



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2690

Introduced 2/22/2005, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7

from Ch. 116, par. 207

Creates the First Responder Building Mapping System Act. Provides for the Illinois Emergency Management Agency to create and operate a statewide first responder building mapping information system. Provides that all State, unit of local government, and school district owned buildings that are occupied by its employees must be mapped when funding is provided by the Illinois Emergency Management Agency or from other sources for that purpose. Creates a First Responder Mapping Task Force, within IEMA, to advise IEMA in the establishment of the first responder building mapping information system. Sets forth the purposes of the task force. Provides immunity for units of local government and their employees for civil liability arising out of the creation and use of the first responder building mapping system. Amends the Freedom of Information Act to exempt mapping records from disclosure. Makes other changes. Effective immediately.

LRB094 07706 JAM 37882 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the First
5 Responder Building Mapping System Act.

6 Section 5. Purpose. The General Assembly recognizes the
7 extreme dangers present when the safety of our citizens
8 requires first responders, such a police and firefighters, to
9 evacuate and secure a building. In an effort to prepare for
10 responding to unintended disasters, criminal acts, and acts of
11 terrorism, the General Assembly intends to create a statewide
12 first responder building mapping information system that will
13 provide all first responders with the information they need to
14 be successful when disaster strikes. The first responder
15 building mapping system created by this Act is to be developed
16 for a limited and specific purpose and is in no way to be
17 construed as imposing standards or system requirements on any
18 other mapping systems developed and used for any other
19 government purposes.

20 Section 10. Statewide first responder building mapping
21 information system. Subject to a separate appropriation made
22 for that purpose, the Illinois Emergency Management Agency
23 shall create and operate a statewide first responder building
24 mapping information system.

25 All State agencies, units of local government, and school
26 districts must use building mapping software that complies with
27 the building mapping software standards developed as provided
28 in this Act for any building mapped for this purpose after the
29 statewide first responder building mapping information system
30 is operational. If, before the creation of the statewide
31 building mapping information system, a State agency, unit of

1 local government, or school district has used building mapping
2 software standards that do not comply with this Act, the State
3 agency, unit of local government, or school district may
4 continue to use its own building mapping system unless the
5 Illinois Emergency Management Agency provides funding to bring
6 the governmental entity's system into compliance with
7 standards developed under this Act.

8 All State, unit of local government, and school district
9 owned buildings that are occupied by its employees must be
10 mapped when funding is provided by the Illinois Emergency
11 Management Agency or from other sources. Nothing in this Act
12 requires any State agency, unit of local government, or school
13 district to map a building unless the entire cost of mapping
14 the building is provided by the Illinois Emergency Management
15 Agency or from other sources for that purpose.

16 Once the statewide first responder building mapping
17 information system is operational, the building mapping
18 information data for all State, unit of local government, and
19 school district buildings that are mapped must be forwarded to
20 the Illinois Emergency Management Agency. All participating
21 private and federally owned buildings may voluntarily forward
22 their mapping and emergency information data to the Illinois
23 Emergency Management Agency. The Illinois Emergency Management
24 Agency may refuse any building mapping information that does
25 not comply with the specifications developed under this Act.

26 Consistent with the guidelines developed under this Act,
27 the Illinois Emergency Management Agency shall electronically
28 make the building mapping information available to all State,
29 local, and federal law enforcement agencies and to all Illinois
30 fire protection districts and fire departments.

31 Consistent with the guidelines developed under this Act,
32 the Illinois Emergency Management Agency shall develop
33 building mapping software standards that must be used to
34 participate in the statewide first responder building mapping
35 information system.

36 The Illinois Emergency Management Agency shall pursue

1 federal funds to:

2 (a) create the statewide first responder building
3 mapping information system; and

4 (b) develop grants for the mapping of all State, unit
5 of local government, and school district buildings in the
6 order determined by the Illinois Emergency Management
7 Agency after consultation with the First Responder Mapping
8 Task Force.

9 All tactical and intelligence information provided to the
10 Illinois Emergency Management Agency under this Act is exempt
11 from public disclosure under the Freedom of Information Act.

12 Section 15. First Responder Mapping Task Force. The
13 Illinois Emergency management Agency shall establish, within
14 the Agency, a First Responder Mapping Task Force as an advisory
15 body to assist in the establishment of guidelines related to
16 the statewide first responder building mapping information
17 system. The Director shall make appropriate appointments to the
18 Task force. Members shall serve at the pleasure of the
19 Director.

