



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6020

by Rep. Sam Yingling

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Open Meetings Act and the Freedom of Information Act. Specifies that the term "public body" includes any member-based organization that lobbies on behalf of one or more taxing bodies and is funded in majority by tax dollars paid to it by its governmental membership.

LRB099 18052 HEP 44868 b

1 AN ACT concerning government.

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

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by  
9 video or audio conference, telephone call, electronic means  
10 (such as, without limitation, electronic mail, electronic  
11 chat, and instant messaging), or other means of contemporaneous  
12 interactive communication, of a majority of a quorum of the  
13 members of a public body held for the purpose of discussing  
14 public business or, for a 5-member public body, a quorum of the  
15 members of a public body held for the purpose of discussing  
16 public business.

17 Accordingly, for a 5-member public body, 3 members of the  
18 body constitute a quorum and the affirmative vote of 3 members  
19 is necessary to adopt any motion, resolution, or ordinance,  
20 unless a greater number is otherwise required.

21 "Public body" includes all legislative, executive,  
22 administrative or advisory bodies of the State, counties,  
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,  
2 bureaus, committees or commissions of this State, and any  
3 subsidiary bodies of any of the foregoing including but not  
4 limited to committees and subcommittees which are supported in  
5 whole or in part by tax revenue, or which expend tax revenue,  
6 except the General Assembly and committees or commissions  
7 thereof. "Public body" includes any member-based organization  
8 that lobbies on behalf of one or more taxing bodies and is  
9 funded in majority by tax dollars paid to it by its  
10 governmental membership. "Public body" includes tourism boards  
11 and convention or civic center boards located in counties that  
12 are contiguous to the Mississippi River with populations of  
13 more than 250,000 but less than 300,000. "Public body" includes  
14 the Health Facilities and Services Review Board. "Public body"  
15 does not include a child death review team or the Illinois  
16 Child Death Review Teams Executive Council established under  
17 the Child Death Review Team Act, an ethics commission acting  
18 under the State Officials and Employees Ethics Act, a regional  
19 youth advisory board or the Statewide Youth Advisory Board  
20 established under the Department of Children and Family  
21 Services Statewide Youth Advisory Board Act, or the Illinois  
22 Independent Tax Tribunal.

23 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

24 Section 10. The Freedom of Information Act is amended by  
25 changing Section 2 as follows:

1 (5 ILCS 140/2) (from Ch. 116, par. 202)

2 (Text of Section before amendment by P.A. 99-478)

3 Sec. 2. Definitions. As used in this Act:

4 (a) "Public body" means all legislative, executive,  
5 administrative, or advisory bodies of the State, state  
6 universities and colleges, counties, townships, cities,  
7 villages, incorporated towns, school districts and all other  
8 municipal corporations, boards, bureaus, committees, or  
9 commissions of this State, any subsidiary bodies of any of the  
10 foregoing including but not limited to committees and  
11 subcommittees thereof, and a School Finance Authority created  
12 under Article 1E of the School Code. "Public body" includes any  
13 member-based organization that lobbies on behalf of one or more  
14 taxing bodies and is funded in majority by tax dollars paid to  
15 it by its governmental membership. "Public body" does not  
16 include a child death review team or the Illinois Child Death  
17 Review Teams Executive Council established under the Child  
18 Death Review Team Act, or a regional youth advisory board or  
19 the Statewide Youth Advisory Board established under the  
20 Department of Children and Family Services Statewide Youth  
21 Advisory Board Act.

22 (b) "Person" means any individual, corporation,  
23 partnership, firm, organization or association, acting  
24 individually or as a group.

25 (c) "Public records" means all records, reports, forms,

1 writings, letters, memoranda, books, papers, maps,  
2 photographs, microfilms, cards, tapes, recordings, electronic  
3 data processing records, electronic communications, recorded  
4 information and all other documentary materials pertaining to  
5 the transaction of public business, regardless of physical form  
6 or characteristics, having been prepared by or for, or having  
7 been or being used by, received by, in the possession of, or  
8 under the control of any public body.

9 (c-5) "Private information" means unique identifiers,  
10 including a person's social security number, driver's license  
11 number, employee identification number, biometric identifiers,  
12 personal financial information, passwords or other access  
13 codes, medical records, home or personal telephone numbers, and  
14 personal email addresses. Private information also includes  
15 home address and personal license plates, except as otherwise  
16 provided by law or when compiled without possibility of  
17 attribution to any person.

