



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2717

by Rep. Jeanne M Ives

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
50 ILCS 205/25 new  
30 ILCS 805/8.39 new

Amends the Local Records Act. Requires a unit of local government or school district with an annual budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, as the case may be, the following information: (1) contact information for elected and appointed officials; (2) notice of and materials prepared for regular and emergency meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances under which the unit of local government or school district operates; (6) procedures to apply for building permits and zoning variances; (7) financial reports and audits; (8) information concerning employee compensation; (9) contracts with lobbying firms; (10) taxes and fees imposed by the unit of local government or school district; (11) rules governing the award of contracts; (12) bids and contracts worth \$25,000 or more; (13) campaign contributions made by a vendor; (14) a debt disclosure report; and (15) public notices. Sets forth requirements concerning a searchable expenditure and revenue database. Provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Provides a posting in perpetuity clause. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Amends the Freedom of Information Act. Provides statutory exemption for any electronic copy of a record or information maintained on the website of a unit of local government or school district. Effective immediately.

LRB099 06014 AWJ 26068 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent  
8 provided for by the statutes referenced below, the following  
9 shall be exempt from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other records  
19 prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

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

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by wireless  
25 carriers under the Wireless Emergency Telephone Safety  
26 Act.

1           (k) Law enforcement officer identification information  
2           or driver identification information compiled by a law  
3           enforcement agency or the Department of Transportation  
4           under Section 11-212 of the Illinois Vehicle Code.

5           (l) Records and information provided to a residential  
6           health care facility resident sexual assault and death  
7           review team or the Executive Council under the Abuse  
8           Prevention Review Team Act.

9           (m) Information provided to the predatory lending  
10          database created pursuant to Article 3 of the Residential  
11          Real Property Disclosure Act, except to the extent  
12          authorized under that Article.

13          (n) Defense budgets and petitions for certification of  
14          compensation and expenses for court appointed trial  
15          counsel as provided under Sections 10 and 15 of the Capital  
16          Crimes Litigation Act. This subsection (n) shall apply  
17          until the conclusion of the trial of the case, even if the  
18          prosecution chooses not to pursue the death penalty prior  
19          to trial or sentencing.

20          (o) Information that is prohibited from being  
21          disclosed under Section 4 of the Illinois Health and  
22          Hazardous Substances Registry Act.

23          (p) Security portions of system safety program plans,  
24          investigation reports, surveys, schedules, lists, data, or  
25          information compiled, collected, or prepared by or for the  
26          Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair  
2 County Transit District under the Bi-State Transit Safety  
3 Act.

4 (q) Information prohibited from being disclosed by the  
5 Personnel Records Review Act.

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

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

10 (t) All identified or deidentified health information  
11 in the form of health data or medical records contained in,  
12 stored in, submitted to, transferred by, or released from  
13 the Illinois Health Information Exchange, and identified  
14 or deidentified health information in the form of health  
15 data and medical records of the Illinois Health Information  
16 Exchange in the possession of the Illinois Health  
17 Information Exchange Authority due to its administration  
18 of the Illinois Health Information Exchange. The terms  
19 "identified" and "deidentified" shall be given the same  
20 meaning as in the Health Insurance Accountability and  
21 Portability Act of 1996, Public Law 104-191, or any  
22 subsequent amendments thereto, and any regulations  
23 promulgated thereunder.

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

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

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

4 (bb) Any record or information that a unit of local  
5 government or school district maintains an electronic copy  
6 of on its Internet website in order to comply with the  
7 Local Records Act.

8 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
9 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
10 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,  
11 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

12 Section 5. The Local Records Act is amended by adding  
13 Section 25 as follows:

14 (50 ILCS 205/25 new)

15 Sec. 25. Internet posting requirements.

16 (a) A unit of local government or school district with a  
17 budget of \$1 million or more shall maintain an Internet website  
18 and post to its website for the current calendar or fiscal  
19 year, as the case may be, the following information:

20 (1) The contact information, including the phone  
21 number and e-mail address, for all elected and appointed  
22 officials, the Freedom of Information Officer, the chief  
23 administrator, and the head administrator for each  
24 department.

1           (2) The agenda, board packets, and any other prepared  
2 materials of all regular meetings shall be posted at least  
3 72 hours before a meeting. The agenda, board packets, and  
4 any other prepared materials of all special or emergency  
5 meetings shall be posted at least 24 hours before a  
6 meeting. The posting shall indicate if the agendas are in  
7 draft form. The minutes from any regular or special meeting  
8 shall be posted within 72 hours of approval.

9           (3) In accordance with the Freedom of Information Act,  
10 the procedure for requesting information from the unit of  
11 local government or school district.

12           (4) The annual budget and appropriation ordinances.

