



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4298

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 if a governmental unit, community college district, or school district 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 webpage. 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.

LRB100 15666 HEP 30767 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) If a governmental unit, community college district, or  
10 school district is required to provide notice by publication in  
11 a newspaper by law, order of court, or contract, the  
12 governmental unit, community college district, or school  
13 district may publish the notice on an official government  
14 website instead of in a newspaper.

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

21 (c) The official Internet website of the governmental unit,  
22 community college district, or school district shall  
23 prominently display a link to the notice web page, which shall

1 be an index web page, containing a list of all current legal  
2 notices of the unit or district, with links to the full text of  
3 those notices. The index web page shall also contain a search  
4 function and other features that improve public accessibility  
5 to legal notices.

6 (d) If an individual is unable to access an electronic  
7 publication of a legal notice, the issuing governmental unit,  
8 community college district, or school district shall provide a  
9 copy of the notice to the individual free of charge.

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

14 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

15 (Text of Section before amendment by P.A. 100-72)

16 Sec. 3.1. When any notice is required by law, or order of  
17 court, to be published in any newspaper, publication of such  
18 notice shall include the printing of such notice in the total  
19 circulation of each edition on the date of publication of the  
20 newspaper in which the notice is published; ~~and the newspaper~~  
21 ~~publishing the notice shall, at no additional cost to~~  
22 ~~government, place the notice on the statewide website~~  
23 ~~established and maintained as a joint venture of the majority~~  
24 ~~of Illinois newspapers as a repository for such notices. All~~  
25 ~~notices required for publication by this Act shall remain legal~~

1 ~~and valid for all purposes when any error that occurs pursuant~~  
2 ~~to the requirements of this Section for placement of the notice~~  
3 ~~on the statewide website is the fault of the printer.~~

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

5 (Text of Section after amendment by P.A. 100-72)

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

20 (Source: P.A. 100-72, eff. 1-1-18.)

21 (715 ILCS 5/5) (from Ch. 100, par. 5)

22 Sec. 5. When any notice is required by law or contract to  
23 be published in a newspaper (unless otherwise expressly  
24 provided in the contract), it shall be intended to be in a

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

10 (a) which consists of not less than 4 pages of printed  
11 matter and contains at least 100 square inches of printed  
12 matter per page; and

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

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

21 (d) which publishes miscellaneous reading matter, legal or  
22 other announcements and notices, and news and information  
23 concerning current happenings and passing events of a  
24 political, social, religious, commercial, financial or legal  
25 nature, and advertisements or bulletins; and

26 (e) which has been continuously published at regular

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

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

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

2 (715 ILCS 5/2.1 rep.)

3 Section 10. The Notice By Publication Act is amended by  
4 repealing Section 2.1.

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

7 (715 ILCS 10/1) (from Ch. 100, par. 10)

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

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

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

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

22 (d) which publishes miscellaneous reading matter, legal or  
23 other announcements and notices, and news and information

1 concerning current happenings and passing events of a  
2 political, social, religious, commercial, financial or legal  
3 nature, and advertisements or bulletins; and

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



1 military service, ~~and~~

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

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

8 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

9 (Text of Section before amendment by P.A. 100-72)

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

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

1 (Text of Section after amendment by P.A. 100-72)

2 Sec. 2. When any legal notice is required by law to be  
3 published in any newspaper, such notice shall include the  
4 printing of such notice in the total circulation of each  
5 edition on the date of publication of the newspaper in which  
6 the notice is published, ~~and the newspaper publishing the~~  
7 ~~notice shall, at no additional cost to government, cause the~~  
8 ~~notice to be placed on the statewide website established and~~  
9 ~~maintained as a joint venture of the majority of Illinois~~  
10 ~~newspapers as a repository for such notices. All notices~~  
11 ~~required for publication by this Act shall remain legal and~~  
12 ~~valid for all purposes when any error that occurs pursuant to~~  
13 ~~the requirements of this Section in the requirement for~~  
14 ~~placement of the notice on the statewide website is the fault~~  
15 ~~of the printer.~~

16 (Source: P.A. 100-72, eff. 1-1-18.)

17 Section 95. No acceleration or delay. Where this Act makes  
18 changes in a statute that is represented in this Act by text  
19 that is not yet or no longer in effect (for example, a Section  
20 represented by multiple versions), the use of that text does  
21 not accelerate or delay the taking effect of (i) the changes  
22 made by this Act or (ii) provisions derived from any other  
23 Public Act.

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