



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB5232

Introduced 2/3/2010, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

715 ILCS 5/2	from Ch. 100, par. 2
715 ILCS 5/2.1 new	
715 ILCS 5/3.1	from Ch. 100, par. 3.1
715 ILCS 5/5	from Ch. 100, par. 5
715 ILCS 5/11	
715 ILCS 10/1	from Ch. 100, par. 10
715 ILCS 10/2	from Ch. 100, par. 10.1
715 ILCS 10/3	

Amends the Notice By Publication Act and the Newspaper Legal Notice Act. Provides that if there is no newspaper published in the county where a unit of local government or school district is located, notice by publication shall be given in a secular newspaper located in an adjoining county having general circulation within the unit of local government or school district. Provides that whenever notice is required by law, order of court, or a contract to be published in a newspaper, the newspaper publishing the notice shall, at no additional cost to government, place the notice on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for the notices. Includes, in the definition of "newspaper", a requirement that the newspaper have the capability of placing notices on a daily or weekly basis on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for the notices. If, after the effective date, there is a notice that is required by law or order of court to be published in a particular unit of local government or school district and there is no newspaper published in the territory of the local government or district, or, in the county in which the local government or district is located, the notice shall be published in a secular newspaper that is published in an adjoining county having general circulation within the unit of local government or school district. To the extent that there is a conflict between the provisions of this amendatory Act and any other provision of law, these provisions control. Effective January 1, 2011.

LRB096 16784 AJ0 35243 b

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 2, 3.1, 5, and 11 and by adding Section 2.1  
6 as follows:

7 (715 ILCS 5/2) (from Ch. 100, par. 2)

8 Sec. 2.

9 Whenever an officer of a court, unit of local government,  
10 or school district is required by law to give notice by  
11 publication in a newspaper which is published in a particular  
12 unit of local government or school district, he shall, if there  
13 is no newspaper which is published in the unit of local  
14 government or school district, give notice by publication in a  
15 newspaper published in the county in which the unit of local  
16 government or school district is located and having general  
17 circulation within the unit of local government or school  
18 district. If there is no newspaper published in the county in  
19 which the unit of local government or school district is  
20 located, notice by publication in a newspaper shall be given in  
21 a secular newspaper, as defined in this Act, published in an  
22 adjoining county having general circulation within the unit of  
23 local government or school district.

1 (Source: P.A. 78-425.)

2 (715 ILCS 5/2.1 new)

3 Sec. 2.1. Statewide website. Whenever notice by  
4 publication in a newspaper is required by law, order of court,  
5 or contract, the newspaper publishing the notice shall, at no  
6 additional cost to government, place the notice on the  
7 statewide website established and maintained as a joint venture  
8 of the majority of Illinois newspapers as a repository for such  
9 notices.

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.

20 (Source: P.A. 83-1483.)

21 (715 ILCS 5/5) (from Ch. 100, par. 5)

22 Sec. 5. When any notice is required by law or contract to  
23 be published in a newspaper (unless otherwise expressly

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

11 (a) which consists of not less than 4 pages of printed  
12 matter and contains at least 100 square inches of printed  
13 matter per page; and

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

17 (c) which annually averages at least 25% news content per  
18 issue; or which annually averages at least 1,000 column inches  
19 of news content per issue, the term "news content" meaning for  
20 the purposes of this Act any printed matter other than  
21 advertising; and

22 (d) which publishes miscellaneous reading matter, legal or  
23 other announcements and notices, and news and information  
24 concerning current happenings and passing events of a  
25 political, social, religious, commercial, financial or legal  
26 nature, and advertisements or bulletins; and

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

25 (f) which has the capability of placing notices required  
26 pursuant to this Act on a daily or weekly basis on the

1 statewide website as required by Section 2.1.

2 (Source: P.A. 96-59, eff. 7-23-09.)

3 (715 ILCS 5/11)

4 Sec. 11. Applicability.

5 (a) Any notice published prior to the effective date of  
6 this amendatory Act of the 96th General Assembly and in  
7 compliance with the provisions of this amendatory Act shall be  
8 legal and valid for all purposes.