20 The First Responder Mapping Task Force shall advise and
21 assist the Illinois Emergency Management Agency with the
22 following:

23 (a) Developing the type of information to be included
24 in the statewide first responder building mapping
25 information system. The information shall include, but is
26 not limited to: floor plans, fire protection information,
27 evacuation plans, utility information, known hazards, and
28 text and digital images showing emergency personnel
29 contact information.

30 (b) Developing building mapping software standards
31 that must be used by all entities participating in the
32 statewide first responder building mapping information
33 system.

34 (c) Determining the order in which buildings shall be
35 mapped when funding is received.

1 (d) Developing guidelines on how the information shall
2 be made available. These guidelines shall include detailed
3 procedures and security systems to ensure that the
4 information is made available only to the government entity
5 that either owns the building or is responding to an
6 incident at the building.

7 (e) Recommending training guidelines regarding using
8 the statewide first responder building mapping information
9 system.

10 Nothing in this Section supersedes the authority of State
11 agencies, units of local governments, and school districts to
12 control and maintain access to information within their
13 independent systems.

14 Section 20. Civil liability. In addition to the immunities
15 provided under the Governmental and Governmental Employees
16 Tort Immunity Act, State agencies, units of local government,
17 and school districts and their employees are immune from civil
18 liability for damages arising out of the creation and use of
19 the statewide first responder building mapping information
20 system, unless it is shown that an employee acted with gross
21 negligence or in bad faith.

22 Section 25. The Freedom of Information Act is amended by
23 changing Section 7 as follows:

24 (5 ILCS 140/7) (from Ch. 116, par. 207)

25 Sec. 7. Exemptions.

26 (1) The following shall be exempt from inspection and
27 copying:

28 (a) Information specifically prohibited from
29 disclosure by federal or State law or rules and regulations
30 adopted under federal or State law.

31 (b) Information that, if disclosed, would constitute a
32 clearly unwarranted invasion of personal privacy, unless
33 the disclosure is consented to in writing by the individual

1 subjects of the information. The disclosure of information
2 that bears on the public duties of public employees and
3 officials shall not be considered an invasion of personal
4 privacy. Information exempted under this subsection (b)
5 shall include but is not limited to:

6 (i) files and personal information maintained with
7 respect to clients, patients, residents, students or
8 other individuals receiving social, medical,
9 educational, vocational, financial, supervisory or
10 custodial care or services directly or indirectly from
11 federal agencies or public bodies;

12 (ii) personnel files and personal information
13 maintained with respect to employees, appointees or
14 elected officials of any public body or applicants for
15 those positions;

16 (iii) files and personal information maintained
17 with respect to any applicant, registrant or licensee
18 by any public body cooperating with or engaged in
19 professional or occupational registration, licensure
20 or discipline;

21 (iv) information required of any taxpayer in
22 connection with the assessment or collection of any tax
23 unless disclosure is otherwise required by State
24 statute;

25 (v) information revealing the identity of persons
26 who file complaints with or provide information to
27 administrative, investigative, law enforcement or
28 penal agencies; provided, however, that identification
29 of witnesses to traffic accidents, traffic accident
30 reports, and rescue reports may be provided by agencies
31 of local government, except in a case for which a
32 criminal investigation is ongoing, without
33 constituting a clearly unwarranted per se invasion of
34 personal privacy under this subsection; and

35 (vi) the names, addresses, or other personal
36 information of participants and registrants in park

1 district, forest preserve district, and conservation
2 district programs.

3 (c) Records compiled by any public body for
4 administrative enforcement proceedings and any law
5 enforcement or correctional agency for law enforcement
6 purposes or for internal matters of a public body, but only
7 to the extent that disclosure would:

8 (i) interfere with pending or actually and
9 reasonably contemplated law enforcement proceedings
10 conducted by any law enforcement or correctional
11 agency;

12 (ii) interfere with pending administrative
13 enforcement proceedings conducted by any public body;

14 (iii) deprive a person of a fair trial or an
15 impartial hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source or confidential information
18 furnished only by the confidential source;

19 (v) disclose unique or specialized investigative
20 techniques other than those generally used and known or
21 disclose internal documents of correctional agencies
22 related to detection, observation or investigation of
23 incidents of crime or misconduct;

24 (vi) constitute an invasion of personal privacy
25 under subsection (b) of this Section;

26 (vii) endanger the life or physical safety of law
27 enforcement personnel or any other person; or

28 (viii) obstruct an ongoing criminal investigation.

