

1 AN ACT concerning municipalities.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 8-8-4 and 8-8-8 as follows:

6 (65 ILCS 5/8-8-4) (from Ch. 24, par. 8-8-4)
7 Sec. 8-8-4. Overdue reports.

8 (a) In the event (i) the required audit report or annual
9 or supplemental report for a municipality is not filed with
10 the Comptroller in accordance with Section 8-8-3 or Section
11 8-8-7, as applicable, within 6 months after the close of the
12 fiscal year of the municipality or (ii) the Tax Increment
13 Financing Report for the municipality required under Section
14 8-8-3.5 is not filed with the Comptroller within the time
15 required under Section 11-74.4-5 or 11-74.6-22, as
16 applicable, the Comptroller shall notify the corporate
17 authorities of that municipality in writing that the audit
18 report is due, and may also grant an extension of time of 60
19 days, for the filing of the audit report. In the event a the
20 required audit report is not filed within the time specified
21 in such written notice, the Comptroller shall cause any
22 necessary such audit to be made by an accountant or
23 accountants. ~~In the event the required annual or supplemental~~
24 ~~report--for-a-municipality-is-not-filed-within-6-months-after~~
25 ~~the-close--of--the--fiscal--year--of--the--municipality,~~ ~~the~~
26 ~~Comptroller--shall--notify--the--corporate--authorities--of--that~~
27 ~~municipality--in--writing--that--the--annual--or--supplemental~~
28 ~~report--is--due--and--may--grant--an--extension--in--time--of--60--days~~
29 ~~for--the--filing--of--such--annual--or--supplemental--report.~~

30 (b) In the event the annual or supplemental report or
31 the Tax Increment Financing Report is not filed within the

1 required time, including any extension extended by the
 2 Comptroller, the Comptroller shall cause such annual or
 3 supplemental report or the Tax Increment Financing Report to
 4 be prepared or completed and the municipality shall pay to
 5 the Comptroller reasonable compensation and expenses to
 6 reimburse the Comptroller him for the cost of preparing or
 7 completing such ~~annual-or-supplemental~~ report. Moneys paid to
 8 the Comptroller pursuant to the preceding sentence shall be
 9 deposited into the Comptroller's Audit Expense Revolving
 10 Fund.

11 (c) The Comptroller may decline to order an audit or the
 12 completion of a the--supplemental report if an initial
 13 examination of the books and records of the municipality
 14 indicates that books and records of the municipality are
 15 inadequate or unavailable to support the preparation of the
 16 ~~audit report or-the-supplemental-report~~ due to the passage of
 17 time or the occurrence of a natural disaster.

18 (Source: P.A. 90-104, eff. 7-11-97.)

19 (65 ILCS 5/8-8-8) (from Ch. 24, par. 8-8-8)

20 Sec. 8-8-8. Expenses of audit and investigation.

21 (a) The expenses of the audit and investigation of
 22 public accounts provided for in Division 8, whether ordered
 23 by the corporate authorities or the Comptroller, shall be
 24 paid by the municipality for which the audit is made. Except
 25 as otherwise provided in this Section, payment shall be
 26 ordered by the corporate authorities out of the funds of the
 27 municipality and it shall be the duty of such authorities to
 28 make provisions for payment. Contracts for the performance
 29 of audits required by this Division 8 may be entered into
 30 without competitive bidding. If the audit is made by an
 31 accountant or accountants retained by the Comptroller, the
 32 municipality shall pay to the Comptroller reasonable
 33 compensation and expenses to reimburse the Comptroller him

1 for the cost of making such audit.

2 (b) Payment for expenses of the audit and investigation
3 of public accounts for the preparation of a Tax Increment
4 Financing Report under Section 8-8-3.5, whether the report is
5 prepared by the corporate authorities or the Comptroller,
6 shall be ordered by the corporate authorities out of the tax
7 increment financing funds of the municipality, and it shall
8 be the duty of the corporate authorities to make provisions
9 for payment.

10 (c) The corporate authorities of all municipalities
11 coming under the provisions of this Division 8 shall have the
12 power to annually levy a "Municipal Auditing Tax" upon all of
13 the taxable property of the municipalities at the rate on the
14 dollar which will produce an amount which will equal a sum
15 sufficient to meet the cost of all auditing and reports
16 thereunder, except that no tax may be levied to meet the
17 costs of Tax Increment Financing Reports. Such municipal
18 auditing tax shall be held in a special fund and used for no
19 other purpose than the payment of expenses occasioned by this
20 Division 8.

21 (d) The tax authorized by this Section shall be in
22 addition to taxes for general corporate purposes authorized
23 under Section 8-3-1 of this Act.

24 (e) All municipalities, including home rule
25 municipalities, must comply with the provisions of this
26 amendatory Act of the 93rd General Assembly. This Section is
27 a denial and limitation of home rule powers and functions
28 under subsection (g) of Section 6 of Article VII of the
29 Illinois Constitution.

30 (Source: P.A. 81-824.)

31 Section 90. The State Mandates Act is amended by adding
32 Section 8.27 as follows:

1 (30 ILCS 805/8.27 new)

2 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
3 and 8 of this Act, no reimbursement by the State is required
4 for the implementation of any mandate created by this
5 amendatory Act of the 93rd General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.