

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, and the salary information for senators. 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 2year 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.

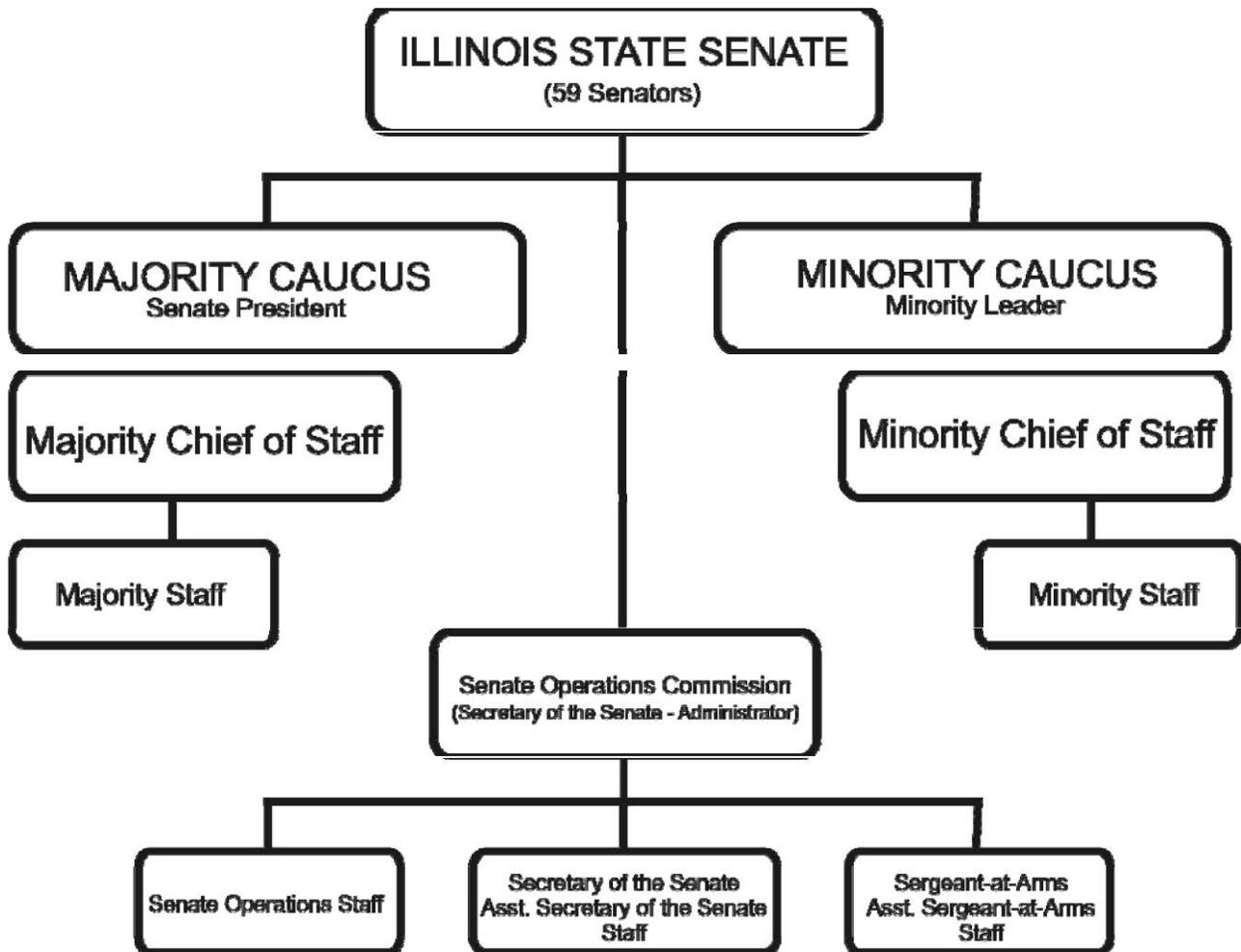
Offices – Minority Leader. The Minority Leader’s Springfield Office is located at 309 State Capitol Building, Springfield, Illinois 62706. The Minority Leader maintains an office at the James R. Thompson Center, 100 West Randolph Street, 16-300, Chicago, Illinois 60601.

