of the Senate (also called “Senate President”) from the chamber. The Senate President is elected by a majority vote of the members elected to the Senate (30 votes) at the beginning of each General Assembly and holds office for the 2-year term comprising that General Assembly.

Article 4, Section 6(c) of the Illinois Constitution provides that the Minority Leader of the Illinois Senate is a “member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.”

Session. The Senate is convened annually on the second Wednesday in January for its Spring Session. It meets at the Illinois State Capitol in Springfield, Illinois. In most years, the Senate adjourns at the end of May and reconvenes in the fall to consider bills that have been vetoed by the Governor. In addition, the Senate will convene Special Sessions called by the Governor or at the call of the President.

Offices – Senate President. The primary offices of the Senate are located in the State Capitol Building in Springfield, Illinois. The Senate President’s Office is located at 327 State Capitol Building, Springfield, Illinois 62706. The Senate President maintains an office at the Michael A. Bilandic Building, 160 N. LaSalle Street, S-720, Chicago, Illinois 60601.

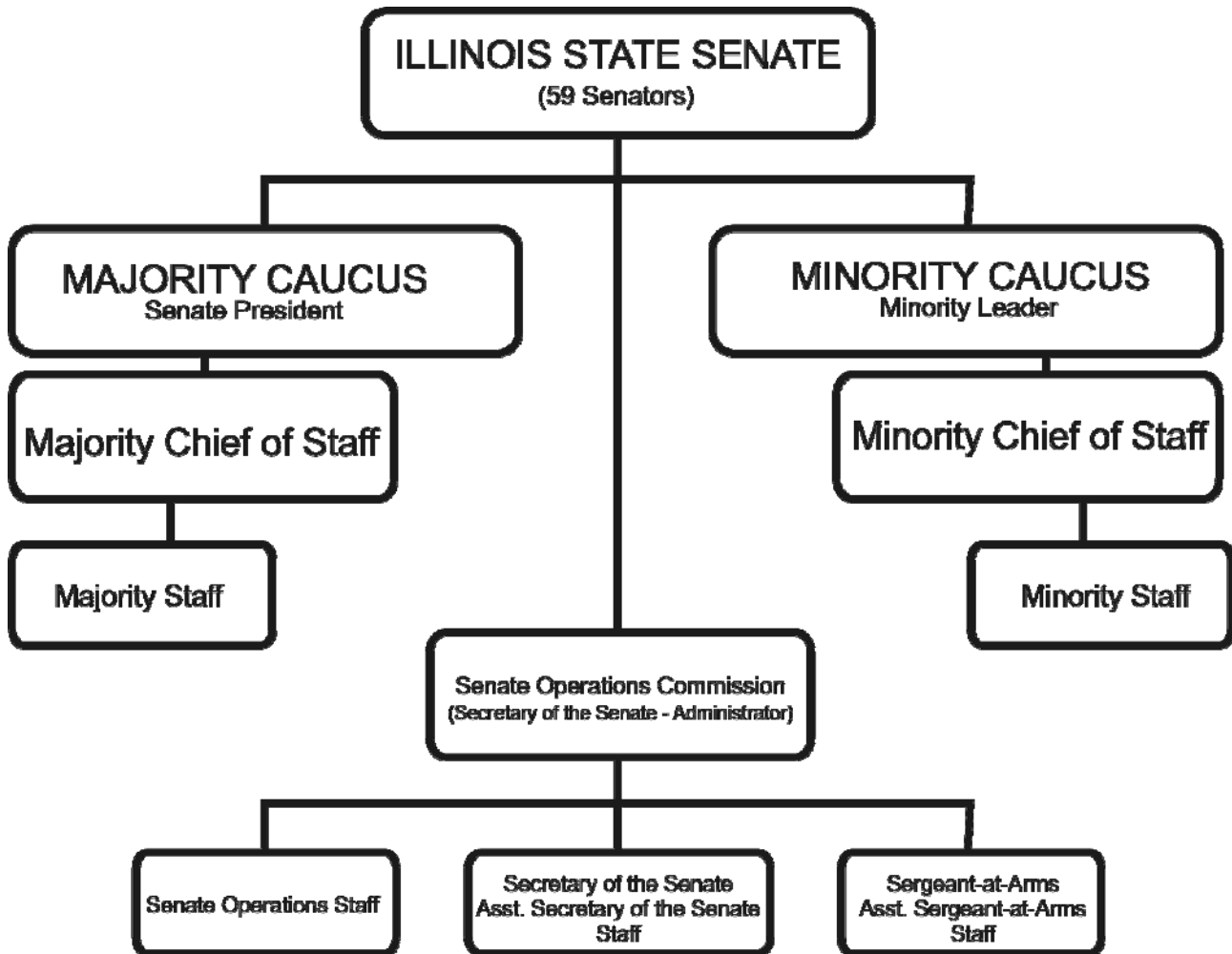
Offices – Minority Leader. The Minority Leader’s Springfield Office is located at 309A State Capitol Building, Springfield, Illinois 62706. The Minority Leader maintains an office at the James R. Thompson Center, 100 West Randolph Street, 16-300, Chicago, Illinois 60601.

