



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB1260

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 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.

LRB098 07292 HEP 37355 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, which  
20 shall be an index web page, containing a list of all current  
21 legal notices of the unit, with links to the full text of those  
22 notices. The index web page shall also contain a search  
23 function and other features that improve public accessibility

1 to legal notices.

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

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

10 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

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

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

1 (715 ILCS 5/5) (from Ch. 100, par. 5)

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

25 (d) which publishes miscellaneous reading matter, legal or  
26 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 notices~~  
3 ~~required pursuant to this Act on a daily or weekly basis on the~~  
4 ~~statewide website as required by Section 2.1.~~

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

6 (715 ILCS 5/2.1 rep.)

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

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

11 (715 ILCS 10/1) (from Ch. 100, par. 10)

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

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

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

21 (c) which annually averages at least 25% news content per  
22 issue; or which annually averages at least 1,000 column inches  
23 of news content per issue, the term "news content" meaning for

1 the purposes of this Act any printed matter other than  
2 advertising; and

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

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

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

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

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

12 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

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



1 ~~printer.~~

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

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