



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6092

Introduced 2/11/2016, 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, 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.

LRB099 16351 HEP 40683 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 contract,
12 the 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 governmental unit's, community college district's,
22 or school district's official Internet website 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, 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 (715 ILCS 5/5) (from Ch. 100, par. 5)

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

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

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

24 (c) which annually averages at least 25% news content per
25 issue; or which annually averages at least 1,000 column inches

1 of news content per issue, the term "news content" meaning for
2 the purposes of this Act any printed matter other than
3 advertising; and

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

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

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

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

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

11 (715 ILCS 5/2.1 rep.)

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

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

16 (715 ILCS 10/1) (from Ch. 100, par. 10)

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

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

23 (b) which is printed through the use of one of the

1 conventional and generally recognized printing processes such
2 as letterpress, lithography or gravure; and

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

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

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

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

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

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

17 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

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

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

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

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