



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0811

Introduced 2/10/2021, by Rep. Jonathan Carroll - Daniel Didech
- Sam Yingling

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, 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.

LRB102 14122 LNS 19474 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, community college
10 district, or school district is required to provide notice by
11 publication in a newspaper by law, order of court, or
12 contract, the governmental unit, community college district,
13 or school district may publish the notice on an official
14 government 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
17 enter 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 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) Whenever an individual is unable to access an
7 electronic publication of a legal notice, the issuing
8 governmental unit, community college district, or school
9 district shall provide a copy of the notice to the individual
10 free of charge.

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

15 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

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, cause the notice to be placed on the statewide~~
23 ~~website established and maintained as a joint venture of the~~
24 ~~majority of Illinois newspapers as a repository for such~~
25 ~~notices. All notices required for publication by this Act~~

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

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

6 (715 ILCS 5/5) (from Ch. 100, par. 5)

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

19 (a) which consists of not less than 4 pages of printed
20 matter and contains at least 100 square inches of printed
21 matter per page; and

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

25 (c) which annually averages at least 25% news content per

1 issue; or which annually averages at least 1,000 column inches
2 of news content per issue, the term "news content" meaning for
3 the purposes of this Act any printed matter other than
4 advertising; and

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

10 (e) which has been continuously published at regular
11 intervals of at least once each week with a minimum of 50
12 issues per year, for at least one year prior to the first
13 publication of the notice; or which is a successor to a
14 newspaper as herein defined with no interruption of
15 publication of more than 30 days; or which is a merged or
16 consolidated newspaper formed by the merger or consolidation
17 of two or more newspapers, one of which has been continuously
18 published at regular intervals of at least once each week with
19 a minimum of 50 issues per year, for at least one year prior to
20 the first publication of the notice. A newspaper shall be
21 considered as continuously or regularly published although its
22 publication has been suspended, where such suspension was
23 caused by fire or an Act of God or by a labor dispute or by its
24 owner, publisher, managing editor or other essential employee
25 entering the active military service of the United States, if
26 the newspaper was continuously or regularly published for at

1 least one year prior to its suspension and if its publication
2 is resumed at any time not later than 12 months after such fire
3 or Act of God, or if its publication is resumed at any time
4 within 12 months after the termination of the labor dispute,
5 or if its publication is resumed at any time within 12 months
6 after the termination of the war in connection with which such
7 persons entered such military service. ~~and~~

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

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

12 (715 ILCS 5/2.1 rep.)

13 Section 10. The Notice By Publication Act is amended by
14 repealing Section 2.1.

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

17 (715 ILCS 10/1) (from Ch. 100, par. 10)

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

21 (a) which consists of not less than 4 pages of printed
22 matter and contains at least 100 square inches of printed
23 matter per page; and

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

4 (c) which annually averages at least 25% news content per
5 issue; or which annually averages at least 1,000 column inches
6 of news content per issue, the term "news content" meaning for
7 the purposes of this Act any printed matter other than
8 advertising; and

9 (d) which publishes miscellaneous reading matter, legal or
10 other announcements and notices, and news and information
11 concerning current happenings and passing events of a
12 political, social, religious, commercial, financial or legal
13 nature, and advertisements or bulletins; and

14 (e) which has been continuously published at regular
15 intervals of at least once each week with a minimum of 50
16 issues per year, for at least one year prior to the first
17 publication of the notice; or which is a successor to a
18 newspaper as herein defined with no interruption of
19 publication of more than 30 days; or which is a merged or
20 consolidated newspaper formed by the merger or consolidation
21 of two or more newspapers, one of which has been continuously
22 published at regular intervals of at least once each week with
23 a minimum of 50 issues per year for at least one year prior to
24 the first publication of the notice. A newspaper shall be
25 considered as continuously or regularly published although its
26 publication has been suspended, where such suspension was

1 caused by fire or an Act of God or by a labor dispute or by its
2 owner, publisher, managing editor or other essential employee
3 entering the active military service of the United States, if
4 the newspaper was continuously or regularly published for at
5 least one year prior to its suspension and if its publication
6 is resumed at any time not later than 12 months after such fire
7 or Act of God, or if its publication is resumed at any time
8 within 12 months after the termination of the labor dispute,
9 or if its publication is resumed at any time within 12 months
10 after the termination of the war in connection with which such
11 persons entered such military service. ~~;~~ and

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

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

18 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

19 Sec. 2. When any legal notice is required by law to be
20 published in any newspaper, such notice shall include the
21 printing of such notice in the total circulation of each
22 edition on the date of publication of the newspaper in which
23 the notice is published; ~~and the newspaper publishing the~~
24 ~~notice shall, at no additional cost to government, cause the~~
25 ~~notice to be placed on the statewide website established and~~

1 ~~maintained as a joint venture of the majority of Illinois~~
2 ~~newspapers as a repository for such notices. All notices~~
3 ~~required for publication by this Act shall remain legal and~~
4 ~~valid for all purposes when any error that occurs pursuant to~~
5 ~~the requirements of this Section in the requirement for~~
6 ~~placement of the notice on the statewide website is the fault~~
7 ~~of the printer.~~

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

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