

Travel Expenses of District Officials to be Regulated

The General Assembly recently enacted the Local Government Travel Expense Control Act (Public Act 99-0604). The Act, which takes effect on January 1, 2017, requires “public agencies” (including school districts, community college districts, and units of local government other than home rule units) to either adopt a resolution or pass an ordinance regulating the reimbursement of their employees and board members for all travel, meals and lodging expenses incurred for official business. Some school districts or joint agreements may already have similar controls in place; the Act makes such controls mandatory.

According to the new law, the regulation must: 1) specify the types of official business for which travel, meal, and lodging expenses are allowed; 2) establish a maximum allowable reimbursement for travel, meal and lodging expenses; and 3) create a standardized form, subject to disclosure under the Freedom of Information Act, for submission of travel, meal, and

lodging expenses which requires the employee or official to provide the following documentation in writing before any reimbursement can be made:

- an estimate of the cost of travel, meals or lodging if expenses have not been incurred or a receipt of the cost of travel, meals or lodging if the expenses have already been incurred
- the name of the individual who received or is requesting the travel, meal or lodging expense
- the job title or office of the individual who received or is requesting the travel, meal or lodging expense; and
- the date or dates and the nature of the official business in which the travel, meal or lodging expense was or will be expended

Beginning on June 29, 2017 (180 days after the effective date of the law), no public agency may approve or pay any travel, meal or lodging reimbursement unless the prescribed regulations have been implemented. The Act also prohibits any reimbursement whatsoever for “entertainment,” which is defined to include, at least, “shows, amusements, theatres, and sporting events.” The Act permits public agencies to include provisions in their



expense regulation that allows for the approval of expenses which exceed the maximum allowable travel, meal and lodging expenses in emergencies and other “extraordinary circumstances.”

Beginning on March 1, 2017 (60 days after the effective date of the law), a public roll call vote is required to approve all expenses for board members and to approve those expenses of employees which exceeds the regulation. Note that this requirement goes into effect 4 months before the mandate for the regulations themselves.

This new law addresses both reimbursements to officials and direct payments to third parties on behalf of those officials. Regulations adopted pursuant to this law should also meet the requirements of Section 10-22.32 of the School Code (which authorizes the advancement to school board members of the anticipated actual and necessary expenses incurred in attending meetings sponsored by the ISBE, regional superintendents of schools, certain meetings sponsored by school board associations that comply with Article 23 of the School Code, and meetings sponsored by a national organization in the field of public school education).

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While the Act does not change the types of expenses for which employees and board members may be reimbursed, it does impose significant new policy, reporting, and voting requirements on school districts and school boards for such reimbursements. If you have any questions, contact our attorneys at 708-799-6766 or 630-928-1200.