



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3323

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

See Index

Amends the Open Meetings Act. Requires a unit of local government or school district with an operating budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, the following information: (1) information about elected and appointed officials; (2) notice of and materials prepared for meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances; (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) a debt disclosure report; and (14) 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. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Amends the Freedom of Information Act. Provides that a public body may satisfy its obligation to produce a copy of a public record that is published on the public body's website by providing the requester an accessible link that results in direct access to the requested record in the format in which it is maintained. Provides that Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois to make conforming changes. Effective immediately.

LRB100 08843 RJF 18984 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 1. The Open Meetings Act is amended by adding
5 Section 2.03.5 as follows:

6 (5 ILCS 120/2.03.5 new)

7 Sec. 2.03.5. Internet posting requirements.

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

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

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

1 draft form. The minutes from any regular or special meeting
2 shall be posted within 72 hours of approval.

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

6 (4) The annual budget and appropriation ordinances.

7 (5) The ordinances under which the unit of local
8 government or school district operates as of the effective
9 date of this amendatory Act of the 100th General Assembly
10 and all ordinances thereafter adopted.

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

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

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

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

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

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

8 (E) Audits should include a management letter.

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

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

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

18 (11) The ordinances and rules governing the award of
19 all bids and contracts for purchase in the amount of
20 \$25,000 or more.

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

23 (13) A debt disclosure report that includes the
24 following:

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

26 (B) sum total of gross tax levy for the most recent

1 tax year;

2 (C) gross operating budget revenue for the most
3 recent fiscal year;

4 (D) total pension liability;

5 (E) total unfunded pension liability; and

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

10 (i) projected investment rate of return;

11 (ii) actual investment rate of return over the
12 past 10 years;

13 (iii) annual rate of salary increases;

14 (iv) participant mortality rate; and

15 (v) healthcare cost trend rate for Other
16 Post-Employment Benefits (OPEB).

17 (14) Public notices.

18 (b) No later than one year after the effective date of this
19 amendatory Act of the 100th General Assembly, each unit of
20 local government or school district shall develop, maintain,
21 and make publicly available, in any format the unit of local
22 government or school district would otherwise utilize for its
23 own purposes, information concerning moneys collected and
24 expended by the unit of local government or school district.

25 This information shall include the following:

26 (1) the name and principal location or address of the

1 entity receiving moneys, except that information
2 concerning a payment to an employee of the unit of local
3 government or school district shall identify the
4 individual employee by name and business address or
5 location only;

6 (2) the amount of expended moneys;

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

8 (4) the date of the expenditure;

9 (5) the name of the budget program, activity, or
10 category supporting the expenditure;

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

12 and

13 (7) to the extent possible, a unique identifier for
14 each expenditure.

15 The website shall contain only information that is a public
16 record or that is not confidential or otherwise protected from
17 public disclosure pursuant to State or federal law.

18 The unit of local government or school district shall
19 update the financial data contained on the website at least
20 monthly, and archive the financial data, which shall remain
21 accessible on the website. The financial data must be easily
22 accessible from the main page of the unit of local government
23 or school district's website. The unit of local government or
24 school district shall create and make easily accessible an
25 automated Rich Site Summary (RSS) feed to which users of the
26 website may subscribe for notification of updates to the

1 information.

2 The unit of local government or school district may meet
3 all requirements of this subsection by having the information
4 and data required to be included on the unit's website database
5 posted in the Illinois Transparency and Accountability Portal.
6 The unit of local government or school district may also meet
7 each requirement of this subsection by supplying labeled links
8 on the unit of local government's or school district's website
9 to the website of other units of local government or school
10 districts that independently post and maintain the information
11 and data online.

12 This subsection shall not apply until 6 months after the
13 effective date of this amendatory Act of the 100th General
14 Assembly.

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

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

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

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

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

10 (g) All local records required to be posted by this
11 amendatory Act of the 100th General Assembly shall remain
12 posted on the entity's website, or subsequent websites, for 10
13 years.

