



Sen. Dan Duffy

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09700HB3895sam001

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1 AMENDMENT TO HOUSE BILL 3895

2 AMENDMENT NO. _____. Amend House Bill 3895 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Local Records Act is amended by adding
5 Section 20 as follows:

6 (50 ILCS 205/20 new)

7 Sec. 20. Internet posting requirements.

8 (a) A unit of local government or school district that has
9 an Internet website must post on its website for the current
10 calendar or fiscal year, as the case may be, and the 4 years
11 immediately before that calendar or fiscal year any budget,
12 financial audit, audit schedule, or special project report,
13 including without limitation the comprehensive annual
14 financial report, performance audits, and reports required
15 under the Tax Increment Allocation Redevelopment Act in the
16 Illinois Municipal Code. All reports should include the

1 following:

2 (i) All actual revenues and expenditures for at least
3 the 4 previous fiscal years. Any report focusing on any
4 subset of the Total shall specify that only partial amounts
5 are shown and identify the Total amount and the nature of
6 items not included in the report.

7 (ii) Revenues shall be broken out by source, including
8 but not limited to, the broad categories of local, State,
9 and federal tax dollars.

10 (iii) Expenditures should be separated into current
11 operating, capital, and debt service.

12 (iv) Expenditure summaries for units of local
13 government shall include the per-resident calculation for
14 comparison to other governmental bodies. For schools, a
15 per-pupil calculation shall be included, and shall be made
16 based on full-time equivalent enrollment.

17 (b) No later than one year from the enactment of this
18 legislation, each unit of local government or school district
19 shall develop, maintain, and make publicly available a single,
20 searchable expenditure and revenue web site database that
21 allows the public, at no cost, to review information concerning
22 moneys collected and expended by the unit of local government
23 or school district. The web site database shall include the
24 following data concerning all expenditures made by the unit of
25 local government or school district:

26 (i) 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 (ii) the amount of expended moneys;

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

8 (iv) the date of the expenditure;

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

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

12 and

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

15 The expenditure data shall be provided in an open
16 structured data format that may be downloaded by the user and
17 allows the user to systematically sort, search, and access all
18 data. The web site database shall contain only information that
19 is a public record or that is not confidential or otherwise
20 protected from public disclosure pursuant to State or federal
21 law.

22 The unit of local government or school district shall
23 update the financial data contained on the web site database at
24 least monthly, and archive the financial data, which shall
25 remain accessible and searchable on the web site database. The
26 database must be easily accessible from the main page of the

1 unit of local government or school district's web site. The
2 unit of local government or school district shall create and
3 make easily accessible an automated Rich Site Summary (RSS)
4 feed or other similar free service to which users of the web
5 site database may subscribe for notification of updates to the
6 database.

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

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

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

23 (f) No home rule unit may adopt posting requirements that
24 are less restrictive than this Section. This Section is a
25 limitation under subsection (i) of Section 6 of Article VII of
26 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.36 as follows:

4 (30 ILCS 805/8.36 new)

5 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
6 of this Act, no reimbursement by the State is required for the
7 implementation of any mandate created by this amendatory Act of
8 the 97th General Assembly.

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

11 Section 999. Effective date. This Act takes effect upon
12 becoming law."