



State Government Administration Committee

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LRB096 19614 RCE 38200 a

1 AMENDMENT TO HOUSE BILL 4985

2 AMENDMENT NO. _____. Amend House Bill 4985 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Government Electronic Records Act.

6 Section 5. Policy. It is the policy of the State of
7 Illinois to support efforts to reduce government's use of our
8 natural resources and to look for ways to implement
9 efficiencies. Government agencies should look for ways to
10 employ practices that allow for either or both of the
11 following: (1) electronic storage of documents and (2)
12 electronic transfer of documents. These
13 environmentally-friendly practices will reduce the State's
14 reliance on paper and may ultimately save the State money.

15 Section 10. Definitions.

1 "Board" means the Electronic Records Advisory Board.

2 "Electronic transfer" means transfer of documents or
3 reports by electronic means. Appropriate electronic transfer
4 includes, but is not limited to, transfer by electronic mail,
5 facsimile transmission, or posting downloadable versions on an
6 Internet website, with electronic notice of the posting.

7 "Government agency" means all parts, boards, and
8 commissions of the executive branch of the State government
9 including, but not limited to, State colleges and universities
10 and their governing boards and all departments established by
11 the Civil Administrative Code of Illinois.

12 "Record" has the meaning ascribed to it in the Illinois
13 State Records Act (5 ILCS 160/).

14 Section 15. Electronic records.

15 (a) A record created in an electronic format is considered
16 the same as and has the same force and effect as those records
17 not produced by electronic means.

18 (b) Nothing in this Act requires any government agency or
19 person to use an electronic record or an electronic signature
20 if doing so could jeopardize the efficient operation of State
21 government.

22 (c) Notwithstanding the requirements of this Act,
23 government agencies that obtain, store, or use electronic
24 records shall not refuse to accept hard copy, non-electronic
25 forms and reports, and other paper documents for submission or

1 filing, except as otherwise provided by law or administrative
2 rule.

3 (d) Any government agency that uses electronic records
4 shall allow any person or entity to have access to copies of
5 those records as permitted by the Illinois Freedom of
6 Information Act (5 ILCS 140/) or other applicable law, in paper
7 form in accordance with the fees prescribed by statute.

8 Section 20. Electronic transfer of records.
9 Notwithstanding any law to the contrary, all government
10 agencies are encouraged to employ electronic means of
11 transferring records when appropriate. Government agencies may
12 send by electronic transmission any document, report, or record
13 that State law would otherwise require to be placed in the U.S.
14 mail. Those electronic records shall be protected as required
15 by the Electronic Commerce Security Act (5 ILCS 175/).

16 Section 25. Electronic retention of documents. All
17 government agencies are encouraged to employ electronic means
18 of creating and retaining State records. Electronic retention
19 of records shall be in accordance with the State Records Act (5
20 ILCS 160/) and with administrative rules.

21 Section 30. Electronic Records Advisory Board.

22 (a) To assist government agencies in developing and
23 implementing electronic means of creating and retaining

1 electronic records, the Electronic Records Advisory Board is
2 created. The Board's purpose is to make a formal recommendation
3 related to the use and retention of electronic records. The
4 Board shall consist of 9 members as follows:

5 (1) the Treasurer or his or her designee.

6 (2) the Secretary of State or his or her designee.

7 (3) the Governor or his or her designee.

8 (4) the Attorney General or his or her designee.

9 (5) the Comptroller or his or her designee.

10 (6) the Director of Central Management Services or his
11 or her designee.

12 (7) the University of Illinois President or his or her
13 designee.

14 (8) the Department of Central Management Services'
15 Director of the Bureau of Communication and Computer
16 Services or his or her designee.

17 (9) the Director of the Illinois State Archives or his
18 or her designee.

19 (b) Once convened, the Board shall select a chairperson
20 from its membership. Board members who are not State employees
21 shall receive no compensation for their services. A quorum of
22 the Board shall meet no less than 4 times, and the first
23 meeting shall take place no less than 60 days after the
24 effective date of this Act. The meetings are subject to the
25 requirements of the Open Meetings Act (5 ILCS 120/). The
26 Treasurer's office shall provide administrative support for

1 the creation, dissemination, retention, and disposition of
2 Board meeting agendas, minutes, and supporting materials.

3 (c) By July 1, 2011, the Electronic Records Advisory Board
4 shall produce a report recommending policies, guidelines, and
5 best practices on specific electronic records management
6 issues including, but not limited to, the following:

7 (1) long-term maintenance of electronic records;

8 (2) management of electronic files in a networked
9 environment;

10 (3) recordkeeping issues in information system
11 development;

12 (4) log file management;

13 (5) management and preservation of web-based records;

14 and

15 (6) retention periods for electronic records.

16 The Board shall submit its policies, guidelines, and best
17 practices recommendations to the Secretary of State and the
18 State Records Commission. Within 45 days after the date of this
19 report, the Secretary of State shall post the Board's
20 recommendations on the Secretary's Internet website and
21 distribute those recommendations to all government agencies.
22 Upon the posting of the Board's recommendations, the Board's
23 purpose is considered fulfilled, and the Board is thereupon
24 dissolved.

25 Section 35. Application. This Act is intended to allow

1 government agencies to transfer a record by e-mail, or retain
2 an electronic copy, unless it conflicts with the State Records
3 Act or its administrative rules, notwithstanding any law to the
4 contrary. When adopting these electronic practices, government
5 agencies shall consider the constituent's access to electronic
6 technology. This Act does not change any State law that
7 requires publication of information in newspapers of general
8 circulation.

9 Section 40. Implementation. Within 6 months after the
10 Secretary of State's posting of the Board's policies,
11 guidelines, and best practices recommendations, as provided
12 for in Section 30 of this Act, all State agencies shall review
13 those recommendations and take all possible steps consistent
14 with those recommendations to enhance the use of electronic
15 means of creating, transmitting, and retaining State records.
16 Each government agency is required by this Act to post a link
17 to this Act on its Internet website.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."