



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4105

Introduced 2/27/2009, by Rep. Bob Biggins

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Initiative Sunshine Act. Defines "gubernatorial or legislative member initiatives". Provides that executive branch State agencies processing initiatives must establish and maintain a file for all applications. Specifies the information an agency must obtain during the application or review process. Provides that an agency that processes grants shall develop guidelines and monitoring procedures. Specifies the required guidelines and procedures. Provides for public disclosure of grant information.

LRB096 08445 RLJ 18562 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Article 1

5 Section 1-1. Short title. This Act may be cited as the
6 Local Initiative Sunshine Act. If more than one new Act of the
7 96th General Assembly is given the same short title, then all
8 of those Acts are intended to be codified as a single Act.

9 Section 1-5. Definitions. In this Act:

10 "Gubernatorial or legislative member initiative" means a
11 grant from State funds to a specific unit of local government,
12 specific school district, specific not-for-profit
13 organization, or specific non-governmental entity for
14 infrastructure improvements or operating expenses. Grants that
15 are part of a statewide program and are based on generally
16 applicable standards of eligibility are not gubernatorial or
17 legislative member initiatives, unless the grant has been
18 requested or initiated by the Governor or a member of the
19 Illinois General Assembly.

20 "Infrastructure improvements" include without limitation
21 capital improvements, capital projects, planning,
22 construction, reconstruction, equipment, utilities, vehicles,

1 and all costs associated with economic development, community
2 programs, educational programs, public health, and public
3 safety.

4 "Initiative sponsor", with respect to each gubernatorial
5 or legislative member initiative, include the Governor and each
6 member of the General Assembly designated in the grant
7 application as having requested or initiated the grant.

8 "Initiative recipient" means an individual or entity that
9 is designated to receive or receives a gubernatorial or
10 legislative member initiative. For purposes of disclosure
11 under Section 5-10, the term also includes (i) the immediate
12 family of an individual who is an initiative recipient; and
13 (ii) in the case of an entity that is an initiative recipient,
14 the term also includes board members, owners with an equity
15 interest of at least 7.5%, and managerial employees of the
16 entity, the immediate family of each, and its parent,
17 subsidiary, and affiliate entities.

18 Article 10

19 Section 10-5. Initiative sponsors; identification. Each
20 application for a gubernatorial and legislative member
21 initiative must identify its initiative sponsors in writing.

22 Section 10-10. Initiative file. All executive branch State
23 agencies processing gubernatorial or legislative member

1 initiatives shall establish and maintain a comprehensive file
2 for each initiative that includes all information submitted,
3 obtained, or reviewed in connection with the initiative. The
4 file shall include documentation of all communications by the
5 agency with any person regarding the initiative. The entire
6 file must be made available to the public through a State
7 website.

8 Section 10-15. Application review.

9 (a) Executive branch State agencies shall obtain
10 information from the initiative recipient demonstrating that
11 public funds will be used for a legitimate public purpose. The
12 application and review process shall include the
13 identification of the following:

- 14 (1) the public benefit from the program or service;
- 15 (2) the need for the program or service;
- 16 (3) the beneficiaries of the program or service;
- 17 (4) the number of individuals to benefit from the
18 program or service;
- 19 (5) a budget consisting of a comprehensive financial
20 plan for the expenditure of public funds including payment
21 of any compensation to any individuals hired to perform
22 services under the initiative;
- 23 (6) an explanation of the delivery of the program or
24 service; and
- 25 (7) the benchmarks and outcomes for the funding.

1 (b) Executive branch State agencies shall obtain
2 information from the initiative recipient demonstrating that
3 the initiative recipient is qualified to provide the services
4 for which funding is requested. The application shall include:

5 (1) the applicant's qualifications and credentials;

6 (2) the applicant's prior experience;

7 (3) the applicant's financial information including,
8 but not limited to, tax arrearages, child support, and
9 educational loans; and

10 (4) the financial structure of the applicant
11 including, but not limited to, bank accounts and credit
12 history.

13 Section 10-20. Guidelines and monitoring procedures.

14 (a) Any executive branch State agency processing
15 gubernatorial or legislative member initiatives shall develop
16 program guidelines and monitoring procedures that include, at a
17 minimum:

18 (1) a required reporting of the expenditure of
19 initiative funds; and

20 (2) a review of grant performance.

21 (b) Subsequent to a grant award, and throughout the term of
22 the grant agreement, the agency shall include in the grant file
23 all information submitted, obtained, or reviewed in connection
24 with monitoring the grant recipient's compliance with the grant
25 agreement, including documentation of all communications with

1 any person, and all of that information must be made available
2 to the public through a State website.

3 (c) Agencies shall develop procedures to ensure the timely
4 initiation of statutory procedures to recover misspent funds.