



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5522

by Rep. Jeanne M Ives

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Open Meetings Act. Requires a unit of local government or school district with an operating budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, the following information: (1) information about elected and appointed officials; (2) notice of and materials prepared for meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances; (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) a debt disclosure report; and (14) public notices. 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. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Amends the Freedom of Information Act. Provides for a statutory exemption for any electronic copy of a record or information maintained on specified websites. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois to make conforming changes. Amends the Notice By Publication Act. Provides that whenever an officer of a court, unit of local government, or school district is required to provide notice by publication in a newspaper, publishing website address to the document will be sufficient. Effective immediately.

LRB099 20497 AWJ 45020 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 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  
17 department.

18 (2) The agenda, board packets, and any other prepared  
19 materials of all regular meetings shall be posted at least  
20 72 hours before a meeting. The agenda, board packets, and  
21 any other prepared materials of all special or emergency  
22 meetings shall be posted at least 24 hours before a  
23 meeting. The posting shall indicate if the agendas are in

1 draft form. The minutes from any regular or special meeting  
2 shall be posted within 72 hours of approval.

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

6 (4) The annual budget and appropriation ordinances.

7 (5) The ordinances under which the unit of local  
8 government or school district operates as of the effective  
9 date of this amendatory Act of the 99th General Assembly  
10 and all ordinances thereafter adopted.

11 (6) The procedures required to apply for building  
12 permits and zoning variances.

13 (7) Any budget, financial audit, audit schedule, or  
14 special project report, including without limitation the  
15 comprehensive annual financial report, performance audits,  
16 and reports required under the Tax Increment Allocation  
17 Redevelopment Act in the Illinois Municipal Code. All  
18 reports should include the following:

19 (A) All actual revenues and expenditures for at  
20 least the 3 previous fiscal years. Any report focusing  
21 on any subset of Total should specify that only partial  
22 amounts are shown and identify the Total amount and the  
23 nature of items not included in the report.

24 (B) Revenues should be broken out by source,  
25 including the broad categories of local, State, and  
26 federal tax dollars.

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

3           (D) Expenditure summaries for units of local  
4           government should reflect the per-resident calculation  
5           for comparison to other governmental bodies. For  
6           schools, a per-pupil calculation should be made based  
7           on full-time or equivalent enrollment.

8           (E) Audits should include a management letter.

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

12           (9) Contracts with lobbying firms hired by the unit of  
13           local government or school district. The name and amount of  
14           money paid to lobbying associations by the unit of local  
15           government or school district.

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

18           (11) The ordinances and rules governing the award of  
19           all bids and contracts for purchase in the amount of  
20           \$25,000 or more.

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

23           (13) A debt disclosure report that includes the  
24           following:

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

26           (B) sum total of gross tax levy for the most recent

1 tax year;

2 (C) gross operating budget revenue for the most  
3 recent fiscal year;

4 (D) total pension liability;

5 (E) total unfunded pension liability; and

6 (F) actuarial cost method used to calculate total  
7 pension liability and total unfunded pension  
8 liability, and other post-employment benefits,  
9 including:

10 (i) projected investment rate of return;

11 (ii) actual investment rate of return over the  
12 past 10 years;

13 (iii) annual rate of salary increases;

14 (iv) participant mortality rate; and

15 (v) healthcare cost trend rate for Other  
16 Post-Employment Benefits (OPEB).

17 (14) Public notices.

18 (b) No later than one year after the effective date of this  
19 amendatory Act of the 99th General Assembly, each unit of local  
20 government or school district shall develop, maintain, and make  
21 publicly available, in any format the unit of local government  
22 or school district would otherwise utilize for its own  
23 purposes, information concerning moneys collected and expended  
24 by the unit of local government or school distract. This  
25 information shall include the following:

26 (1) the name and principal location or address of the

1 entity receiving moneys, except that information  
2 concerning a payment to an employee of the unit of local  
3 government or school district shall identify the  
4 individual employee by name and business address or  
5 location only;

6 (2) the amount of expended moneys;

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

8 (4) the date of the expenditure;

9 (5) the name of the budget program, activity, or  
10 category supporting the expenditure;

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

12 and

13 (7) to the extent possible, a unique identifier for  
14 each expenditure.