29 (d) Criminal history record information maintained by
30 State or local criminal justice agencies, except the
31 following which shall be open for public inspection and
32 copying:

33 (i) chronologically maintained arrest information,
34 such as traditional arrest logs or blotters;

35 (ii) the name of a person in the custody of a law
36 enforcement agency and the charges for which that

1 person is being held;

2 (iii) court records that are public;

3 (iv) records that are otherwise available under
4 State or local law; or

5 (v) records in which the requesting party is the
6 individual identified, except as provided under part
7 (vii) of paragraph (c) of subsection (1) of this
8 Section.

9 "Criminal history record information" means data
10 identifiable to an individual and consisting of
11 descriptions or notations of arrests, detentions,
12 indictments, informations, pre-trial proceedings, trials,
13 or other formal events in the criminal justice system or
14 descriptions or notations of criminal charges (including
15 criminal violations of local municipal ordinances) and the
16 nature of any disposition arising therefrom, including
17 sentencing, court or correctional supervision,
18 rehabilitation and release. The term does not apply to
19 statistical records and reports in which individuals are
20 not identified and from which their identities are not
21 ascertainable, or to information that is for criminal
22 investigative or intelligence purposes.

23 (e) Records that relate to or affect the security of
24 correctional institutions and detention facilities.

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda and other records in which opinions are
27 expressed, or policies or actions are formulated, except
28 that a specific record or relevant portion of a record
29 shall not be exempt when the record is publicly cited and
30 identified by the head of the public body. The exemption
31 provided in this paragraph (f) extends to all those records
32 of officers and agencies of the General Assembly that
33 pertain to the preparation of legislative documents.

34 (g) Trade secrets and commercial or financial
35 information obtained from a person or business where the
36 trade secrets or information are proprietary, privileged

1 or confidential, or where disclosure of the trade secrets
2 or information may cause competitive harm, including all
3 information determined to be confidential under Section
4 4002 of the Technology Advancement and Development Act.
5 Nothing contained in this paragraph (g) shall be construed
6 to prevent a person or business from consenting to
7 disclosure.

8 (h) Proposals and bids for any contract, grant, or
9 agreement, including information which if it were
10 disclosed would frustrate procurement or give an advantage
11 to any person proposing to enter into a contractor
12 agreement with the body, until an award or final selection
13 is made. Information prepared by or for the body in
14 preparation of a bid solicitation shall be exempt until an
15 award or final selection is made.

16 (i) Valuable formulae, computer geographic systems,
17 designs, drawings and research data obtained or produced by
18 any public body when disclosure could reasonably be
19 expected to produce private gain or public loss. The
20 exemption for "computer geographic systems" provided in
21 this paragraph (i) does not extend to requests made by news
22 media as defined in Section 2 of this Act when the
23 requested information is not otherwise exempt and the only
24 purpose of the request is to access and disseminate
25 information regarding the health, safety, welfare, or
26 legal rights of the general public.

27 (j) Test questions, scoring keys and other examination
28 data used to administer an academic examination or
29 determined the qualifications of an applicant for a license
30 or employment.

31 (k) Architects' plans, engineers' technical
32 submissions, and other construction related technical
33 documents for projects not constructed or developed in
34 whole or in part with public funds and the same for
35 projects constructed or developed with public funds, but
36 only to the extent that disclosure would compromise

1 security, including but not limited to water treatment
2 facilities, airport facilities, sport stadiums, convention
3 centers, and all government owned, operated, or occupied
4 buildings.

5 (l) Library circulation and order records identifying
6 library users with specific materials.

7 (m) Minutes of meetings of public bodies closed to the
8 public as provided in the Open Meetings Act until the
9 public body makes the minutes available to the public under
10 Section 2.06 of the Open Meetings Act.

11 (n) Communications between a public body and an
12 attorney or auditor representing the public body that would
13 not be subject to discovery in litigation, and materials
14 prepared or compiled by or for a public body in
15 anticipation of a criminal, civil or administrative
16 proceeding upon the request of an attorney advising the
17 public body, and materials prepared or compiled with
18 respect to internal audits of public bodies.

19 (o) Information received by a primary or secondary
20 school, college or university under its procedures for the
21 evaluation of faculty members by their academic peers.

22 (p) Administrative or technical information associated
23 with automated data processing operations, including but
24 not limited to software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation
27 pertaining to all logical and physical design of
28 computerized systems, employee manuals, and any other
29 information that, if disclosed, would jeopardize the
30 security of the system or its data or the security of
31 materials exempt under this Section.

32 (q) Documents or materials relating to collective
33 negotiating matters between public bodies and their
34 employees or representatives, except that any final
35 contract or agreement shall be subject to inspection and
36 copying.

