



Sen. Michael Connelly

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LRB099 06014 AWJ 35324 a

1 AMENDMENT TO HOUSE BILL 2717

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2717 by replacing  
3 everything after the enacting clause with the following:

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 million 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

1       department.

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

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

13       (4) The annual budget and appropriation ordinances.

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

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

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

26       (A) All actual revenues and expenditures for at

1           least the 3 previous fiscal years. Any report focusing  
2           on any subset of Total should specify that only partial  
3           amounts are shown and identify the Total amount and the  
4           nature of items not included in the report.

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

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

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

15           (E) Audits should include a management letter.

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

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

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

25           (11) The ordinances and rules governing the award of  
26           all bids and contracts for purchase in the amount of

1       \$25,000 or more.

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

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

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

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

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

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

14          (D) total pension liability;

15          (E) total unfunded pension liability; and

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

20           (i) projected investment rate of return;

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

23           (iii) annual rate of salary increases;

24           (iv) participant mortality rate; and

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

1           (15) Public notices.

2           (b) No later than one year after the effective date of this  
3 amendatory Act of the 99th General Assembly, each unit of local  
4 government or school district shall develop, maintain, and make  
5 publicly available, in any format the unit of local government  
6 or school district would otherwise utilize for its own  
7 purposes, information concerning moneys collected and expended  
8 by the unit of local government or school distract. This  
9 information shall include the following:

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

16           (2) the amount of expended moneys;

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

18           (4) the date of the expenditure;

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

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

22           and

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

25           The website shall contain only information that is a public  
26 record or that is not confidential or otherwise protected from

1 public disclosure pursuant to State or federal law.

2 The unit of local government or school district shall  
3 update the financial data contained on the website at least  
4 monthly, and archive the financial data, which shall remain  
5 accessible on the website. The must be easily accessible from  
6 the main page of the unit of local government or school  
7 district's website. The unit of local government or school  
8 district shall create and make easily accessible an automated  
9 Rich Site Summary (RSS) feed to which users of the website may  
10 subscribe for notification of updates to the information.

11 The unit of local government or school district may meet  
12 all requirements of this subsection by having the information  
13 and data required to be included on the unit's website database  
14 posted in the Illinois Transparency and Accountability Portal.  
15 The unit of local government or school district may also meet  
16 each requirement of this subsection by supplying labeled links  
17 on the unit of local government's or school district's website  
18 to the website of other units of local government or school  
19 districts that independently post and maintain the information  
20 and data online.

21 This subsection shall not apply until 6 months after the  
22 effective date of this amendatory Act of the 99th General  
23 Assembly.

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

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

3       (e) If a unit of local government or school district fails  
4 to comply with this Section, then any citizen who is a resident  
5 of the unit of local government or school district may file  
6 suit in the circuit court for the county where the unit of  
7 local government or school district is located. The citizen may  
8 bring a mandamus or injunction action to compel the unit of  
9 local government or school district to comply with the  
10 requirements set forth in subsection (a). The court may impose  
11 any penalty or other sanction as it deems appropriate. The  
12 court, in its discretion, may also award to the citizen  
13 bringing the action reasonable attorneys' fees and costs.

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

19       (g) All local records required to be posted by this  
20 amendatory Act of the 99th General Assembly shall remain posted  
21 on the entity's website, or subsequent websites, for 10 years.

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

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

1 (5 ILCS 140/7.5)

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

5 (a) All information determined to be confidential  
6 under Section 4002 of the Technology Advancement and  
7 Development Act.

8 (b) Library circulation and order records identifying  
9 library users with specific materials under the Library  
10 Records Confidentiality Act.

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

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

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

25 (f) Firm performance evaluations under Section 55 of



1 the Architectural, Engineering, and Land Surveying  
2 Qualifications Based Selection Act.

3 (g) Information the disclosure of which is restricted  
4 and exempted under Section 50 of the Illinois Prepaid  
5 Tuition Act.

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

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

16 (j) Information and data concerning the distribution  
17 of surcharge moneys collected and remitted by wireless  
18 carriers under the Wireless Emergency Telephone Safety  
19 Act.

20 (k) Law enforcement officer identification information  
21 or driver identification information compiled by a law  
22 enforcement agency or the Department of Transportation  
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential  
25 health care facility resident sexual assault and death  
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending  
3 database created pursuant to Article 3 of the Residential  
4 Real Property Disclosure Act, except to the extent  
5 authorized under that Article.

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

13 (o) Information that is prohibited from being  
14 disclosed under Section 4 of the Illinois Health and  
15 Hazardous Substances Registry Act.

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

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

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

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

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

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

19           (v) Names and information of people who have applied  
20 for or received Firearm Owner's Identification Cards under  
21 the Firearm Owners Identification Card Act or applied for  
22 or received a concealed carry license under the Firearm  
23 Concealed Carry Act, unless otherwise authorized by the  
24 Firearm Concealed Carry Act; and databases under the  
25 Firearm Concealed Carry Act, records of the Concealed Carry  
26 Licensing Review Board under the Firearm Concealed Carry

1 Act, and law enforcement agency objections under the  
2 Firearm Concealed Carry Act.

3 (w) Personally identifiable information which is  
4 exempted from disclosure under subsection (g) of Section  
5 19.1 of the Toll Highway Act.

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

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

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

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

23 (bb) Any record or information that a unit of local  
24 government or school district maintains an electronic copy  
25 of on its Internet website in order to comply with the Open  
26 Meetings Act.

