

Item #5:
Village President Rodriguez
Legislative Update/State Shared Revenues - Update

Cities and Counties Must Mobilize to Prevent Cuts to Local Revenues

By: Joe McCoy, Senior Legislative Advocate, Illinois Municipal League

The fight to protect and preserve state-collected local government revenue is just beginning. Every municipal and county official must explain to their state legislators what the consequences would be if the General Assembly voted to take away ANY amount of state-collected local government revenue – particularly from the Local Government Distributive Fund (LGDF). These contacts must begin **IMMEDIATELY!**

To help municipal governments fully engage in this fight, the Illinois Municipal League has developed a "Local Revenue Preservation Packet." This packet includes an LGDF calculator to help each community determine what they would lose if the General Assembly took away \$300 million from cities and counties on a statewide basis. The packet also includes information and trends about income tax collections to support arguments against any proposed local government revenue reductions. Several model documents that can be used or modified are also available. These documents include a model resolution, press release, and letters that can be sent to legislators and area newspapers.

The "Local Revenue Preservation Packet" is available at www.iml.org. The packet can be used as part of a broader effort to obtain firm commitments from state legislators that they will not reduce critical revenues depended upon by local governments.

The mobilization against any reductions to state-collected local government revenues began during IML Legislative Day events. Attendees at the IML Legislative Briefing on April 13 heard a presentation by Deputy Executive Director/General Counsel Roger Huebner about the **severe and unimaginable impact** that further revenue losses would inflict on cities and counties. The following major points concerning state-collected local government income tax revenue (LGDF) were explained to those in attendance:

- Cities and counties are being asked to "sacrifice" to help the state close a substantial budget deficit. Cities and counties have already sacrificed because of natural revenue declines and the actions of the General Assembly and Governor to reduce the local percentage of overall income tax collections from 10% to 6%.
- Prior to the Great Recession of 2008, cities and counties were receiving \$92.02 per resident in income tax distributions. In FY2012, this amount is estimated to drop to \$73 per resident. This is a difference of \$19.02 per resident.

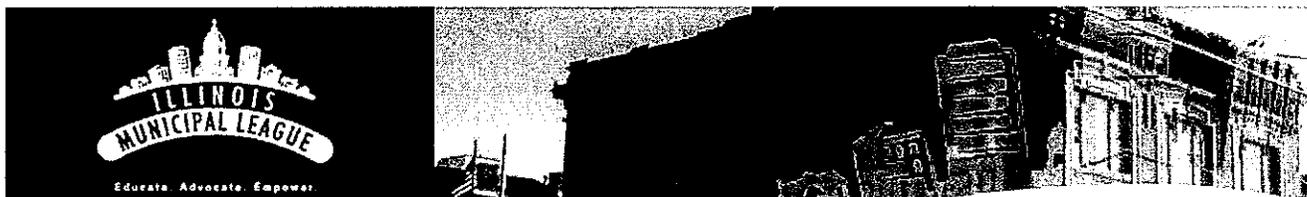


Educate. Advocate. Empower.

- If the General Assembly and Governor decided to reduce our state-collected income tax revenue by \$300 million, municipalities would immediately lose an additional \$23.40 per resident on top of the \$19.02 that has already been lost during the recession. This totals an estimated \$42.42 in lost revenue per resident in FY2012.
- As part of the income tax increase enacted into law in January, cities and counties saw their percentage of total income tax collections reduced from 10% of the old rate to 6% of the new rate.
- The "opportunity lost" created when the General Assembly and the Governor reduced our income tax distribution to 6% of income tax collections is a staggering \$2.7 billion from FY2011 through FY2015. This is \$2.7 billion that will not be returned to local communities over the next four years.

Cities and counties must join together to convince legislators how harmful any reductions to state-collected local government revenues would be. Please use the IML "Local Revenue Preservation Packet" as part of this campaign.

ILLINOIS MUNICIPAL LEAGUE
98th ANNUAL CONFERENCE
September 15-17, 2011 at the Hilton Chicago Hotel



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LGDF Revenue Still at Risk

By [Joe McCoy](#), Senior Legislative Advocate, IML

The State budget process is in full swing. The LGDF is still in play and any amount that may be taken depends on the State's budget needs and not the needs of local communities.

It appears that slashing local government revenues is the fallback option if state legislators cannot bring themselves to cut enough from the budget. In other words, protecting local government revenue is likely being viewed by state legislators as something to be done if any money remains after other budget priorities are addressed. The legislators will protect local government revenue if they can, but will dip into local money if they need to reach their target spending number before they adjourn.

