



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0435

by Rep. Ed Sullivan, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.25 new
50 ILCS 205/25 new
30 ILCS 805/8.39 new

Amends the Local Records Act. Requires any unit of local government serving a population of 5,000 or more and any school district with an enrollment of 500 or more students to maintain an Internet website and post to that website, for the current calendar or fiscal year, as the case may be, certain information. 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 that records posted pursuant to this amendatory Act may remain posted on the entity's website, or subsequent websites, in perpetuity. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Amends the Freedom of Information Act. Provides that a public body is not required to copy and make available for public inspection a public record that is published on the public body's website if the public body's Freedom of Information officer certifies that the online record is a true and accurate copy of the original record maintained by the public body. Provides that the Freedom of Information officer shall notify the person requesting the public record that it is available online. Provides that if the person requesting the public record is unable to access the record online, the public body is then required to copy and make available the public record. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 5. The Freedom of Information Act is amended by
5 adding Section 2.25 as follows:

6 (5 ILCS 140/2.25 new)

7 Sec. 2.25. Records maintained online.

8 (a) A public body is not required to copy and make
9 available for public inspection a public record that is
10 published on the public body's website if the public body's
11 Freedom of Information officer certifies that the online record
12 is a true and accurate copy of the original record maintained
13 by the public body.

14 (b) The Freedom of Information officer shall notify the
15 person requesting the public record that it is available
16 online. If the person requesting the public record is unable to
17 access the record online, the public body is then required to
18 copy and make available the public record.

19 Section 10. The Local Records Act is amended by adding
20 Section 25 as follows:

21 (50 ILCS 205/25 new)

1 Sec. 25. Posting on website of information filed with other
2 governmental agencies and financial data; suit for
3 noncompliance.

4 (a) Any unit of local government serving a population of
5 5,000 or more and any school district with an enrollment of 500
6 or more students shall maintain an Internet website and post to
7 its website for the current calendar or fiscal year, as the
8 case may be, any of the following information that unit of
9 local government or school district is already required to file
10 with any other government agency:

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

16 (2) The public records the unit of local government or
17 school district is required by law to report to other
18 government agencies.

19 (3) The agenda, board packets, and any other prepared
20 materials, except those related to testimony, of all
21 regular meetings shall be posted at least 48 hours before a
22 meeting. The agenda, board packets and any other prepared
23 materials, except those related to testimony, of all
24 special or emergency meetings shall be posted at least 24
25 hours before a meeting. The posting shall indicate if the
26 agendas are in draft form. The minutes from any regular or

1 special meeting shall be posted within 48 hours of
2 approval. All materials related to testimony shall be
3 posted within 48 hours of presentation.

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

7 (5) The annual budget and appropriation ordinances.

8 (6) The procedures required to apply for building
9 permits and zoning variances.

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

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

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

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

26 (D) Expenditure summaries for units of local

1 government should reflect the per-resident calculation
2 for comparison to other governmental bodies. For
3 schools, a per-pupil calculation should be made based
4 on full-time or equivalent enrollment.

5 (E) Audits should include a management letter.

6 (8) A detailed list of the total compensation paid to
7 each employee compiled and posted at the end of the year.

8 (9) A detailed list of the taxes and fees imposed by
9 the unit of local government or school district.

10 (10) The ordinances and rules governing the award of
11 all bids and contracts for purchase in the amount of
12 \$25,000 or more.

13 (11) All bids and contracts for purchase in the amount
14 of \$25,000 or more.

15 (12) A debt disclosure report that includes the
16 following:

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

18 (B) sum total of gross tax levy for the most recent
19 tax year;

20 (C) gross operating budget revenue for the most
21 recent fiscal year;

22 (D) total pension liability;

23 (E) total unfunded pension liability; and

24 (F) actuarial cost method used to calculate total
25 pension liability and total unfunded pension
26 liability, and other post-employment benefits,

1 including:

2 (i) projected investment rate of return;

3 (ii) actual investment rate of return over the
4 past 10 years;

5 (iii) annual rate of salary increases;

6 (iv) participant mortality rate; and

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

9 (13) Public notices.

10 (14) A searchable monthly check register of its main
11 checking account that can be accessed via the Internet
12 website. The check register shall contain the check number,
13 vendor name, amount, brief description of the expenditure,
14 date, purchase order number, and budget code, and shall be
15 updated by the union of local government or school district
16 on a monthly basis.

17 (b) The unit of local government or school district shall
18 contained on the web site database at and archive the which
19 shall remain accessible and searchable on the web site
20 database. The database must be easily accessible from the main
21 page of the unit of local government or school district's web
22 site. The unit of local government or school district shall
23 create and make easily accessible an automated Rich Site
24 Summary (RSS) feed to which users of the web site database may
25 subscribe for notification of updates to the database.

26 (c) The information required to be posted under subsection

1 (a) must be easily accessible from the unit of local
2 government's or school district's home page and searchable.

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

5 (e) If a unit of local government or school district fails
6 to comply with this Section, then any citizen who is a resident
7 of the unit of local government or school district may file
8 suit in the circuit court for the county where the unit of
9 local government or school district is located. The citizen may
10 bring a mandamus or injunction action to compel the unit of
11 local government or school district to comply with the
12 requirements set forth in subsection (a). The court may impose
13 any penalty or other sanction as it deems appropriate. The
14 court, in its discretion, may also award to the citizen
15 bringing the action reasonable attorneys' fees and costs.

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

21 (g) All local records required to be posted by this
22 amendatory Act of the 99th General Assembly shall remain posted
23 on the entity's website, or subsequent websites, in perpetuity.

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.39 as follows:

1 (30 ILCS 805/8.39 new)

2 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 99th General Assembly.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.