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

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

8 (20 ILCS 405/405-335)

9 Sec. 405-335. Illinois Transparency and Accountability  
10 Portal (ITAP).

11 (a) The Department, within 12 months after the effective  
12 date of this amendatory Act of the 96th General Assembly, shall  
13 establish and maintain a website, known as the Illinois  
14 Transparency and Accountability Portal (ITAP), with a  
15 full-time webmaster tasked with compiling and updating the ITAP  
16 database with information received from all State agencies as  
17 defined in this Section. Within 6 months of the effective date  
18 of this amendatory Act, ITAP shall have the capability to  
19 compile and update the ITAP database with information received  
20 from all school districts and units of local government  
21 including, but not limited to, counties, townships, library  
22 districts, and municipalities. Subject to appropriation, the  
23 full-time webmaster must also compile and update the ITAP  
24 database with information received from all school districts

1 and units of local government including, but not limited to,  
2 counties, townships, library districts, and municipalities.

3 (b) For purposes of this Section:

4 "State agency" means the offices of the constitutional  
5 officers identified in Article V of the Illinois Constitution,  
6 executive agencies, and departments, boards, commissions, and  
7 Authorities under the Governor.

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

12 "Appropriation" means line-item detail of spending  
13 approved by the General Assembly and Governor, categorized by  
14 object of expenditure.

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

17 "Recipients" means State agencies receiving  
18 appropriations.

19 (c) The ITAP shall provide direct access to each of the  
20 following:

21 (1) A database of all current State employees and  
22 individual consultants, except sworn law enforcement  
23 officers, sorted separately by:

24 (i) Name.

25 (ii) Employing State agency.

26 (iii) Employing State division.

1 (iv) Employment position title.

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

3 (2) A database of all current State expenditures,  
4 sorted separately by agency, category, recipient, and  
5 Representative District.

6 (3) A database of all development assistance  
7 reportable pursuant to the Corporate Accountability for  
8 Tax Expenditures Act, sorted separately by tax credit  
9 category, taxpayer, and Representative District.

10 (4) A database of all revocations and suspensions of  
11 State occupation and use tax certificates of registration  
12 and all revocations and suspensions of State professional  
13 licenses, sorted separately by name, geographic location,  
14 and certificate of registration number or license number,  
15 as applicable. Professional license revocations and  
16 suspensions shall be posted only if resulting from a  
17 failure to pay taxes, license fees, or child support.

18 (5) A database of all current State contracts, sorted  
19 separately by contractor name, awarding officer or agency,  
20 contract value, and goods or services provided.

21 (6) A database of all employees hired after the  
22 effective date of this amendatory Act of 2010, sorted  
23 searchably by each of the following at the time of  
24 employment:

25 (i) Name.

26 (ii) Employing State agency.

1 (iii) Employing State division.

2 (iv) Employment position title.

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

4 (vi) County of employment location.

5 (vii) Rutan status.

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

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

11 (x) Status as a military veteran.

12 (7) A searchable database of all current county,  
13 township, library district, and municipal employees sorted  
14 separately by:

15 (i) Employing unit of local government.

16 (ii) Employment position title.

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

18 (8) A searchable database of all county, township, and  
19 municipal employees hired on or after the effective date of  
20 this amendatory Act of the 97th General Assembly, sorted  
21 separately by each of the following at the time of  
22 employment:

23 (i) Employing unit of local government.

24 (ii) Employment position title.

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

26 (9) A searchable database of all library district



1 employees hired on or after August 9, 2013 (the effective  
2 date of Public Act 98-246), sorted separately by each of  
3 the following at the time of employment:

4 (i) Employing unit of local government.

5 (ii) Employment position title.

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

7 (10) A link to a website maintained by the Department  
8 that contains a list of contact information for each State  
9 agency, including a telephone number and a link to the  
10 Agency's website. Each State agency shall be responsible  
11 for providing and updating the Department with this  
12 information.

13 (11) Information provided to ITAP pursuant to Section  
14 2.03.5 of the Open Meetings Act.

15 (d) The ITAP shall include all information required to be  
16 published by subsection (c) of this Section that is available  
17 to the Department in a format the Department can compile and  
18 publish on the ITAP. The Department shall update the ITAP as  
19 additional information becomes available in a format that can  
20 be compiled and published on the ITAP by the Department.

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

25 (f) Each county, township, library district, or  
26 municipality submitting information to be displayed on the

1 Illinois Transparency and Accountability Portal (ITAP) is  
2 responsible for the accuracy of the information provided.

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

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

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

19 (715 ILCS 5/2.1)

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

21 (a) Whenever notice by publication in a newspaper is  
22 required by law, order of court, or contract, the newspaper  
23 publishing the notice shall, at no additional cost to  
24 government, place the notice on the statewide website

1 established and maintained as a joint venture of the majority  
2 of Illinois newspapers as a repository for such notices.

3 (b) Whenever an officer of a court, unit of local  
4 government, or school district is required by law to provide  
5 notice by publication in a newspaper, it is sufficient to  
6 publish, in lieu of the entire text of the notice, the  
7 following information:

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

10 (2) the Internet website where the full text of the  
11 notice may be found.

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

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.39 as follows:

15 (30 ILCS 805/8.39 new)

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

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

22 Section 999. Effective date. This Act takes effect upon

1 becoming law.".