BOARDS AND COMMISSIONS

The legislature utilizes the services of the following boards, commissions, and support agencies:

Joint Committee on Administrative Rules
Commission on Government Forecasting and Accountability
Legislative Audit Commission
Legislative Ethics Commission
Legislative Information System
Legislative Inspector General
Legislative Printing Unit
Legislative Reference Bureau
Legislative Research Unit
Office of the Architect of the Capitol

ILLINOIS SENATE
- ORGANIZATIONAL CHART -



OPERATING BUDGET

The total Operating Budget of the Senate for fiscal year 2012 is broken down as follows:

Appropriated to the Illinois Senate

Senate President	\$ 5,295,074
Republican Leader	\$ 5,295,074
Senate Operations	\$ 4,035,992
Construction	\$ 113,700
Paper/Printing	\$ 214,204
President – Additional	\$ 83,500
Republican Leader – Additional	\$ 83,500
Session Travel	\$ 57,706
Standing Committees	\$ 2,100,847
Redistricting – President (Reappropriation)	\$ 625,641

Redistricting – President	\$ 1,500,000
Redistricting – Republican Leader (Reappropriation)	\$ 479,876
Redistricting – Republican Leader	\$ 1,500,000
G.A. Operations Revolving Fund	\$ 250,000
District Allowance	\$ 4,900,765
Joint Account for House and Senate	\$ 341,600

TOTAL **\$26,877,479**

Appropriated to the Comptroller

Senate Salaries (59 Members @ \$67,836 each) (Appropriation/Senate Salaries \$4,138,100)	\$ 4,002,324
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TOTAL **\$ 4,002.324**

Additional Amounts:

(Appropriation/Senate & House Stipends \$2,365,800)

President	\$ 27,477
Majority Leader	\$ 20,649
Assistant Majority Leaders 5 @ \$20,649 each	\$ 103,245
Majority Caucus Chair	\$ 20,649

Minority Leader	\$ 27,477
Deputy Minority Leader	\$ 20,649
Assistant Minority Leaders 4 @ \$20,649 each	\$ 82,596
Minority Caucus Chair	\$ 20,649

Committee Chairman/Minority Spokesperson Chair - 23 @ \$10,327 each	\$ 237,521
Minority Spokesperson – 18 @ \$10,327 each	\$ 185,886

TOTAL **\$ 746,798**

Per Diem Allowance	\$ 400,000
Mileage Allowance	\$ 450,000 (House & Senate)

TOTAL **\$ 850,000**

Total amounts appropriated to the Senate	\$26,877,479
Total amounts appropriated to the Comptroller	\$ 7,229,800

TOTAL **\$34,107,279**

Note: Public Act 97-0071 provides that each member of the General Assembly must forfeit 12 days of compensation in Fiscal Year 2012. Consequently, the actual salary paid to members, including any stipend, will be approximately 4.6% less than the authorized amounts.

EMPLOYEES

The Senate employs approximately 334 full-time and part-time employees. These figures include contractual employees and employees of both the Senate President and the Minority Leader.

PROCESS BY WHICH RECORDS MAY BE OBTAINED

How to Make a FOIA Request. Requests can be made in person or in writing and hand delivered or sent by mail to the FOIA Officer listed below.

A public reading room or public reading area can be made available where non-exempt public records can be examined and copied following submission of a request for information filed pursuant to the Freedom of Information Act (“Act” or “FOIA”) (5 ILCS 140/1 *et seq.*).

If the information sought is not readily available to the public, a written FOIA request may be served on the Senate. The FOIA request should identify with specificity the information you are seeking and should include your name, address, the date and a daytime phone number. Additionally, the FOIA request should state whether or not your request is being made for a commercial purpose.

It is a violation of FOIA a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body.

A sample FOIA Request Form is included herein but you are not obligated to use it.

FOIA Officers. Consistent with the functions performed by the Senate President, Minority Leader, and Senate Operations Commission, the Senate has designated one FOIA Officer and two assistant FOIA Officers:

Eric M. Madiar, FOIA Officer, 605A State Capitol Building, Springfield, Illinois 62706.

Jo Ellen Johnson, Assistant FOIA Officer, Room 4A, A Section, Stratton Office Building, 401 South Spring Street, Springfield, Illinois 62706.

Jeremy LaMarche, Assistant FOIA Officer, 611A State Capitol Building, Springfield, Illinois 62706.

