



Sen. John J. Cullerton

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09500SB2175sam001

LRB095 19295 HLH 47224 a

1 AMENDMENT TO SENATE BILL 2175

2 AMENDMENT NO. _____. Amend Senate Bill 2175 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1106.1 as follows:

6 (55 ILCS 5/5-1106.1)

7 Sec. 5-1106.1. Public records; Internet access.

8 (a) Any county with a population of 3,000,000 or less may
9 provide Internet access to public records maintained in
10 electronic form. This access shall be provided at no charge to
11 the public. Any such county that provides public Internet
12 access to records maintained in electronic form may also enter
13 into a contractual arrangement for the dissemination of the
14 same electronic data in bulk or compiled form.

15 (a-5) Any county with a population exceeding 3,000,000 must
16 provide Internet access to public records maintained in

1 electronic form. This access shall be provided at no charge to
2 the public. Any such county with a population exceeding
3 3,000,000 must also offer to enter into a contractual
4 arrangement for the dissemination of the same electronic data
5 in bulk or compiled form.

6 (b) For the purposes of this Section, "electronic data in
7 bulk form" is defined as all, or a significant subset, of any
8 records to which the public has free Internet access, as is and
9 without modification or compilation; in counties with a
10 population of more than 3,000,000, "electronic data in bulk
11 form" excludes all non-automated search requests of 2,000
12 records or less from the same Internet Protocol (IP) address in
13 any consecutive 24 hour period; and "electronic data in
14 compiled form" is defined as any records to which the public
15 has free Internet access but that has been specifically
16 selected, aggregated, or manipulated and is not maintained or
17 used in the county's regular course of business.

18 (c) If, but only if, a county provides free Internet access
19 to public records maintained in electronic form, the county may
20 charge a fee for the dissemination of the electronic data in
21 bulk or compiled form, but the fee may not exceed 110% of the
22 actual cost, if any, of providing the electronic data in bulk
23 or compiled form.

24 The fee must be paid to the county treasurer and deposited
25 into a fund designated as the County Automation Fund; except
26 that in counties with a population exceeding 3,000,000, the fee

1 shall be paid into a fund designated as the Recorder's
2 Automation Fund.

3 (d) The county must make available for public inspection
4 and copying an itemization of the actual cost, if any, of
5 providing electronic data in bulk or compiled form, including
6 any and all supporting documents. The county is prohibited from
7 granting to any person or entity, whether by contract, license,
8 or otherwise, the exclusive right to access and disseminate any
9 public record.

10 (e) Notwithstanding any other provision of law, beginning
11 on the effective date of this amendatory Act of the 95th
12 General Assembly, if any county officer makes public records or
13 form documents available over the Internet, those records and
14 documents must be available to the user free of charge. A home
15 rule unit may not regulate the availability of public documents
16 in a manner that is inconsistent with this Section. This is a
17 denial and limitation of home rule powers and functions under
18 subsection (h) of Section 6 of Article VII of the Illinois
19 Constitution.

20 (Source: P.A. 93-362, eff. 7-24-03.)".

21 Section 10. The State Mandates Act is amended by adding
22 Section 8.32 as follows:

23 (30 ILCS 805/8.32 new)

24 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 95th General Assembly."