Spending Targets and LGDF

The Governor, the Senate President, and the House are using three different spending targets as they work toward balancing the state budget for FY2012. Governor Quinn wants to spend \$35.3 billion. Senate President Cullerton is looking at a spending ceiling of \$34.2 billion. House Speaker Madigan and Minority Leader Cross have mutually agreed on a spending cap of \$33.1 billion.

This lower, \$33.1 billion expenditure target is most likely where the General Assembly may end up. This number is supported by Republicans and Democrats in the House, and the Senate Republican Caucus is likely to embrace this more austere number.

A significant portion of that spending limit was allocated weeks ago. The General Assembly has already sent a \$7.8 billion appropriation to the Governor to pay the FY2012 pension obligation as well as the cost of borrowing. What this means is that the General Assembly will likely be fighting over how to keep spending for state personnel, services, and programs at no more than \$25.3 billion. In the coming days, the intensity and emotional tenor of the debate over what stays in the budget and what gets cut will become epic.

The real danger for local governments is if the hue and cry of "don't cut MY essential program" becomes so intense that it becomes difficult, if not impossible, to find majority votes in each chamber for the budget. This becomes especially true depending on the spending target established. At that point, Local Government Distributive Fund (LGDF) revenue owed to local governments becomes an inviting "solution" to help bridge the gap between revenues and ultimate spending levels. Cities and counties must be aware of the possibility that the General Assembly could decide to take any or all of the LGDF revenue. All LGDF funds may be at risk. In the end, it may very well come down to what the General Assembly thinks they need.

This decision to take local government revenues could be made in a closed-door Conference Committee only to be announced when the deal is done.

Status of the Budget Process

The Senate

Last week, the Senate approved about a dozen budget appropriation bills. These bills provide funding for several state agencies and commissions and are generally viewed as non-controversial. State agencies whose budgets were approved by the Senate will reportedly have their expenditures reduced by 5 percent. The really difficult Senate budget votes will be held in the coming days and will center on expenditures for education as well as health and human services. These areas are where the real money resides, and where difficult politics leave local governments most exposed to losing substantial revenues.

The House

The House has been taking bold steps to stay within its \$33.1 billion spending target. The estimated spending target for elementary and secondary education is set at \$6.8 billion. The Higher Education spending target is \$2.1 billion. The Public Safety spending target is \$1.6 billion. The General Services spending target is \$1.2 billion.

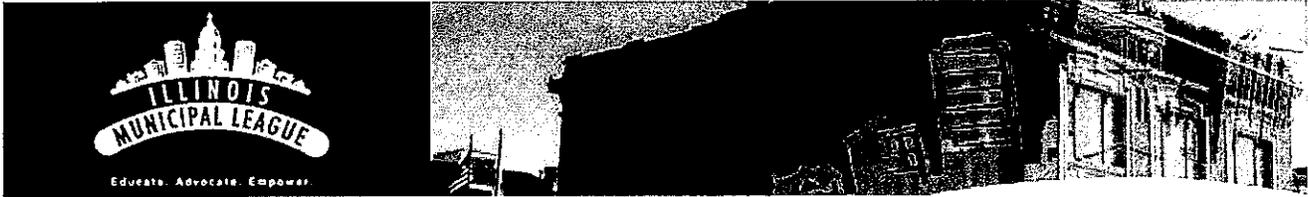
The House has also voted to appropriate \$12 billion for health and human service programs. This represents a cut in human service funding of \$1.2 billion. The Department of Human Services, Children and Family Services, Healthcare and Family Services, Public Health, and Veteran's Affairs would each see their agency budgets cut by 6.5%. In addition, the House pushed the payment cycle for Medicaid bills back by a few weeks. This payment delay is estimated to save \$500 million.

Using the House budget target of \$33.1 billion, and factoring in the money already appropriated for pension and borrowing costs, it appears that the House is almost at its spending target of \$33.1 billion. However, it is very challenging at this moment to determine the precise state budget numbers and their ultimate significance to LGDF revenue.

ACTION CALL!

It is absolutely essential that municipal and county officials contact their legislators to express firm opposition to ANY reductions in state-collected local government revenue. These calls must happen **IMMEDIATELY**. The budget process could be close to completion in a matter of days. Now is the time to influence the process if state-collected local government revenue is to remain untouched by the General Assembly. **DON'T WAIT!** If you have talked to your legislator recently, please consult with them again during the week of May 16 because developments are extremely fluid.