14 (h) This Section shall not apply to the Department of
15 Juvenile Justice School District.

16 Section 5. The Freedom of Information Act is amended by
17 changing Section 8.5 as follows:

18 (5 ILCS 140/8.5)

19 Sec. 8.5. Records maintained online.

20 (a) Notwithstanding any provision of this Act to the
21 contrary, a public body may satisfy its obligation to produce a
22 copy of a public record that is published on the public body's
23 website by providing the requester an accessible link that
24 results in direct access to the requested record in the format

1 in which it is maintained. A public body does not satisfy this
2 provision by merely providing the address of a website where a
3 requester can search for the requested record is not required
4 to copy a public record that is published on the public body's
5 website. The public body shall notify the requester that the
6 public record is available online and direct the requester to
7 the website where the record can be reasonably accessed.

8 (b) If the person requesting the public record is unable to
9 reasonably access the record online after being directed to the
10 website pursuant to subsection (a) of this Section, the
11 requester may re-submit his or her request in person for the
12 record stating his or her inability to reasonably access the
13 record online, and the public body shall make the requested
14 record available for inspection or copying as provided in
15 Section 3 of this Act.

16 (Source: P.A. 98-1129, eff. 12-3-14.)

17 Section 10. The Department of Central Management Services
18 Law of the Civil Administrative Code of Illinois is amended by
19 changing Section 405-335 as follows:

20 (20 ILCS 405/405-335)

21 Sec. 405-335. Illinois Transparency and Accountability
22 Portal (ITAP).

23 (a) The Department, within 12 months after the effective
24 date of this amendatory Act of the 96th General Assembly, shall

1 establish and maintain a website, known as the Illinois
2 Transparency and Accountability Portal (ITAP), with a
3 full-time webmaster tasked with compiling and updating the ITAP
4 database with information received from all State agencies as
5 defined in this Section. Within 6 months of the effective date
6 of this amendatory Act, the ITAP shall have the capability to
7 compile and update the ITAP database with information received
8 from all school districts and units of local government
9 including, but not limited to, counties, townships, library
10 districts, and municipalities. Subject to appropriation, the
11 full-time webmaster must also compile and update the ITAP
12 database with information received from all school districts
13 and units of local government including, but not limited to,
14 counties, townships, library districts, and municipalities.

15 (b) For purposes of this Section:

16 "State agency" means the offices of the constitutional
17 officers identified in Article V of the Illinois Constitution,
18 executive agencies, and departments, boards, commissions, and
19 Authorities under the Governor.

20 "Contracts" means payment obligations with vendors on file
21 with the Office of the Comptroller to purchase goods and
22 services exceeding \$10,000 in value (or, in the case of
23 professional or artistic services, exceeding \$5,000 in value).

24 "Appropriation" means line-item detail of spending
25 approved by the General Assembly and Governor, categorized by
26 object of expenditure.

1 "Individual consultants" means temporary workers eligible
2 to receive State benefits paid on a State payroll.

3 "Recipients" means State agencies receiving
4 appropriations.

5 (c) The ITAP shall provide direct access to each of the
6 following:

7 (1) A database of all current State employees and
8 individual consultants, except sworn law enforcement
9 officers, sorted separately by:

10 (i) Name.

11 (ii) Employing State agency.

12 (iii) Employing State division.

13 (iv) Employment position title.

14 (v) Current pay rate and year-to-date pay.

15 (2) A database of all current State expenditures,
16 sorted separately by agency, category, recipient, and
17 Representative District.

18 (3) A database of all development assistance
19 reportable pursuant to the Corporate Accountability for
20 Tax Expenditures Act, sorted separately by tax credit
21 category, taxpayer, and Representative District.

