



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4531

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

715 ILCS 5/2.2 new	
715 ILCS 5/3.1	from Ch. 100, par. 3.1
715 ILCS 5/5	from Ch. 100, par. 5
715 ILCS 5/2.1 rep.	
715 ILCS 10/1	from Ch. 100, par. 10
715 ILCS 10/2	from Ch. 100, par. 10.1

Amends the Notice By Publication Act. Provides that whenever a governmental unit is required to provide notice by publication in a newspaper by law, order of court, or contract, the governmental unit may publish the notice on an official government website instead of in a newspaper. Provides conditions concerning the availability and format of the notice web page. Repeals a Section concerning the placement of published notices on a statewide website and makes corresponding changes throughout the Act and in the Newspaper Legal Notice Act. Effective immediately.

LRB098 14741 HEP 51011 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning notices.

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

4 Section 5. The Notice By Publication Act is amended by
5 changing Sections 3.1 and 5 and by adding Section 2.2 as
6 follows:

7 (715 ILCS 5/2.2 new)

8 Sec. 2.2. Electronic publication.

9 (a) Whenever a governmental unit is required to provide
10 notice by publication in a newspaper by law, order of court, or
11 contract, the governmental unit may publish the notice on an
12 official government website instead of in a newspaper.

13 (b) The governmental unit, or the host of the notice
14 website, shall enter into a service-level agreement with an
15 Internet service provider that guarantees the site is
16 accessible to the public over the Internet at least 98% of the
17 time, 24 hours a day, 365 days a year.

18 (c) The governmental unit's official Internet website
19 shall prominently display a link to the notice web page
20 containing a list of all current legal notices of the unit with
21 links to the full text of those notices. The web page shall
22 also contain a search function and other features that improve
23 public accessibility to legal notices.

1 (d) Whenever an individual is unable to access an
2 electronic publication of a legal notice, the issuing
3 governmental unit shall provide a copy of the notice to the
4 individual free of charge.

5 (e) Notices shall remain available on the website at least
6 until the last posting date required by law has expired or
7 until the event described in a notice has taken place,
8 whichever is later.

9 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

10 Sec. 3.1. When any notice is required by law, or order of
11 court, to be published in any newspaper, publication of such
12 notice shall include the printing of such notice in the total
13 circulation of each edition on the date of publication of the
14 newspaper in which the notice is published; ~~and the newspaper~~
15 ~~publishing the notice shall, at no additional cost to~~
16 ~~government, place the notice on the statewide website~~
17 ~~established and maintained as a joint venture of the majority~~
18 ~~of Illinois newspapers as a repository for such notices. All~~
19 ~~notices required for publication by this Act shall remain legal~~
20 ~~and valid for all purposes when any error that occurs pursuant~~
21 ~~to the requirements of this Section for placement of the notice~~
22 ~~on the statewide website is the fault of the printer.~~

23 (Source: P.A. 96-1144, eff. 12-31-12.)

24 (715 ILCS 5/5) (from Ch. 100, par. 5)

1 Sec. 5. When any notice is required by law or contract to
2 be published in a newspaper (unless otherwise expressly
3 provided in the contract), it shall be intended to be in a
4 secular newspaper of general circulation, published in the
5 city, town or county, or some newspaper specially authorized by
6 law to publish legal notices, in the city, town, or county. If
7 there is no newspaper published in the county in which the city
8 or town is located, notice shall be given in a secular
9 newspaper, as defined in this Act, that is published in an
10 adjoining county having general circulation within the city or
11 town. Unless otherwise expressly provided in the contract, the
12 term "newspaper" means a newspaper

13 (a) which consists of not less than 4 pages of printed
14 matter and contains at least 100 square inches of printed
15 matter per page; and

16 (b) which is printed through the use of one of the
17 conventional and generally recognized printing processes such
18 as letterpress, lithography or gravure; and

19 (c) which annually averages at least 25% news content per
20 issue; or which annually averages at least 1,000 column inches
21 of news content per issue, the term "news content" meaning for
22 the purposes of this Act any printed matter other than
23 advertising; and

24 (d) which publishes miscellaneous reading matter, legal or
25 other announcements and notices, and news and information
26 concerning current happenings and passing events of a

1 political, social, religious, commercial, financial or legal
2 nature, and advertisements or bulletins; and

