



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3645

Introduced 2/10/2012, by Sen. Steven M. Landek

#### SYNOPSIS AS INTRODUCED:

50 ILCS 205/7  
50 ILCS 205/10

from Ch. 116, par. 43.107  
from Ch. 116, par. 43.110

Amends the Local Records Act. Provides that the Local Records Commission shall approve certain lists or schedules of public records that have no administrative, legal, research, or historical value and should be disposed of or destroyed. Further provides that upon the approval of the list or schedule, no further approval is necessary prior to the destruction or disposal of any record that is on the list or schedule. Effective immediately.

LRB097 16356 KMW 61512 b

1 AN ACT concerning local government.

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

4 Section 5. The Local Records Act is amended by changing  
5 Sections 7 and 10 as follows:

6 (50 ILCS 205/7) (from Ch. 116, par. 43.107)

7 Sec. 7. Disposition rules. Except as otherwise provided by  
8 law, no public record shall be disposed of by any officer or  
9 agency unless: (i) the record is destroyed in accordance with a  
10 schedule or list that is approved by the Local Records  
11 Commission or (ii) the written approval of the appropriate  
12 Local Records Commission is first obtained.

13 The Commission shall issue regulations which shall be  
14 binding on all such officers. Such regulations shall establish  
15 procedures for compiling and submitting to the Commission lists  
16 and schedules of public records proposed for disposal;  
17 procedures for the physical destruction or other disposition of  
18 such public records; and standards for the reproduction of such  
19 public records by photography, microphotographic processes, or  
20 digitized electronic format. Such standards shall relate to the  
21 quality of the film to be used, preparation of the public  
22 records for filming or electronic conversion, proper  
23 identification matter on such records so that an individual

1 document or series of documents can be located on the film or  
2 digitized electronic form with reasonable facility, and that  
3 the copies contain all significant record detail, to the end  
4 that the copies will be adequate. Any public record may be  
5 reproduced in a microfilm or digitized electronic format. The  
6 agency may dispose of the original of any reproduced record  
7 providing: (i) the reproduction process forms a durable medium  
8 that accurately and legibly reproduces the original record in  
9 all details, that does not permit additions, deletions, or  
10 changes to the original document images, and, if electronic,  
11 that are retained in a trustworthy manner so that the records,  
12 and the information contained in the records, are accessible  
13 and usable for subsequent reference at all times while the  
14 information must be retained, (ii) the reproduction is retained  
15 for the prescribed retention period, and (iii) the Commission  
16 is notified when the original record is disposed of and also  
17 when the reproduced record is disposed of.

18 Such regulations shall also provide that the State  
19 archivist may retain any records which the Commission has  
20 authorized to be destroyed, where they have a historical value,  
21 and that the State archivist may deposit them in the State  
22 Archives, State Historical Library, or a university library, or  
23 with a historical society, museum, or library.

24 (Source: P.A. 90-701, eff. 1-1-99; 91-886, eff. 1-1-01.)

25 (50 ILCS 205/10) (from Ch. 116, par. 43.110)

1           Sec. 10. Records having no administrative, legal, or fiscal  
2 value.

3           (a) The head of each agency shall submit to the appropriate  
4 Commission, in accordance with the regulations of the  
5 Commission, lists or schedules of public records in his custody  
6 that are not needed in the transaction of current business and  
7 that do not have sufficient administrative, legal or fiscal  
8 value to warrant their further preservation. The head of each  
9 agency shall also submit lists or schedules proposing the  
10 length of time each records series warrants retention for  
11 administrative, legal or fiscal purposes after it has been  
12 received by the agency.

13           (b) The Commission shall determine what public records have  
14 no administrative, legal, research or historical value and  
15 should be destroyed or otherwise disposed of and shall  
16 authorize destruction or other disposal thereof. Upon the  
17 approval of the list or schedule, no further approval is  
18 necessary prior to the destruction or disposal of any record  
19 that is on the list or schedule.

20           (c) No public record shall be destroyed or otherwise  
21 disposed of by any Local Records Commission on its own  
22 initiative, nor contrary to law. This Section shall not apply  
23 to court records as governed by Section 4 of this Act.

24           (Source: P.A. 85-1278.)

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