13           (5) The ordinances under which the unit of local  
14 government or school district operates as of the effective  
15 date of this amendatory Act of the 99th General Assembly  
16 and all ordinances thereafter adopted.

17           (6) The procedures required to apply for building  
18 permits and zoning variances.

19           (7) Any budget, financial audit, audit schedule, or  
20 special project report, including without limitation the  
21 comprehensive annual financial report, performance audits,  
22 and reports required under the Tax Increment Allocation  
23 Redevelopment Act in the Illinois Municipal Code. All  
24 reports should include the following:

25           (A) All actual revenues and expenditures for at  
26 least the 3 previous fiscal years. Any report focusing



1 on any subset of Total should specify that only partial  
2 amounts are shown and identify the Total amount and the  
3 nature of items not included in the report.

4 (B) Revenues should be broken out by source,  
5 including the broad categories of local, State, and  
6 federal tax dollars.

7 (C) Expenditures should be separated into current  
8 operating, capital, and debt service.

9 (D) Expenditure summaries for units of local  
10 government should reflect the per-resident calculation  
11 for comparison to other governmental bodies. For  
12 schools, a per-pupil calculation should be made based  
13 on full-time or equivalent enrollment.

14 (E) Audits should include a management letter.

15 (8) A detailed list of the total compensation paid to  
16 each employee including wages, salary, overtime, and  
17 benefits, including health, dental, life, and pension.

18 (9) Contracts with lobbying firms hired by the unit of  
19 local government or school district. The name and amount of  
20 money paid to lobbying associations by the unit of local  
21 government or school district.

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

24 (11) The ordinances and rules governing the award of  
25 all bids and contracts for purchase in the amount of  
26 \$25,000 or more.

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

3           (13) All campaign contributions made by a vendor to an  
4           official of the unit of local government or school  
5           district.

6           (14) A debt disclosure report that includes the  
7           following:

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

9                   (B) sum total of gross tax levy for the most recent  
10                  tax year;

11                  (C) gross operating budget revenue for the most  
12                  recent fiscal year;

13                  (D) total pension liability;

14                  (E) total unfunded pension liability; and

15                  (F) actuarial cost method used to calculate total  
16                  pension liability and total unfunded pension  
17                  liability, and other post-employment benefits,  
18                  including:

19                          (i) projected investment rate of return;

20                          (ii) actual investment rate of return over the  
21                          past 10 years;

22                          (iii) annual rate of salary increases;

23                          (iv) participant mortality rate; and

24                          (v) healthcare cost trend rate for Other  
25                          Post-Employment Benefits (OPEB); and

26           (15) Public notices.

1       (b) No later than one year from the effective date of this  
2 amendatory Act of the 99th General Assembly, each unit of local  
3 government or school district shall develop, maintain, and make  
4 publicly available a single, searchable expenditure and  
5 revenue web site database that allows the public, at no cost,  
6 to review information concerning moneys collected and expended  
7 by the unit of local government or school district. The web  
8 site database shall include the following data concerning all  
9 expenditures made by the unit of local government or school  
10 district:

11           (1) the name and principal location or address of the  
12 entity receiving moneys, except that information  
13 concerning a payment to an employee of the unit of local  
14 government or school district shall identify the  
15 individual employee by name and business address or  
16 location only;

17           (2) the amount of expended moneys;

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

19           (4) the date of the expenditure;

20           (5) the name of the budget program, activity, or  
21 category supporting the expenditure;

22           (6) a description of the purpose for the expenditure;  
23 and

24           (7) to the extent possible, a unique identifier for  
25 each expenditure.

26 The expenditure data shall be provided in an open

1 structured data format that may be downloaded by the user and  
2 allows the user to systematically sort, search, and access all  
3 data. The web site database shall contain only information that  
4 is a public record or that is not confidential or otherwise  
5 protected from public disclosure pursuant to State or federal  
6 law.

7 The unit of local government or school district shall  
8 update the financial data contained on the web site database at  
9 least monthly, and archive the financial data, which shall  
10 remain accessible and searchable on the web site database. The  
11 database must be easily accessible from the main page of the  
12 unit of local government or school district's web site. The  
13 unit of local government or school district shall create and  
14 make easily accessible an automated Rich Site Summary (RSS)  
15 feed to which users of the web site database may subscribe for  
16 notification of updates to the database.

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

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

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

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

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

12 (g) All local records required to be posted by this  
13 amendatory Act of the 99th General Assembly shall remain posted  
14 on the entity's website, or subsequent websites, in perpetuity.

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.39 as follows:

17 (30 ILCS 805/8.39 new)

18 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 99th General Assembly.

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

1           Section 999. Effective date. This Act takes effect upon  
2           becoming law.