3 (e) which has been continuously published at regular
4 intervals of at least once each week with a minimum of 50
5 issues per year, for at least one year prior to the first
6 publication of the notice; or which is a successor to a
7 newspaper as herein defined with no interruption of publication
8 of more than 30 days; or which is a merged or consolidated
9 newspaper formed by the merger or consolidation of two or more
10 newspapers, one of which has been continuously published at
11 regular intervals of at least once each week with a minimum of
12 50 issues per year, for at least one year prior to the first
13 publication of the notice. A newspaper shall be considered as
14 continuously or regularly published although its publication
15 has been suspended, where such suspension was caused by fire or
16 an Act of God or by a labor dispute or by its owner, publisher,
17 managing editor or other essential employee entering the active
18 military service of the United States, if the newspaper was
19 continuously or regularly published for at least one year prior
20 to its suspension and if its publication is resumed at any time
21 not later than 12 months after such fire or Act of God, or if
22 its publication is resumed at any time within 12 months after
23 the termination of the labor dispute, or if its publication is
24 resumed at any time within 12 months after the termination of
25 the war in connection with which such persons entered such
26 military service. ~~;~~ and

1 (f) (Blank). ~~which has the capability of placing notices~~
2 ~~required pursuant to this Act on a daily or weekly basis on the~~
3 ~~statewide website as required by Section 2.1.~~

4 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

5 (715 ILCS 5/2.1 rep.)

6 Section 10. The Notice By Publication Act is amended by
7 repealing Section 2.1.

8 Section 15. The Newspaper Legal Notice Act is amended by
9 changing Sections 1 and 2 as follows:

10 (715 ILCS 10/1) (from Ch. 100, par. 10)

11 Sec. 1. Whenever it is required by law that any legal
12 notice or publication shall be published in a newspaper in this
13 State, it shall be held to mean a newspaper

14 (a) which consists of not less than 4 pages of printed
15 matter and contains at least 100 square inches of printed
16 matter per page; and

17 (b) which is printed through the use of one of the
18 conventional and generally recognized printing processes such
19 as letterpress, lithography or gravure; and

20 (c) which annually averages at least 25% news content per
21 issue; or which annually averages at least 1,000 column inches
22 of news content per issue, the term "news content" meaning for
23 the purposes of this Act any printed matter other than

1 advertising; and

2 (d) which publishes miscellaneous reading matter, legal or
3 other announcements and notices, and news and information
4 concerning current happenings and passing events of a
5 political, social, religious, commercial, financial or legal
6 nature, and advertisements or bulletins; and

7 (e) which has been continuously published at regular
8 intervals of at least once each week with a minimum of 50
9 issues per year, for at least one year prior to the first
10 publication of the notice; or which is a successor to a
11 newspaper as herein defined with no interruption of publication
12 of more than 30 days; or which is a merged or consolidated
13 newspaper formed by the merger or consolidation of two or more
14 newspapers, one of which has been continuously published at
15 regular intervals of at least once each week with a minimum of
16 50 issues per year for at least one year prior to the first
17 publication of the notice. A newspaper shall be considered as
18 continuously or regularly published although its publication
19 has been suspended, where such suspension was caused by fire or
20 an Act of God or by a labor dispute or by its owner, publisher,
21 managing editor or other essential employee entering the active
22 military service of the United States, if the newspaper was
23 continuously or regularly published for at least one year prior
24 to its suspension and if its publication is resumed at any time
25 not later than 12 months after such fire or Act of God, or if
26 its publication is resumed at any time within 12 months after

1 the termination of the labor dispute, or if its publication is
2 resumed at any time within 12 months after the termination of
3 the war in connection with which such persons entered such
4 military service. ~~and~~

5 (f) (Blank). ~~which has the capability of placing, at no~~
6 ~~additional cost to government, notices required pursuant to~~
7 ~~this Act on a daily or weekly basis on the statewide website~~
8 ~~established and maintained as a joint venture by the majority~~
9 ~~of Illinois newspapers as a repository for such notices.~~

10 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

11 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

12 Sec. 2. When any legal notice is required by law to be
13 published in any newspaper, such notice shall include the
14 printing of such notice in the total circulation of each
15 edition on the date of publication of the newspaper in which
16 the notice is published; ~~and the newspaper publishing the~~
17 ~~notice shall, at no additional cost to government, place the~~
18 ~~notice on the statewide website established and maintained as a~~
19 ~~joint venture of the majority of Illinois newspapers as a~~
20 ~~repository for such notices. All notices required for~~
21 ~~publication by this Act shall remain legal and valid for all~~
22 ~~purposes when any error that occurs pursuant to the~~
23 ~~requirements of this Section in the requirement for placement~~
24 ~~of the notice on the statewide website is the fault of the~~
25 ~~printer.~~

1 (Source: P.A. 96-1144, eff. 12-31-12.)

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