15 The website shall contain only information that is a public  
16 record or that is not confidential or otherwise protected from  
17 public disclosure pursuant to State or federal law.

18 The unit of local government or school district shall  
19 update the financial data contained on the website at least  
20 monthly, and archive the financial data, which shall remain  
21 accessible on the website. The financial data must be easily  
22 accessible from the main page of the unit of local government  
23 or school district's website. The unit of local government or  
24 school district shall create and make easily accessible an  
25 automated Rich Site Summary (RSS) feed to which users of the  
26 website may subscribe for notification of updates to the

1 information.

2 The unit of local government or school district may meet  
3 all requirements of this subsection by having the information  
4 and data required to be included on the unit's website database  
5 posted in the Illinois Transparency and Accountability Portal.  
6 The unit of local government or school district may also meet  
7 each requirement of this subsection by supplying labeled links  
8 on the unit of local government's or school district's website  
9 to the website of other units of local government or school  
10 districts that independently post and maintain the information  
11 and data online.

12 This subsection shall not apply until 6 months after the  
13 effective date of this amendatory Act of the 99th General  
14 Assembly.

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

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

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

1 requirements set forth in subsection (a). The court may impose  
2 any penalty or other sanction as it deems appropriate. The  
3 court, in its discretion, may also award to the citizen  
4 bringing the action reasonable attorneys' fees and costs.

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

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

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

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

17 (5 ILCS 140/7.5)

18 Sec. 7.5. Statutory exemptions. To the extent provided for  
19 by the statutes referenced below, the following shall be exempt  
20 from inspection and copying:

21 (a) All information determined to be confidential  
22 under Section 4002 of the Technology Advancement and  
23 Development Act.

24 (b) Library circulation and order records identifying



1 library users with specific materials under the Library  
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other records  
6 prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

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

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

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

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

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

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

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

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

23          (n) Defense budgets and petitions for certification of  
24          compensation and expenses for court appointed trial  
25          counsel as provided under Sections 10 and 15 of the Capital  
26          Crimes Litigation Act. This subsection (n) shall apply

1           until the conclusion of the trial of the case, even if the  
2           prosecution chooses not to pursue the death penalty prior  
3           to trial or sentencing.

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

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

14          (q) Information prohibited from being disclosed by the  
15          Personnel Records Review Act.

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

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

20          (t) All identified or deidentified health information  
21          in the form of health data or medical records contained in,  
22          stored in, submitted to, transferred by, or released from  
23          the Illinois Health Information Exchange, and identified  
24          or deidentified health information in the form of health  
25          data and medical records of the Illinois Health Information  
26          Exchange in the possession of the Illinois Health

1 Information Exchange Authority due to its administration  
2 of the Illinois Health Information Exchange. The terms  
3 "identified" and "deidentified" shall be given the same  
4 meaning as in the Health Insurance Portability and  
5 Accountability and Portability Act of 1996, Public Law  
6 104-191, or any subsequent amendments thereto, and any  
7 regulations promulgated thereunder.

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

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

20 (w) Personally identifiable information which is  
21 exempted from disclosure under subsection (g) of Section  
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure  
24 under Section 5-1014.3 of the Counties Code or Section  
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling  
2 statute, the Elder Abuse and Neglect Act, including  
3 information about the identity and administrative finding  
4 against any caregiver of a verified and substantiated  
5 decision of abuse, neglect, or financial exploitation of an  
6 eligible adult maintained in the Registry established  
7 under Section 7.5 of the Adult Protective Services Act.

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

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

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

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

19 (dd) Any record or information that a unit of local  
20 government or school district maintains an electronic copy  
21 of on its Internet website in order to comply with the Open  
22 Meetings Act.

