

# HB0511



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0511

Introduced 2/1/2007, by Rep. Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Redefines a public record to include a settlement agreement entered into by or on behalf of a public body. Effective immediately.

LRB095 06822 JAM 26938 b

A BILL FOR

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 Freedom of Information Act is amended by  
5 changing Section 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

8 (a) "Public body" means any legislative, executive,  
9 administrative, or advisory bodies of the State, state  
10 universities and colleges, counties, townships, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees which are supported in whole or in part by tax  
16 revenue, or which expend tax revenue, and a School Finance  
17 Authority created under Article 1E of the School Code. "Public  
18 body" does not include a child death review team or the  
19 Illinois Child Death Review Teams Executive Council  
20 established under the Child Death Review Team Act.

21 (b) "Person" means any individual, corporation,  
22 partnership, firm, organization or association, acting  
23 individually or as a group.

1           (c) "Public records" means all records, reports, forms,  
2           writings, letters, memoranda, books, papers, maps,  
3           photographs, microfilms, cards, tapes, recordings, electronic  
4           data processing records, recorded information and all other  
5           documentary materials, regardless of physical form or  
6           characteristics, having been prepared, or having been or being  
7           used, received, possessed or under the control of any public  
8           body. "Public records" includes, but is expressly not limited  
9           to: (i) administrative manuals, procedural rules, and  
10          instructions to staff, unless exempted by Section 7(p) of this  
11          Act; (ii) final opinions and orders made in the adjudication of  
12          cases, except an educational institution's adjudication of  
13          student or employee grievance or disciplinary cases; (iii)  
14          substantive rules; (iv) statements and interpretations of  
15          policy which have been adopted by a public body; (v) final  
16          planning policies, recommendations, and decisions; (vi)  
17          factual reports, inspection reports, and studies whether  
18          prepared by or for the public body; (vii) all information in  
19          any account, voucher, or contract dealing with the receipt or  
20          expenditure of public or other funds of public bodies; (viii)  
21          the names, salaries, titles, and dates of employment of all  
22          employees and officers of public bodies; (ix) materials  
23          containing opinions concerning the rights of the state, the  
24          public, a subdivision of state or a local government, or of any  
25          private persons; (x) the name of every official and the final  
26          records of voting in all proceedings of public bodies; (xi)

1 applications for any contract, permit, grant, or agreement  
2 except as exempted from disclosure by subsection (g) of Section  
3 7 of this Act; (xii) each report, document, study, or  
4 publication prepared by independent consultants or other  
5 independent contractors for the public body; (xiii) all other  
6 information required by law to be made available for public  
7 inspection or copying; (xiv) information relating to any grant  
8 or contract made by or between a public body and another public  
9 body or private organization; (xv) waiver documents filed with  
10 the State Superintendent of Education or the president of the  
11 University of Illinois under Section 30-12.5 of the School  
12 Code, concerning nominees for General Assembly scholarships  
13 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)  
14 complaints, results of complaints, and Department of Children  
15 and Family Services staff findings of licensing violations at  
16 day care facilities, provided that personal and identifying  
17 information is not released; ~~and~~ (xvii) records, reports,  
18 forms, writings, letters, memoranda, books, papers, and other  
19 documentary information, regardless of physical form or  
20 characteristics, having been prepared, or having been or being  
21 used, received, possessed, or under the control of the Illinois  
22 Sports Facilities Authority dealing with the receipt or  
23 expenditure of public funds or other funds of the Authority in  
24 connection with the reconstruction, renovation, remodeling,  
25 extension, or improvement of all or substantially all of an  
26 existing "facility" as that term is defined in the Illinois

1 Sports Facilities Authority Act; and (xviii) settlement  
2 agreements entered into by or on behalf of a public body,  
3 provided that personal identifying information, and all other  
4 information exempt pursuant to Section 7 of this Act, is not  
5 released; the identities of the parties to the settlement and  
6 the financial and material terms shall remain public.

7 (d) "Copying" means the reproduction of any public record  
8 by means of any photographic, electronic, mechanical or other  
9 process, device or means.

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

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

22 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;  
23 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.  
24 7-11-02.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.