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Today is May 05, 2011

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Advocate

Draft Proposal to Suspend LGDF Money

LGDF

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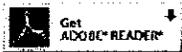
Community LGDF Impact Calculator

Income Tax Facts

Model Documents

The IML has obtained a copy of the Governor's Office proposal to suspend LGDF payments through December 31, 2011. If enacted into law, the suspended payments would continue through the remainder of the year unless the General Assembly approves borrowing authority to allow the State to pay down the billions it owes in unpaid bills to vendors.

The LGDF suspension language can be read in subsection (f) on the second page of the [Governor's proposal](#).



Office 2003 or higher required

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AN ACT concerning State government.

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

Section 5. (a) In order to obtain sufficient deposits into the Healthcare Provider Relief Fund to fund Medicaid services eligible for enhanced federal financial participation, the State Treasurer and the State Comptroller shall make transfers to the General Revenue Fund, as directed by the Governor, out of special funds of the State. Funds identified by the Governor for transfer pursuant to this Section that have been obligated for expenditure from the fund of origin shall be transferred as provided herein notwithstanding such prior obligation or any other provisions of law to the contrary. No transfer pursuant to this Section may be made from any special fund that is exclusively collected by or appropriated to any other constitutional officer without the written approval of that constitutional officer. The amounts transferred pursuant to this Section shall be appropriated for the exclusive purpose of funding Medicaid services eligible for the enhanced federal financial participation due to expire on June 30, 2011.

(b) Amounts transferred to the General Revenue Fund in accordance with subsection (a) of this Section shall be repaid to the funds of origin in an amount equal to the amount transferred plus any interest that would have accrued thereon had the transfer not occurred, by no later than March 31, 2012, or at such earlier time as the Governor shall direct. This amendatory Act of the 97th General Assembly shall constitute the irrevocable and continuing authority for and direction to the State Treasurer and State Comptroller to reimburse the amounts transferred pursuant to subsection (a) of this Section to the funds of origin from the General Revenue Fund, or such other fund as appropriate, as set forth in this Section.

(c) On or before May 1, 2012, the Governor's Office of Management and Budget shall provide to the President and Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Commission on Government Forecasting and Accountability a report on all transfers made pursuant to this Section. The report must be provided in both written and electronic format. The report must include the following information:

- (1) The date each transfer was made.
- (2) The amount of each transfer.
- (3) In the case of transfers from the General Revenue Fund to a fund of origin pursuant to subsection (b) of this Section, the amount of interest being paid to the fund of origin.

(d) Beginning on the effective date hereof, and continuing until December 31, 2011, the Governor may designate amounts to be set aside as a contingency reserve from the amounts appropriated from the General Revenue Fund, the Common School Fund, the Education Assistance Fund, and any special fund of the State for all boards, commissions, agencies, institutions, authorities, colleges, universities, and bodies politic and corporate of the State, but not other constitutional officers, the legislative or judicial branch, the office of the Executive Inspector General, or the Executive Ethics Commission. Amounts designated to be set aside as a contingency reserve pursuant to this Section that have been previously obligated for expenditure from the fund of origin shall be reserved as provided herein, notwithstanding such prior

obligation or any other provisions of law to the contrary. Amounts placed in contingency reserve shall not be transferred, obligated, encumbered, expended or otherwise committed unless otherwise authorized by the Governor or the Governor authorizes the transfer or removal of the amounts from the contingency reserve or the State, by an Act of the 97th General Assembly, generates incremental revenues sufficient to support such transfers, obligations, encumbrances, expenditures, or other commitments.

(e) Effective as of the effective date of this amendatory Act of the 97th General Assembly, and for the remainder of the fiscal year 2011, the amounts set forth below that are, or which may become, obligated by statute to be transferred from the General Revenue Fund to any of the following special funds of the State, but which shall not have been transferred as of April 11, 2011, shall not be transferred to such special funds and shall remain in the General Revenue Fund for general use by the State in the amounts set forth below, irrespective of any prior obligation or contemplated expenditure of such moneys, notwithstanding any other provisions of law to the contrary:

Live and Learn Fund.....	\$12,000,000
Agricultural Premium Fund.....	\$15,844,000
Fair and Exposition Fund.....	\$1,108,000
Partners for Conservation Projects Fund.....	\$9,333,000
Capital Litigation Trust Fund.....	\$12,000,000
University of Illinois Income Fund.....	\$11,870,000
Illinois Standardbred Breeders Fund.....	\$1,120,000
Illinois Thoroughbred Breeders Fund.....	\$1,601,000
Tourism Promotion Fund.....	\$21,604,000
Coal Technology Development Assistance Fund.....	\$3,840,000