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



Fiscal Information

Appropriated to the Comptroller

Senate Salaries: 59 Members @ \$67,836 each

Additional Amounts:

- President \$ 27,477; Majority Leader \$ 20,649; Assistant Majority Leaders 5 @ \$20,649 each; Majority Caucus Chair \$ 20,649
- Minority Leader \$ 27,477; Deputy Minority Leader \$ 20,649; Assistant Minority Leaders 4 @ \$20,649 each; Minority Caucus Chair \$ 20,649
- Committee Chairman/Minority Spokesperson; Chair @ \$10,327 each; Minority Spokesperson @ \$10,327 each

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, sent by mail, or emailed 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 for 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:

Giovanni R. Randazzo, FOIA Officer, 605A State Capitol Building, Springfield, Illinois 62706.

FOIArequests@senatedem.ilga.gov

Jo Ellen Johnson, Assistant FOIA Officer

Angela C. Reed, Assistant FOIA Officer

Records Maintained Online. If a request is made for a public record that is published on the General Assembly’s website, then you will be directed to access the requested record through the website. If, however, you are unable to reasonably access the record online after being directed by the Senate to do so, you may re-submit your request stating your inability to access the document online and the Senate will make the public record available for inspection or copying pursuant to FOIA.

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.

Responding to a voluminous request. A "voluminous request" is a request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording. It does not include a request made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is: (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific, or public research or education.

The Senate must respond to a voluminous request within 5 business days after receipt. The response will notify the requester: (i) that the Senate is treating the request as a voluminous request; (ii) the reasons why the Senate is treating the request as a voluminous request; (iii) that the requester must respond to the Senate within 10 business days after the Senate's response was sent and specify whether the requester would like to amend the request in such a way that the Senate will no longer treat the request as a voluminous request; (iv) that if the requester does not respond within 10

business days or if the request continues to be a voluminous request following the requester's response, the Senate will respond to the request and assess any fees the Senate charges pursuant to FOIA; (v) that the Senate has 5 business days after receipt of the requester's response or 5 business days from the last day for the requester to amend his or her request, whichever is sooner, to respond to the request; (vi) that the Senate may request an additional 10 business days to comply with the request; and (vii) that if the requester fails to accept or collect the responsive records, the public body may still charge the requester for its response pursuant to Section 6 of this Act and the requester's failure to pay will be considered a debt due and owing to the Senate and may be collected in accordance with applicable law.

The Senate will provide a person making a voluminous request 10 business days from the date the Senate's response is sent to amend the request in such a way that the Senate will no longer treat the request as a voluminous request. If a request continues to be a voluminous request following the requester's response or the requester fails to respond, the Senate will respond within the earlier of 5 business days after it receives the response from the requester or 5 business days after the final day for the requester to respond to the Senate's notification under this subsection. The response shall: (i) provide an estimate of the fees to be charged, which the Senate may require the person to pay in full before copying the requested documents; (ii) deny the request; (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or (iv) provide the records requested.

The time for response by the Senate may be extended by the Senate for not more than 10 business days from the final day for the requester to respond to the Senate's notification. The person making a request and the Senate may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Senate agree to extend the period for compliance, a failure by the Senate to comply with any previous deadlines shall not be treated as a denial of the request for the records.

If a requester does not pay a fee for a voluminous request, the debt shall be considered a debt due and owing to the Senate and may be collected in accordance with applicable law. This fee may be charged by the Senate even if the requester fails to accept or collect records the Senate has prepared in response to a voluminous request.

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 15 cents per page.

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

Records Requested in electronic format on a CD-Rom. The fee for a CD-Rom is \$5 per disc.

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

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

Voluminous request in electronic format (non-PDF format). The fee for records shall be \$20 for up to 2 megabytes of data; \$40 for between 2 and 4 megabytes of data; and \$100 for more than 4 megabytes of data.

Voluminous request in electronic format PDF format). The fee for records shall be \$20 for up to 80 megabytes of data; \$40 for between 80 and 160 megabytes of data; and \$100 for more than 160 megabytes of data.

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: Giovanni R. Randazzo, FOIA Officer 605A State Capitol Building Springfield, Illinois 62706

FOIArequests@senatedem.ilga.gov

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.