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

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

4 (20 ILCS 405/405-335)

5 Sec. 405-335. Illinois Transparency and Accountability  
6 Portal (ITAP).

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

23 (b) For purposes of this Section:

24 "State agency" means the offices of the constitutional

1 officers identified in Article V of the Illinois Constitution,  
2 executive agencies, and departments, boards, commissions, and  
3 Authorities under the Governor.

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

8 "Appropriation" means line-item detail of spending  
9 approved by the General Assembly and Governor, categorized by  
10 object of expenditure.

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

13 "Recipients" means State agencies receiving  
14 appropriations.

15 (c) The ITAP shall provide direct access to each of the  
16 following:

17 (1) A database of all current State employees and  
18 individual consultants, except sworn law enforcement  
19 officers, sorted separately by:

20 (i) Name.

21 (ii) Employing State agency.

22 (iii) Employing State division.

23 (iv) Employment position title.

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

25 (2) A database of all current State expenditures,  
26 sorted separately by agency, category, recipient, and

1 Representative District.

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

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

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

17 (6) A database of all employees hired after the  
18 effective date of this amendatory Act of 2010, sorted  
19 searchably by each of the following at the time of  
20 employment:

21 (i) Name.

22 (ii) Employing State agency.

23 (iii) Employing State division.

24 (iv) Employment position title.

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

26 (vi) County of employment location.



1 (vii) Rutan status.

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

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

7 (x) Status as a military veteran.

8 (7) A searchable database of all current county,  
9 township, library district, and municipal employees sorted  
10 separately by:

11 (i) Employing unit of local government.

12 (ii) Employment position title.

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

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

19 (i) Employing unit of local government.

20 (ii) Employment position title.

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

22 (9) A searchable database of all library district  
23 employees hired on or after August 9, 2013 (the effective  
24 date of Public Act 98-246), sorted separately by each of  
25 the following at the time of employment:

26 (i) Employing unit of local government.

1 (ii) Employment position title.

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

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

9 (11) Information provided to ITAP pursuant to Section  
10 2.03.5 of the Open Meetings Act.

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

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

21 (f) Each county, township, library district, or  
22 municipality submitting information to be displayed on the  
23 Illinois Transparency and Accountability Portal (ITAP) is  
24 responsible for the accuracy of the information provided.

25 (g) The Department, within 6 months after January 1, 2014  
26 (the effective date of Public Act 98-283), shall distribute a

1 spreadsheet or otherwise make data entry available to each  
2 State agency to facilitate the collection of data on the  
3 State's annual workforce characteristics, workforce  
4 compensation, and employee mobility. The Department shall  
5 determine the data to be collected by each State agency. Each  
6 State agency shall cooperate with the Department in furnishing  
7 the data necessary for the implementation of this subsection  
8 within the timeframe specified by the Department. The  
9 Department shall publish the data received from each State  
10 agency on the ITAP or another open data site annually.

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

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

15 (715 ILCS 5/2.1)

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

17 (a) Whenever notice by publication in a newspaper is  
18 required by law, order of court, or contract, the newspaper  
19 publishing the notice shall, at no additional cost to  
20 government, place the notice on the statewide website  
21 established and maintained as a joint venture of the majority  
22 of Illinois newspapers as a repository for such notices.

23 (b) Whenever an officer of a court, unit of local  
24 government, or school district is required by law to provide

1 notice by publication in a newspaper, it is sufficient to  
2 publish, in lieu of the entire text of the notice, the  
3 following information:

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

6 (2) the Internet website where the full text of the  
7 notice may be found.

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

9 Section 90. The State Mandates Act is amended by adding  
10 Section 8.40 as follows:

11 (30 ILCS 805/8.40 new)

12 Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8  
13 of this Act, no reimbursement by the State is required for the  
14 implementation of any mandate created by this amendatory Act of  
15 the 99th General Assembly.

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

18 Section 999. Effective date. This Act takes effect upon  
19 becoming law.

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2

Statutes amended in order of appearance

3

5 ILCS 120/2.03.5 new

4

5 ILCS 140/7.5

5

20 ILCS 405/405-335

6

715 ILCS 5/2.1

7

30 ILCS 805/8.40 new