(f) The transfer of amounts that are, or which may become, obligated by statute to be transferred from the General Revenue Fund to the Local Government Distributive Fund during the period commencing on the effective date of this amendatory Act of the 97th General Assembly through December 31, 2011, but which have not yet been transferred as of the effective date of this amendatory Act of the 97th General Assembly, shall be suspended until the earlier of December 31, 2011, and the date on which the General Assembly shall have authorized the issuance by the State (or any department, authority, public corporation, quasi-public corporation or other public agency of the State) in fiscal year 2011 of at least \$4.5 billion in the aggregate of general obligation and/or revenue bonds, the proceeds of which shall be available for use by the State to fund general State purposes, notwithstanding any other provisions of law to the contrary.

Sec. 15. Act takes precedence. In case of any conflict between the provisions of this Act and any other law, executive order, or administrative regulation, the provisions of this Act prevail and control.

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

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

David Lothspeich

From: IML Legislation [Legislation@iml.org]
 Sent: Thursday, May 19, 2011 3:41 PM
 Subject: IML Statehouse Briefing - May 19, 2011

IML STATEHOUSE BRIEFING
"On the ground news and insider information!"
5-19-11

Both chambers of the General Assembly are actively engaged in final bill actions. This means that legislators are spending long periods of time away from their offices and on the House and Senate Floors. This can be a dangerous time of year because amendments can appear and be assigned to committees on fairly short notice. Further complicating matters is that several "big ticket" items remain unresolved with little time remaining to conduct business before the scheduled adjournment date of May 31. Some of these issues include: the State budget, pension reform, workers' compensation reform, state retiree health care cost sharing, redistricting, and possibly further efforts to pass gambling, concealed carry, and medical marijuana laws.

LGDF: "It's not the budget, it's the BIMP!" is the new rallying cry as the IML looks to protect local revenues with the session approaching its scheduled adjournment date of May 31. The budget bills passed by each chamber are not where local government revenue cuts will be found. The cuts would be part of the "Budget Implementation Bill" (BIMP). The BIMP is likely to be one of the last bills approved prior to adjournment. This makes it critical to keep mounting even more pressure on state legislators until the very end of the spring legislative session! To keep the pressure on, mayors from throughout the State held a press conference this week to urge that local revenues be left intact. The IML has also produced a video entitled, "The Case for Protecting LGDF Revenue." **Keep calling your state legislators to urge them to oppose any reductions in state-collected local government revenue!**

TIF Reform: TIF Act changes appear imminent at the close of the legislative session. At the beginning of this session, there were a number of bills containing TIF "reforms." Many of these bills (such as HB 1517) were extremely detrimental to the ability of TIF financing to perform their basic functions. The IML, along with the Illinois Tax Increment Association and other parties, participated in negotiations concerning these reforms. It is our hope to limit the more egregious proposed restrictions on TIFs and to maintain TIFs as a viable economic development tool.

Open Meetings Training: HB 1670 (Sen. Crotty, D-Oak Forest) passed out of the Senate Executive Committee today. This bill amends the Open Meetings Act to require each member of a public body to complete the electronic open meetings training curriculum developed and administered by the Public Access Counselor. The failure of one or more members of a public body to complete the training does not affect the validity of an action taken by the public body. An elected or appointed member of a public body who has completed the required training is not required to subsequently complete that training. The training requirement is exempt from the penalty provisions of the Open Meetings Act.

Pension Bills: The IML continues to monitor pension legislation that either affects or is of interest to municipal governments. Click here to learn about these bills.

Joint Self-Insurance Pools: SB 1865 will likely be amended next week to include language that changes how joint self-insurance pools work. Click here to learn more about House Amendment 1 (Rep. Hernandez, D-Cicero).