22 (4) A database of all revocations and suspensions of
23 State occupation and use tax certificates of registration
24 and all revocations and suspensions of State professional
25 licenses, sorted separately by name, geographic location,
26 and certificate of registration number or license number,

1 as applicable. Professional license revocations and
2 suspensions shall be posted only if resulting from a
3 failure to pay taxes, license fees, or child support.

4 (5) A database of all current State contracts, sorted
5 separately by contractor name, awarding officer or agency,
6 contract value, and goods or services provided.

7 (6) A database of all employees hired after the
8 effective date of this amendatory Act of 2010, sorted
9 searchably by each of the following at the time of
10 employment:

11 (i) Name.

12 (ii) Employing State agency.

13 (iii) Employing State division.

14 (iv) Employment position title.

15 (v) Current pay rate and year-to-date pay.

16 (vi) County of employment location.

17 (vii) Rutan status.

18 (viii) Status of position as subject to collective
19 bargaining, subject to merit compensation, or exempt
20 under Section 4d of the Personnel Code.

21 (ix) Employment status as probationary, trainee,
22 intern, certified, or exempt from certification.

23 (x) Status as a military veteran.

24 (7) A searchable database of all current county,
25 township, library district, and municipal employees sorted
26 separately by:

1 (i) Employing unit of local government.

2 (ii) Employment position title.

3 (iii) Current pay rate and year-to-date pay.

4 (8) A searchable database of all county, township, and
5 municipal employees hired on or after the effective date of
6 this amendatory Act of the 97th General Assembly, sorted
7 separately by each of the following at the time of
8 employment:

9 (i) Employing unit of local government.

10 (ii) Employment position title.

11 (iii) Current pay rate and year-to-date pay.

12 (9) A searchable database of all library district
13 employees hired on or after August 9, 2013 (the effective
14 date of Public Act 98-246), sorted separately by each of
15 the following at the time of employment:

16 (i) Employing unit of local government.

17 (ii) Employment position title.

18 (iii) Current pay rate and year-to-date pay.

19 (10) A link to a website maintained by the Department
20 that contains a list of contact information for each State
21 agency, including a telephone number and a link to the
22 Agency's website. Each State agency shall be responsible
23 for providing and updating the Department with this
24 information.

25 (11) Information provided to the ITAP pursuant to
26 Section 2.03.5 of the Open Meetings Act.

1 (d) The ITAP shall include all information required to be
2 published by subsection (c) of this Section that is available
3 to the Department in a format the Department can compile and
4 publish on the ITAP. The Department shall update the ITAP as
5 additional information becomes available in a format that can
6 be compiled and published on the ITAP by the Department.

7 (e) Each State agency, county, township, library district,
8 and municipality shall cooperate with the Department in
9 furnishing the information necessary for the implementation of
10 this Section within a timeframe specified by the Department.

11 (f) Each county, township, library district, or
12 municipality submitting information to be displayed on the
13 Illinois Transparency and Accountability Portal (ITAP) is
14 responsible for the accuracy of the information provided.

15 (g) The Department, within 6 months after January 1, 2014
16 (the effective date of Public Act 98-283), shall distribute a
17 spreadsheet or otherwise make data entry available to each
18 State agency to facilitate the collection of data on the
19 State's annual workforce characteristics, workforce
20 compensation, and employee mobility. The Department shall
21 determine the data to be collected by each State agency. Each
22 State agency shall cooperate with the Department in furnishing
23 the data necessary for the implementation of this subsection
24 within the timeframe specified by the Department. The
25 Department shall publish the data received from each State
26 agency on the ITAP or another open data site annually.

1 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13; 98-283,
2 eff. 1-1-14; 98-756, eff. 7-16-14; 98-1084, eff. 1-1-15.)

3 Section 90. The State Mandates Act is amended by adding
4 Section 8.41 as follows:

5 (30 ILCS 805/8.41 new)

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

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.

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2

Statutes amended in order of appearance

3

5 ILCS 120/2.03.5 new

4

5 ILCS 140/8.5

5

20 ILCS 405/405-335

6

30 ILCS 805/8.41 new