



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0857

Introduced 2/11/2015, by Sen. Karen McConnaughay

#### SYNOPSIS AS INTRODUCED:

50 ILCS 205/25 new  
30 ILCS 805/8.39 new

Amends the Local Records Act. Provides that a unit of local government or a school district located in a county with a population of 100,000 or more shall have a website containing the following information for the current calendar year: (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; and (4) 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. 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.

LRB099 06799 AWJ 26873 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 25 as follows:

6 (50 ILCS 205/25 new)

7 Sec. 25. Website posting requirements for counties with a  
8 population of 100,000 or more; suit for noncompliance.

9 (a) A unit of local government or school district located  
10 in a county with a population of 100,000 or more shall, within  
11 90 days of the effective date of this amendatory Act of the  
12 99th General Assembly, maintain an Internet website and post to  
13 its website for the current calendar year the following  
14 information:

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

20 (2) The agenda, board packets, and any other prepared  
21 materials, except those related to testimony, of all  
22 regular meetings shall be posted at least 48 hours before a  
23 meeting. The agenda, board packets, and any other prepared

1 materials, except those related to testimony, of all  
2 special or emergency meetings shall be posted at least 24  
3 hours before a meeting. The posting shall indicate if the  
4 agendas are in draft form. The minutes from any regular or  
5 special meeting shall be posted within 48 hours of  
6 approval. All materials related to testimony shall be  
7 posted within 48 hours of presentation.

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

11 (4) The ordinances under which the unit of local  
12 government or school district operates, including any  
13 future changes thereto.

14 (5) Any other notice, advertisement, proclamation,  
15 statement, proposal, ordinance or proceedings of an  
16 official body or board or any other matter or material that  
17 is required by law or by the order of any court to be  
18 published in any newspaper.

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

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

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

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

12 (e) All local records required to be posted under this  
13 Section shall remain posted on the entity's website, or  
14 subsequent websites, in perpetuity.

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.39 as follows:

17 (30 ILCS 805/8.39 new)

18 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 99th General Assembly.

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

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.