



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3291

Introduced 2/14/2014, by Sen. Karen McConnaughay

#### SYNOPSIS AS INTRODUCED:

50 ILCS 205/20 new  
30 ILCS 805/8.38 new

Amends the Local Records Act. Provides that a unit of local government or a school district located in a county with a population of 100,000 or more shall have a website containing the following information for the current calendar year: (1) contact information for elected and appointed officials; (2) notice of and materials prepared for regular and emergency meetings; (3) procedures for requesting information from the unit of local government or school district; and (4) 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. Provides a posting in perpetuity clause. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Effective immediately.

LRB098 16855 JLK 55132 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 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 located  
9 in a county with a population of 100,000 or more shall, within  
10 90 days of the effective date of this amendatory Act of the  
11 98th General Assembly, maintain an Internet website and post to  
12 its website for the current calendar year the following  
13 information:

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

19 (2) The agenda, board packets, and any other prepared  
20 materials, except those related to testimony, of all  
21 regular meetings shall be posted at least 48 hours before a  
22 meeting. The agenda, board packets, and any other prepared  
23 materials, except those related to testimony, of all

1 special or emergency meetings shall be posted at least 24  
2 hours before a meeting. The posting shall indicate if the  
3 agendas are in draft form. The minutes from any regular or  
4 special meeting shall be posted within 48 hours of  
5 approval. All materials related to testimony shall be  
6 posted within 48 hours of presentation.

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

10 (4) The ordinances under which the unit of local  
11 government or school district operates, including any  
12 future changes thereto.

13 (5) Any other notice, advertisement, proclamation,  
14 statement, proposal, ordinance or proceedings of an  
15 official body or board or any other matter or material that  
16 is required by law or by the order of any court to be  
17 published in any newspaper.

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

20 (c) 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) or (b), as applicable.  
2 The court may impose any penalty or other sanction as it deems  
3 appropriate. The court, in its discretion, may also award to  
4 the citizen bringing the action reasonable attorneys' fees and  
5 costs.

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

11 (e) All local records required to be posted under this  
12 Section shall remain posted on the entity's website, or  
13 subsequent websites, in perpetuity.

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.38 as follows:

16 (30 ILCS 805/8.38 new)

17 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by this amendatory Act of  
20 the 98th General Assembly.

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

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.