



Rep. Jack D. Franks

Filed: 5/24/2016

09900SB2701ham002

LRB099 16912 EFG 49148 a

1 AMENDMENT TO SENATE BILL 2701

2 AMENDMENT NO. _____. Amend Senate Bill 2701 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 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

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

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

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by wireless
6 carriers under the Wireless Emergency Telephone Safety
7 Act.

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

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the Capital
23 Crimes Litigation Act. This subsection (n) shall apply
24 until the conclusion of the trial of the case, even if the
25 prosecution chooses not to pursue the death penalty prior
26 to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Regional Transportation Authority under Section 2.11 of
8 the Regional Transportation Authority Act or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act.

11 (q) Information prohibited from being disclosed by the
12 Personnel Records Review Act.

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

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

17 (t) All identified or deidentified health information
18 in the form of health data or medical records contained in,
19 stored in, submitted to, transferred by, or released from
20 the Illinois Health Information Exchange, and identified
21 or deidentified health information in the form of health
22 data and medical records of the Illinois Health Information
23 Exchange in the possession of the Illinois Health
24 Information Exchange Authority due to its administration
25 of the Illinois Health Information Exchange. The terms
26 "identified" and "deidentified" shall be given the same

1 meaning as in the Health Insurance Portability and
2 Accountability ~~and Portability~~ Act of 1996, Public Law
3 104-191, or any subsequent amendments thereto, and any
4 regulations promulgated thereunder.

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

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed Carry
14 Licensing Review Board under the Firearm Concealed Carry
15 Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

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

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

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

13 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Time sheets submitted pursuant to subsection (b)
17 of Section 7-137.2 of the Illinois Pension Code.

18 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
19 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
20 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
21 revised 10-14-15.)

22 Section 10. The Illinois Pension Code is amended by
23 changing Section 7-137 and by adding Section 7-137.2 as
24 follows:

1 (40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

2 Sec. 7-137. Participating and covered employees.

3 (a) The persons described in this paragraph (a) shall be
4 included within and be subject to this Article and eligible to
5 benefits from this fund, beginning upon the dates hereinafter
6 specified:

7 1. Except as to the employees specifically excluded
8 under the provisions of this Article, all persons who are
9 employees of any municipality (or instrumentality thereof)
10 or participating instrumentality on the effective date of
11 participation of the municipality or participating
12 instrumentality beginning upon such effective date.

13 2. Except as to the employees specifically excluded
14 under the provisions of this Article, all persons, who
15 became employees of any participating municipality (or
16 instrumentality thereof) or participating instrumentality
17 after the effective date of participation of such
18 municipality or participating instrumentality, beginning
19 upon the date such person becomes an employee.

20 3. All persons who file notice with the board as
21 provided in paragraph (b) 2 and 3 of this Section,
22 beginning upon the date of filing such notice.

23 (b) The following described persons shall not be considered
24 participating employees eligible for benefits from this fund,
25 but shall be included within and be subject to this Article
26 (each of the descriptions is not exclusive but is cumulative):

1 1. Any person who occupies an office or is employed in
2 a position normally requiring performance of duty during
3 less than 600 hours a year for a municipality (including
4 all instrumentalities thereof) or a participating
5 instrumentality. If a school treasurer performs services
6 for more than one school district, the total number of
7 hours of service normally required for the several school
8 districts shall be considered to determine whether he
9 qualifies under this paragraph;

10 2. Except as provided in items 2.5 and 2.6, any ~~Any~~
11 person who holds elective office unless he has elected
12 while in that office in a written notice on file with the
13 board to become a participating employee;

14 2.5. Except as provided in item 2.6, any person who
15 holds elective office as a member of a county board,
16 unless:

17 (i) the person was first elected as a member of a
18 county board before the effective date of this
19 amendatory Act of the 99th General Assembly;

20 (ii) the person has elected while in that office,
21 in a written notice on file with the board, to become a
22 participating employee;

23 (iii) the county board has filed the resolution
24 required by subsection (a) of Section 7-137.2 of this
25 Article; and

26 (iv) the person has submitted the required time

1 sheets evidencing that the person has met the hourly
2 standard as required by subsection (b) of Section
3 7-137.2 of this Article;

4 2.6. Any person who is an elected member of a county
5 board and is first so elected on or after the effective
6 date of this amendatory Act of the 99th General Assembly;

7 3. Any person working for a city hospital unless any
8 such person, while in active employment, has elected in a
9 written notice on file with the board to become a
10 participating employee and notification thereof is
11 received by the board;

12 4. Any person who becomes an employee after June 30,
13 1979 as a public service employment program participant
14 under the federal Comprehensive Employment and Training
15 Act and whose wages or fringe benefits are paid in whole or
16 in part by funds provided under such Act;

17 5. Any person who is actively employed by a
18 municipality on its effective date of participation in the
19 Fund if that municipality (i) has at least 35 employees on
20 its effective date of participation; (ii) is located in a
21 county with at least 2,000,000 inhabitants; and (iii)
22 maintains an independent defined benefit pension plan for
23 the benefit of its eligible employees, unless the person
24 files with the board within 90 days after the
25 municipality's effective date of participation an
26 irrevocable election to participate.