Collection of Debt from Employees: HB 1513 (Rep. Dugan, D-Kankakee and Sen. Holmes, D-Aurora) allows a deduction from a municipal employee's wages to occur for any debt, including an overpayment. An employee's wages may not be deducted by more than 15% per pay period and employees have rights to refute the debt. IML and labor organizations worked together to craft this agreed bill. The legislation was unanimously approved by both chambers and is headed for the Governor's desk.
IMLSUPPORTS

Municipal Redistricting/Population: HB 2069 (Rep. McAsey, D-Romeoville and Sen. Wilhelmi, D-Joliet) allows municipalities to adopt an ordinance that would retain the number of aldermen prior to the new census figures. This legislation gives additional flexibility to aldermanic communities in determining the configuration of their municipal board. This legislation has been approved by both chambers and will next be sent to the Governor. **IML SUPPORTS**

Low-Speed/Non-Highway Vehicles: SB 1641 (Sen. Sullivan, D-Rushville and Rep. Sente, D-Vernon Hills) allows municipalities to adopt an ordinance permitting low-speed vehicles on streets with a speed limit of 35 mph. Currently, low-speed vehicles are permitted to travel on roads with speed limits of 30 mph and under. Another provision would remove the designation of a "neighborhood" vehicle from being considered a non-highway vehicle. The legislation was approved by both chambers and will next be sent to the Governor. **IML SUPPORTS**

Property Legal Descriptions: HB 3102 (Rep. Tryon, R-Crystal Lake and Sen. Althoff, R-McHenry) exempts the need to publish full legal descriptions of property in required hearing notices. The bill was approved by both chambers and will next be sent to the Governor. Click here to learn more about the bill. **IML SUPPORTS**

5/20/2011

Prosecution Fee Collections: HB 2556 (Rep. Sosnowski, R-Belvidere and Sen. Althoff, R-McHenry) allows municipalities to collect a \$25 prosecution fee for each violation of (i) the Illinois Vehicle Code prosecuted by the municipal attorney; (ii) a municipal vehicle ordinance; or (iii) a non-traffic ordinance which "results in a finding of guilt" before a circuit or associate judge "or in which a defendant has stipulated to the facts supporting the charge or a finding of guilt and the court has entered an order of supervision." HB 2556 was approved by both chambers and will next be sent to the Governor. **IML SUPPORTS**

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David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Friday, May 13, 2011 4:28 PM
To: IML Legislation
Subject: IML Statehouse Briefing - May 13, 2011

IML STATEHOUSE BRIEFING
“On the ground news and insider information!”
5-13-11

State-collected local government revenues are still highly endangered as the budget process marches toward completion. Municipal officials throughout Illinois are contacting their legislators, passing resolutions, and speaking to the media about the destructive impact that would befall local communities if local revenues are taken by the State. IML staff is working feverishly to forestall the loss of state-collected local government revenue. All municipal officials are strongly urged to aggressively reach out to their legislators to urge that they leave these critical revenues intact. Even if a legislator may have made a commitment to oppose any reductions, it is imperative that they be reminded again (and again!) about the harmful consequences that would result if any of this revenue is lost.

LGDF Still Threatened: Time is running out to convince state legislators not to take any state-collected local government revenue away from cities, villages, and towns. The House and Senate are moving budget bills in advance of negotiations over the final spending figure for FY2012. [Click here](#) to learn more.

Firefighter Hiring Legislation: [HB 1576](#) (Sen. Koehler, D-Peoria) establishes a statewide standard for hiring and testing firefighter applicants at the local level and establishes a statewide firefighter candidates' list from which fire departments may select a potential employee. An amendment that makes significant changes has been, in principal, agreed upon. [Click here](#) for more information.

FOIA Negotiations: The IML has participated in numerous meetings concerning changes to the Freedom of Information Act. These meetings have been with legislators, legislative staff, the Attorney General's Office, the Illinois Press Association, and other special interest groups. Currently, there are two bills that contain the FOIA issues that are on the table. In the House, the IML's initiative concerning [commercial requests is in HB 340](#) (Rep. Chapa LaVia, D-Aurora). In the Senate, [SB 2203 contains a number of FOIA changes](#) (Sen. Maloney, D-Chicago), including provisions concerning vexatious requests. It is unclear at this time whether these will be the final bill number. We expect to see new legislative language on these issues soon.

Open Meetings Notifications: The IML was able to negotiate changes to a bill that would have imposed burdensome restrictions on agenda and notice requirements under the Open Meetings Act. As originally written, [HB 3131](#) (Sen. Pankau, R-Bloomington) required "sufficiently descriptive" agendas, and it required that the notice and agenda be continuously available for public review during the entire 48-hour period preceding the meeting. IML was concerned that the bill's ambiguous legal standards would lead to excessive litigation. The bill was amended to remove the "sufficiently descriptive" requirement. The amendment also provides that Internet posting satisfies the continuous posting requirement and that a disruption of the continuous posting that is outside of the control of the public body will not invalidate any meeting.

Additional FOIA and Open Meetings Legislation: A number of other bills concerning FOIA and the Open Meetings Act are still under consideration. [A description of these bills is available](#) on the IML website.