1 (r) Drafts, notes, recommendations and memoranda
2 pertaining to the financing and marketing transactions of
3 the public body. The records of ownership, registration,
4 transfer, and exchange of municipal debt obligations, and
5 of persons to whom payment with respect to these
6 obligations is made.

7 (s) The records, documents and information relating to
8 real estate purchase negotiations until those negotiations
9 have been completed or otherwise terminated. With regard to
10 a parcel involved in a pending or actually and reasonably
11 contemplated eminent domain proceeding under Article VII
12 of the Code of Civil Procedure, records, documents and
13 information relating to that parcel shall be exempt except
14 as may be allowed under discovery rules adopted by the
15 Illinois Supreme Court. The records, documents and
16 information relating to a real estate sale shall be exempt
17 until a sale is consummated.

18 (t) Any and all proprietary information and records
19 related to the operation of an intergovernmental risk
20 management association or self-insurance pool or jointly
21 self-administered health and accident cooperative or pool.

22 (u) Information concerning a university's adjudication
23 of student or employee grievance or disciplinary cases, to
24 the extent that disclosure would reveal the identity of the
25 student or employee and information concerning any public
26 body's adjudication of student or employee grievances or
27 disciplinary cases, except for the final outcome of the
28 cases.

29 (v) Course materials or research materials used by
30 faculty members.

31 (w) Information related solely to the internal
32 personnel rules and practices of a public body.

33 (x) Information contained in or related to
34 examination, operating, or condition reports prepared by,
35 on behalf of, or for the use of a public body responsible
36 for the regulation or supervision of financial

1 institutions or insurance companies, unless disclosure is
2 otherwise required by State law.

3 (y) Information the disclosure of which is restricted
4 under Section 5-108 of the Public Utilities Act.

5 (z) Manuals or instruction to staff that relate to
6 establishment or collection of liability for any State tax
7 or that relate to investigations by a public body to
8 determine violation of any criminal law.

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

15 (bb) Insurance or self insurance (including any
16 intergovernmental risk management association or self
17 insurance pool) claims, loss or risk management
18 information, records, data, advice or communications.

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

25 (dd) Information the disclosure of which is exempted
26 under Section 30 of the Radon Industry Licensing Act.

27 (ee) Firm performance evaluations under Section 55 of
28 the Architectural, Engineering, and Land Surveying
29 Qualifications Based Selection Act.

30 (ff) Security portions of system safety program plans,
31 investigation reports, surveys, schedules, lists, data, or
32 information compiled, collected, or prepared by or for the
33 Regional Transportation Authority under Section 2.11 of
34 the Regional Transportation Authority Act or the St. Clair
35 County Transit District under the Bi-State Transit Safety
36 Act.

1 (gg) Information the disclosure of which is restricted
2 and exempted under Section 50 of the Illinois Prepaid
3 Tuition Act.

4 (hh) Information the disclosure of which is exempted
5 under the State Officials and Employees Ethics Act.

6 (ii) Beginning July 1, 1999, information that would
7 disclose or might lead to the disclosure of secret or
8 confidential information, codes, algorithms, programs, or
9 private keys intended to be used to create electronic or
10 digital signatures under the Electronic Commerce Security
11 Act.

12 (jj) 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 (kk) 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 (ll) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a community's
23 population or systems, facilities, or installations, the
24 destruction or contamination of which would constitute a
25 clear and present danger to the health or safety of the
26 community, but only to the extent that disclosure could
27 reasonably be expected to jeopardize the effectiveness of
28 the measures or the safety of the personnel who implement
29 them or the public. Information exempt under this item may
30 include such things as details pertaining to the
31 mobilization or deployment of personnel or equipment, to
32 the operation of communication systems or protocols, or to
33 tactical operations.

34 (mm) Maps and other records regarding the location or
35 security of a utility's generation, transmission,
36 distribution, storage, gathering, treatment, or switching

1 facilities.

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

7 (oo) Records and information provided to a residential
8 health care facility resident sexual assault and death
9 review team or the Residential Health Care Facility
10 Resident Sexual Assault and Death Review Teams Executive
11 Council under the Residential Health Care Facility
12 Resident Sexual Assault and Death Review Team Act.

13 (pp) Building mapping records and other information
14 compiled by the Illinois Emergency Management Agency under
15 the First Responder Building Mapping System Act.

16 (2) This Section does not authorize withholding of
17 information or limit the availability of records to the public,
18 except as stated in this Section or otherwise provided in this
19 Act.

20 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
21 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
22 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
23 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
24 8-21-03; 93-617, eff. 12-9-03.)

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