



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3312

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

50 ILCS 205/20 new
30 ILCS 805/8.37 new

Amends the Local Records Act. Requires a unit of local government or school district with an annual budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, as the case may be, the following information: (1) contact information for elected and appointed officials; (2) notice of and materials prepared for regular and emergency meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances under which the unit of local government or school district operates; (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) campaign contributions made by a vendor; (14) a debt disclosure report; and (15) public notices. Sets forth requirements concerning a searchable expenditure and revenue database. 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. Provides a posting in perpetuity clause. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Effective immediately.

LRB098 07537 OMW 37608 b

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 5. The Local Records Act is amended by adding
5 Section 20 as follows:

6 (50 ILCS 205/20 new)

7 Sec. 20. Internet posting requirements.

8 (a) A unit of local government or school district with a
9 budget of \$1 million or more shall maintain an Internet website
10 and post to its website for the current calendar or fiscal
11 year, as the case may be, the following information:

12 (1) The contact information, including the phone
13 number and e-mail address, for all elected and appointed
14 officials, the Freedom of Information Officer, the chief
15 administrator, and the head administrator for each
16 department.

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

1 shall be posted within 72 hours of approval.

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

5 (4) The annual budget and appropriation ordinances.

6 (5) The ordinances under which the unit of local
7 government or school district operates as of the effective
8 date of this amendatory Act of the 98th General Assembly
9 and all ordinances thereafter adopted.

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

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

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

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

26 (C) Expenditures should be separated into current

1 operating, capital, and debt service.

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

7 (E) Audits should include a management letter.

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

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

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

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

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

22 (13) All campaign contributions made by a vendor to an
23 official of the unit of local government or school
24 district.

25 (14) A debt disclosure report that includes the
26 following:

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

2 (B) sum total of gross tax levy for the most recent
3 tax year;

4 (C) gross operating budget revenue for the most
5 recent fiscal year;

6 (D) total pension liability;

7 (E) total unfunded pension liability; and

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

12 (i) projected investment rate of return;

13 (ii) actual investment rate of return over the
14 past 10 years;

15 (iii) annual rate of salary increases;

16 (iv) participant mortality rate; and

17 (v) healthcare cost trend rate for Other
18 Post-Employment Benefits (OPEB); and

19 (15) Public notices.

20 (b) No later than one year from the effective date of this
21 amendatory Act of the 98th General Assembly, each unit of local
22 government or school district shall develop, maintain, and make
23 publicly available a single, searchable expenditure and
24 revenue web site database that allows the public, at no cost,
25 to review information concerning moneys collected and expended
26 by the unit of local government or school district. The web

1 site database shall include the following data concerning all
2 expenditures made by the unit of local government or school
3 district:

4 (1) the name and principal location or address of the
5 entity receiving moneys, except that information
6 concerning a payment to an employee of the unit of local
7 government or school district shall identify the
8 individual employee by name and business address or
9 location only;

10 (2) the amount of expended moneys;

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

12 (4) the date of the expenditure;

13 (5) the name of the budget program, activity, or
14 category supporting the expenditure;

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

16 and

17 (7) to the extent possible, a unique identifier for
18 each expenditure.

19 The expenditure data shall be provided in an open
20 structured data format that may be downloaded by the user and
21 allows the user to systematically sort, search, and access all
22 data. The web site database shall contain only information that
23 is a public record or that is not confidential or otherwise
24 protected from public disclosure pursuant to State or federal
25 law.

26 The unit of local government or school district shall

1 update the financial data contained on the web site database at
2 least monthly, and archive the financial data, which shall
3 remain accessible and searchable on the web site database. The
4 database must be easily accessible from the main page of the
5 unit of local government or school district's web site. The
6 unit of local government or school district shall create and
7 make easily accessible an automated Rich Site Summary (RSS)
8 feed to which users of the web site database may subscribe for
9 notification of updates to the database.

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

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

15 (e) If a unit of local government or school district fails
16 to comply with this Section, then any citizen who is a resident
17 of the unit of local government or school district may file
18 suit in the circuit court for the county where the unit of
19 local government or school district is located. The citizen may
20 bring a mandamus or injunction action to compel the unit of
21 local government or school district to comply with the
22 requirements set forth in subsection (a). The court may impose
23 any penalty or other sanction as it deems appropriate. The
24 court, in its discretion, may also award to the citizen
25 bringing the action reasonable attorneys' fees and costs.

26 (f) No home rule unit may adopt posting requirements that

1 are less restrictive than this Section. This Section is a
2 limitation under subsection (i) of Section 6 of Article VII of
3 the Illinois Constitution on the concurrent exercise by home
4 rule units of powers and functions exercised by the State.

5 (g) All local records required to be posted by this
6 amendatory Act of the 98th General Assembly shall remain posted
7 on the entity's website, or subsequent websites, in perpetuity.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.37 as follows:

10 (30 ILCS 805/8.37 new)

11 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 98th General Assembly.

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

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