Public Notice Requirements: Negotiations continued this week with the Illinois Press Association relating to public notice requirements. Expected changes include: (i) reforms to the publication requirements for county assessments; (ii) reducing the frequency of required publications; and, (iii) the insertion of cost-control language, which will require newspapers to charge units of local government the lowest commercial rate, including all multiple insertion discounts, cash discounts, and similar benefits extended to the newspaper's regular customers.

SSA Notification Requirements: [HB 1883](#) (Sen. Hutchinson, D-Olympia Fields) places a number of burdensome and costly requirements on the notice and hearing procedures for special service areas. The IML has had meetings with the Senate Sponsor, who is willing to make changes to the language. The IML will continue negotiations over this bill, but remains opposed to the current language. **IML OPPOSES**

Property Tax Refunds: As originally written, [SB 1386](#) (Rep. Rita, D-Blue Island) extends the statute of limitations for claims for refunds of overpayments to 20 years. IML opposes this bill because of the uncertainty that it would cause for municipal budgets. An amendment has been filed that provides that in Cook County, a claim for a refund for an erroneous assessment or overpayment is allowed if the petition is filed between September 1, 2011 and September 1, 2012 and the right to a refund arose more than 5 years before the date the petition is filed but not earlier than January 1, 2000. The bill provides that no such refund shall be paid if the issuance of the refund would cause the aggregate total of taxes and interest refunded under those provisions to exceed \$350,000. **IML OPPOSES**

Low-Speed/Non-Highway Vehicles: [SB 1641](#) (Rep. Sente, D-Lincolnshire) allows

5/16/2011

municipalities to adopt an ordinance permitting low-speed vehicles on streets with a speed limit of 35 mph. Currently, low-speed vehicles are permitted to travel on roads with speed limits of 30 mph and under. Another provision would remove the designation of a "neighborhood" vehicle from being considered a non-highway vehicle. The legislation was unanimously approved by the House Transportation Committee and was forwarded to the House floor. **IML SUPPORTS**

Local Sound Regulations: HB 1311 (Sen. Bomke, R-Springfield) allows municipalities to regulate sound devices. This legislation was approved by the Senate Local Government Committee and was forwarded to the Senate floor. **IML SUPPORTS**

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HB 0340 - COMMERCIAL FOIA REQUESTS & RESPONSES

Bill Number: HB 0340
GA Bill Page: [GOVERNMENT-TECH](#)
Session: 97th General Assembly
House Sponsor: [Linda Chapa LaVia](#) (H-83)
Senate Sponsor: None
IML Position: Support
IML Contact: [Brian Day](#)
IML Analysis: Synopsis for House Amendment 1 (pending in the House Judiciary Committee):

Amends the Freedom of Information Act. Provides that the term "commercial purpose" includes a purpose or intent to further a commercial, trade, or profit interest or enterprise. Requires a person who requests to inspect or copy public records for a commercial purpose to provide a statement setting forth the commercial purpose. Provides that, within 21 days after being furnished such a statement, the public body must notify the requester of the estimated time required to provide the records requested and the estimated fees to be charged. Authorizes public bodies to charge a fee for the cost of materials, equipment, and personnel used to copy or produce a record in response to a request made for a commercial purpose. Also authorizes a public body to require a person making such a request to pay all charges before the requested documents are copied. Provides that the time limitations otherwise applicable to FOIA requests do not apply to requests made for a commercial purpose. Authorizes the collection of damages if a person (i) obtains a public record for a commercial purpose without indicating the commercial purpose; (ii) obtains a public record for a noncommercial purpose and uses or knowingly allows the use of the public record for a commercial purpose; or (iii) knowingly obtains a public record from anyone other than the public body and uses it for a commercial purpose. Provides that when a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in an electronic format that is generally available to the public (instead of in the format specified by the requester). Specifies that if it is not feasible to furnish the records in an electronic format that is generally available to the public, then the public body shall furnish it in a paper format. Authorizes a public body to make its records available through a publicly accessible electronic means and to respond to a request by notifying the requester that the record is available through publicly accessible electronic means. Authorizes a fee to be charged for the first 50 pages of copies requested by a requester and for paper used to create an electronic record. Effective immediately.

GA Last Action: Rule 19(a) / Re-referred to Rules Committee
GA Synopsis: Amends the Open Meetings Act. Makes a technical change in a Section concerning the short title.
Fact Sheets: [Fact Sheet for HB 340.pdf](#)

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