Responding to a Non-Commercial FOIA Request. The Senate must grant or deny a non-commercial FOIA request within 5 business days of receipt. If additional time is needed, the Senate will extend the time period to for an additional 5 days and notify the requester of the statutory reasons for the extension and an approximate time when the information will be produced.

Responding to a FOIA Request made for a “Commercial Purpose” or by a “Recurrent Requester”. The Senate must respond to a request made (i) for a commercial purpose or (ii) by a recurrent requester within 21 working days after receipt. A person making a FOIA request for a commercial purpose must disclose this fact on the FOIA request.

“‘Commercial purpose’ means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services.” 5 ILCS 140/2 (c-10). “Recurrent requester” means “a person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. 5 ILCS 140/2 (g). However, these definitions do not include requests made by news media and non-profit, scientific, or academic organizations when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

The Senate must do any of the following within the 21-day period concerning a request made (i) for a commercial purpose or (ii) by a recurrent requester:

- provide the records requested;
- provide the requester the estimated time and fees involved with his request (the Illinois Senate can request for the fees to be paid in advance);
- deny the request based on a FOIA exemption; or
- notify the requester that the request is unduly burdensome and offer an opportunity to reduce the request to manageable proportion.

Additionally, within 5 business days after receiving a request from a recurrent requester, the Senate shall notify the requester (i) that the Senate is treating the request as a request from a recurrent requester, (ii) of the reasons why the Senate is treating the request as a request from a recurrent requester, and (iii) that the Senate will send an initial response within 21 business days after receipt. The Senate shall also notify the requester of the proposed responses that can be asserted pursuant to the Act.

Appealing a Denial. If the Senate notifies you that your FOIA request is denied, you may appeal that request by filing suit for injunctive or declaratory relief. The suit may be filed in Sangamon County, which is the county where the Senate has its principal office, or in the circuit court for the county where the person denied access resides.

The burden is on the Senate to establish that its refusal to permit public inspection or copying is in accordance with the provisions of the Freedom of Information Act. If the Illinois Senate asserts that a record is exempt from disclosure, it has the burden of proving that the record is exempt by clear and convincing evidence.

The Freedom of Information Act does not allow the Public Access Counselor to consider any denials originating from the Senate or House of Representatives.

CATEGORIES OF RECORDS

The following categories of public records are under the control of the Senate and available for copying and inspection:

- Legislation and motions filed by members of the Senate, including roll call of voting

- Reports and fiscal notes filed with the Secretary of the Senate
- Official transcripts of Senate floor debate
- Vouchers and documents detailing member expenditures from District Office allotment
- Vouchers and documents detailing Senate Operations and Leadership expenditures
- Official Journals of the Senate
- District Office leases
- Personnel Rules adopted by each member for their District Offices
- Name, title, start date and salary for employees of the Senate
- Property inventories for Senate Operations, Leadership, and District Offices
- Reports to the General Assembly that are statutorily required of various agencies, boards, or commissions
- Executive Appointment messages from the Governor

FEE STRUCTURE

Imposition of Fees. The Senate may impose fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the Senate's equipment to copy records. However, it may not charge a requester for the costs of any search and review of the records or other personnel costs associated with reproducing public records.

Documents shall be furnished without charge or at a reduced charge, at the discretion of the Illinois Senate, if the requester states the specific purpose for the request and establishes that a waiver or reduction of the fee is in the public interest.

Copies. For public records that are black and white, letter or legal sized copies, the first 50 pages shall be free and all additional pages shall be 10 cents per page.

For all other copies, the fee shall be 50 cents per page.

Certified Records. The fee to certify a record is \$1.

Recordings. The fee for a recording is \$5 per compact disc.

Notice of Anticipated Fees in Excess. If the Senate determines that the cost of complying with a FOIA request will be excessive, it can require advance payment of all, or a portion of, the fees.

Form of Payment. Payment should be made by check or money order payable to the "General Assembly Operations Revolving Fund".

ILLINOIS SENATE
FOIA Request for Public Records

[NOTE: This form is being provided as a courtesy to the public. You do not need to use this form.]

TO: Eric M. Madiar, FOIA Officer
605A State Capitol Building
Springfield, Illinois 62706

FROM: _____ [Name]
_____ [Address]

_____ [Telephone/E-mail - Optional]

Description of Requested Record(s): _____

Please indicate if you wish to inspect or copy the above captioned records:

Inspect _____ Copy _____ Both _____

I certify that my request [**is / is not**] (circle one) being made for a commercial purpose.¹ [NOTE: It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if it is requested to do so by the public body. 5 ILCS 140.3.1(c)].

Signature of requester

Date

FOR INTERNAL USE ONLY

Received _____ Due _____ Commercial request: Yes / No

¹ "Commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. "Commercial purpose" does not mean requests made by news media and non-profit, scientific, or academic organizations when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.