18 (c-10) "Commercial purpose" means the use of any part of a  
19 public record or records, or information derived from public  
20 records, in any form for sale, resale, or solicitation or  
21 advertisement for sales or services. For purposes of this  
22 definition, requests made by news media and non-profit,  
23 scientific, or academic organizations shall not be considered  
24 to be made for a "commercial purpose" when the principal  
25 purpose of the request is (i) to access and disseminate  
26 information concerning news and current or passing events, (ii)

1 for articles of opinion or features of interest to the public,  
2 or (iii) for the purpose of academic, scientific, or public  
3 research or education.

4 (d) "Copying" means the reproduction of any public record  
5 by means of any photographic, electronic, mechanical or other  
6 process, device or means now known or hereafter developed and  
7 available to the public body.

8 (e) "Head of the public body" means the president, mayor,  
9 chairman, presiding officer, director, superintendent,  
10 manager, supervisor or individual otherwise holding primary  
11 executive and administrative authority for the public body, or  
12 such person's duly authorized designee.

13 (f) "News media" means a newspaper or other periodical  
14 issued at regular intervals whether in print or electronic  
15 format, a news service whether in print or electronic format, a  
16 radio station, a television station, a television network, a  
17 community antenna television service, or a person or  
18 corporation engaged in making news reels or other motion  
19 picture news for public showing.

20 (g) "Recurrent requester", as used in Section 3.2 of this  
21 Act, means a person that, in the 12 months immediately  
22 preceding the request, has submitted to the same public body  
23 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
24 requests for records within a 30-day period, or (iii) a minimum  
25 of 7 requests for records within a 7-day period. For purposes  
26 of this definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered  
2 in calculating the number of requests made in the time periods  
3 in this definition when the principal purpose of the requests  
4 is (i) to access and disseminate information concerning news  
5 and current or passing events, (ii) for articles of opinion or  
6 features of interest to the public, or (iii) for the purpose of  
7 academic, scientific, or public research or education.

8 For the purposes of this subsection (g), "request" means a  
9 written document (or oral request, if the public body chooses  
10 to honor oral requests) that is submitted to a public body via  
11 personal delivery, mail, telefax, electronic mail, or other  
12 means available to the public body and that identifies the  
13 particular public record the requester seeks. One request may  
14 identify multiple records to be inspected or copied.

15 (h) "Voluminous request" means a request that: (i) includes  
16 more than 5 individual requests for more than 5 different  
17 categories of records or a combination of individual requests  
18 that total requests for more than 5 different categories of  
19 records in a period of 20 business days; or (ii) requires the  
20 compilation of more than 500 letter or legal-sized pages of  
21 public records unless a single requested record exceeds 500  
22 pages. "Single requested record" may include, but is not  
23 limited to, one report, form, e-mail, letter, memorandum, book,  
24 map, microfilm, tape, or recording.

25 "Voluminous request" does not include a request made by  
26 news media and non-profit, scientific, or academic

1 organizations if the principal purpose of the request is: (1)  
2 to access and disseminate information concerning news and  
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12 request may identify multiple individual records to be  
13 inspected or copied.

14 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
15 99-78, eff. 7-20-15.)

16 (Text of Section after amendment by P.A. 99-478)

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23 commissions of this State, any subsidiary bodies of any of the  
24 foregoing including but not limited to committees and  
25 subcommittees thereof, and a School Finance Authority created



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18 information and all other documentary materials pertaining to  
19 the transaction of public business, regardless of physical form  
20 or characteristics, having been prepared by or for, or having  
21 been or being used by, received by, in the possession of, or  
22 under the control of any public body.

23 (c-5) "Private information" means unique identifiers,  
24 including a person's social security number, driver's license  
25 number, employee identification number, biometric identifiers,  
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1 codes, medical records, home or personal telephone numbers, and  
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25 particular public record or records the requester seeks. One  
26 request may identify multiple individual records to be

1 inspected or copied.

2 (i) "Severance agreement" means a mutual agreement between  
3 any public body and its employee for the employee's resignation  
4 in exchange for payment by the public body.

5 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
6 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

7 Section 95. No acceleration or delay. Where this Act makes  
8 changes in a statute that is represented in this Act by text  
9 that is not yet or no longer in effect (for example, a Section  
10 represented by multiple versions), the use of that text does  
11 not accelerate or delay the taking effect of (i) the changes  
12 made by this Act or (ii) provisions derived from any other  
13 Public Act.