1 (c) Any person electing to be a participating employee,
2 pursuant to paragraph (b) of this Section may not change such
3 election, except as provided in Section 7-137.1.

4 (d) Any employee who occupied the position of school nurse
5 in any participating municipality on August 8, 1961 and
6 continuously thereafter until the effective date of the
7 exercise of the option authorized by this subparagraph, who on
8 August 7, 1961 was a member of the Teachers' Retirement System
9 of Illinois, by virtue of certification by the Department of
10 Registration and Education as a public health nurse, may elect
11 to terminate participation in this Fund in order to
12 re-establish membership in such System. The election may be
13 exercised by filing written notice thereof with the Board or
14 with the Board of Trustees of said Teachers' Retirement System,
15 not later than September 30, 1963, and shall be effective on
16 the first day of the calendar month next following the month in
17 which the notice was filed. If the written notice is filed with
18 such Teachers' Retirement System, that System shall
19 immediately notify this Fund, but neither failure nor delay in
20 notification shall affect the validity of the employee's
21 election. If the option is exercised, the Fund shall notify
22 such Teachers' Retirement System of such fact and transfer to
23 that system the amounts contributed by the employee to this
24 Fund, including interest at 3% per annum, but excluding
25 contributions applicable to social security coverage during
26 the period beginning August 8, 1961 to the effective date of

1 the employee's election. Participation in this Fund as to any
2 credits on or after August 8, 1961 and up to the effective date
3 of the employee's election shall terminate on such effective
4 date.

5 (e) Any participating municipality or participating
6 instrumentality, other than a school district or special
7 education joint agreement created under Section 10-22.31 of the
8 School Code, may, by a resolution or ordinance duly adopted by
9 its governing body, elect to exclude from participation and
10 eligibility for benefits all persons who are employed after the
11 effective date of such resolution or ordinance and who occupy
12 an office or are employed in a position normally requiring
13 performance of duty for less than 1000 hours per year for the
14 participating municipality (including all instrumentalities
15 thereof) or participating instrumentality except for persons
16 employed in a position normally requiring performance of duty
17 for 600 hours or more per year (i) by such participating
18 municipality or participating instrumentality prior to the
19 effective date of the resolution or ordinance and (ii) by a
20 participating municipality or participating instrumentality,
21 which had not adopted such a resolution when the person was
22 employed, and the function served by the employee's position is
23 assumed by another participating municipality or participating
24 instrumentality. Notwithstanding the foregoing, a
25 participating municipality or participating instrumentality
26 which is formed solely to succeed to the functions of a

1 participating municipality or participating instrumentality
2 shall be considered to have adopted any such resolution or
3 ordinance which may have been applicable to the employees
4 performing such functions. The election made by the resolution
5 or ordinance shall take effect at the time specified in the
6 resolution or ordinance, and once effective shall be
7 irrevocable.

8 (Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11;
9 97-609, eff. 1-1-12.)

10 (40 ILCS 5/7-137.2 new)

11 Sec. 7-137.2. Participation by elected members of county
12 boards.

13 (a) An elected member of a county board is not eligible to
14 participate in the Fund with respect to that position unless
15 the county board has adopted a resolution, after public debate
16 and in a form acceptable to the Fund, certifying that persons
17 in the position of elected member of the county board are
18 expected to work at least 600 hours annually (or 1000 hours
19 annually in a county that has adopted a resolution pursuant to
20 subsection (e) of Section 7-137 of this Code). The resolution
21 must be adopted and filed with the Fund no more than 90 days
22 after each general election in which a member of the county
23 board is elected.

24 (b) An elected member of a county board that participates
25 in the Fund with respect to that position shall monthly submit,

1 to the county fiscal officer, time sheets documenting the time
2 spent on official government business as an elected member of
3 the county board. The time sheets shall be (1) submitted on
4 paper or electronically, or both, and (2) maintained by the
5 county board for 5 years. An elected member of a county board
6 who fails to submit time sheets or fails to conduct official
7 government business with respect to that position for either
8 600 hours or 1000 hours (whichever is applicable) annually
9 shall not be permitted to continue participation in the Fund as
10 an elected member of a county board. The Fund may request that
11 the governing body certify that an elected member of a county
12 board is permitted to continue participation with respect to
13 that position. Time sheets submitted pursuant to this
14 subsection are exempt from disclosure under the Freedom of
15 Information Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."