



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0290

by Rep. David S. Olsen

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.25 new  
50 ILCS 205/25 new  
30 ILCS 805/8.41 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 shall 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.

LRB100 05288 AWJ 15299 b

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, including,  
9 without limitation, information that unit of local government  
10 or school district is already required to file with any other  
11 government agency:

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 public records the unit of local government or  
18 school district is required by law to report to other  
19 government agencies.

20           (3) 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  
24 materials, except those related to testimony, of all  
25 special or emergency meetings shall be posted at least 24  
26 hours before a meeting. The posting shall indicate if the

1 agendas are in draft form. The minutes from any regular or  
2 special meeting shall be posted within 48 hours of  
3 approval. All materials related to testimony shall be  
4 posted within 48 hours of presentation.

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

8 (5) The annual budget and appropriation ordinances.

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

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

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

22 (B) revenues should be broken out by source,  
23 including the broad categories of local, State, and  
24 federal tax dollars;

25 (C) expenditures should be separated into current  
26 operating, capital, and debt service;

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

6           (E) audits should include a management letter.

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

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

11           (10) The ordinances and rules governing the award of  
12           all bids and contracts for purchase in the amount of  
13           \$25,000 or more.

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

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

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

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

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

23           (D) total pension liability;

24           (E) total unfunded pension liability; and

25           (F) actuarial cost method used to calculate total  
26           pension liability and total unfunded pension

1 liability, and other post-employment benefits,  
2 including:

3 (i) projected investment rate of return;

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

6 (iii) annual rate of salary increases;

7 (iv) participant mortality rate; and

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

10 (13) Public notices.

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

18 (b) The unit of local government or school district shall  
19 maintain a document database and archive on its website which  
20 shall remain accessible and searchable for the public. The  
21 database must be easily accessible from the home page of the  
22 unit of local government's or school district's website. The  
23 unit of local government or school district shall create and  
24 make easily accessible an automated Rich Site Summary (RSS)  
25 feed to which users of the website database may subscribe for  
26 notification of updates to the database.

1       (c) The information required to be posted under subsection  
2       (a) must be easily accessible from the unit of local  
3       government's or school district's website home page and  
4       searchable by the public.

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

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

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

23       (g) All local records required to be posted by this  
24       amendatory Act of the 100th General Assembly shall remain  
25       posted on the entity's website, or subsequent websites, in  
26       perpetuity.

1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.41 as follows:

3           (30 ILCS 805/8.41 new)

4           Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8  
5           of this Act, no reimbursement by the State is required for the  
6           implementation of any mandate created by this amendatory Act of  
7           the 100th General Assembly.

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

10          Section 99. Effective date. This Act takes effect upon  
11          becoming law.