9 (b) If, after the effective date of this amendatory Act of  
10 the 96th General Assembly, there is a notice that is required  
11 by law or order of court to be published in a particular unit  
12 of local government or school district and there is no  
13 newspaper published in that unit of local government or school  
14 district, or, in the county in which the unit of local  
15 government or school district is located, the notice shall be  
16 published in a secular newspaper, as defined by this Act, that  
17 is published in an adjoining county having general circulation  
18 within the unit of local government or school district. To the  
19 extent that there is a conflict between the provisions of this  
20 amendatory Act of the 96th General Assembly and any other  
21 provision of law, the provisions added by this amendatory Act  
22 of the 96th General Assembly shall control.

23 (Source: P.A. 96-59, eff. 7-23-09.)

24 Section 10. The Newspaper Legal Notice Act is amended by

1 changing Sections 1, 2, and 3 as follows:

2 (715 ILCS 10/1) (from Ch. 100, par. 10)

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

6 (a) which consists of not less than 4 pages of printed  
7 matter and contains at least 100 square inches of printed  
8 matter per page; and

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

12 (c) which annually averages at least 25% news content per  
13 issue; or which annually averages at least 1,000 column inches  
14 of news content per issue, the term "news content" meaning for  
15 the purposes of this Act any printed matter other than  
16 advertising; and

17 (d) which publishes miscellaneous reading matter, legal or  
18 other announcements and notices, and news and information  
19 concerning current happenings and passing events of a  
20 political, social, religious, commercial, financial or legal  
21 nature, and advertisements or bulletins; and

22 (e) which has been continuously published at regular  
23 intervals of at least once each week with a minimum of 50  
24 issues per year, for at least one year prior to the first  
25 publication of the notice; or which is a successor to a

1 newspaper as herein defined with no interruption of publication  
2 of more than 30 days; or which is a merged or consolidated  
3 newspaper formed by the merger or consolidation of two or more  
4 newspapers, one of which has been continuously published at  
5 regular intervals of at least once each week with a minimum of  
6 50 issues per year for at least one year prior to the first  
7 publication of the notice. A newspaper shall be considered as  
8 continuously or regularly published although its publication  
9 has been suspended, where such suspension was caused by fire or  
10 an Act of God or by a labor dispute or by its owner, publisher,  
11 managing editor or other essential employee entering the active  
12 military service of the United States, if the newspaper was  
13 continuously or regularly published for at least one year prior  
14 to its suspension and if its publication is resumed at any time  
15 not later than 12 months after such fire or Act of God, or if  
16 its publication is resumed at any time within 12 months after  
17 the termination of the labor dispute, or if its publication is  
18 resumed at any time within 12 months after the termination of  
19 the war in connection with which such persons entered such  
20 military service; and -

21 (f) which has the capability of placing, at no additional  
22 cost to government, notices required pursuant to this Act on a  
23 daily or weekly basis on the statewide website established and  
24 maintained as a joint venture by the majority of Illinois  
25 newspapers as a repository for such notices.

26 (Source: P.A. 96-59, eff. 7-23-09.)



1 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

2 Sec. 2.

3 When any legal notice is required by law to be published in  
4 any newspaper, such notice shall include the printing of such  
5 notice in the total circulation of each edition on the date of  
6 publication of the newspaper in which the notice is published;  
7 and the newspaper publishing the notice shall, at no additional  
8 cost to government, place the notice on the statewide website  
9 established and maintained as a joint venture of the majority  
10 of Illinois newspapers as a repository for such notices.

11 (Source: P.A. 78-673.)

12 (715 ILCS 10/3)

13 Sec. 3. Applicability.

14 (a) Any notice published prior to the effective date of  
15 this amendatory Act of the 96th General Assembly and in  
16 compliance with the provisions of this amendatory Act shall be  
17 legal and valid for all purposes.

18 (b) If, after the effective date of this amendatory Act of  
19 the 96th General Assembly, there is a notice that is required  
20 by law or order of court to be published in a particular unit  
21 of local government or school district and there is no  
22 newspaper published in that unit of local government or school  
23 district, or, in the county in which the unit of local  
24 government or school district is located, the notice shall be

1 published in a secular newspaper, as defined by this Act, that  
2 is published in an adjoining county having general circulation  
3 within the unit of local government or school district. To the  
4 extent that there is a conflict between the provisions of this  
5 amendatory Act of the 96th General Assembly and any other  
6 provision of law, the provisions added by this amendatory Act  
7 of the 96th General Assembly shall control.

8 (Source: P.A. 96-59, eff. 7-23-09.)

9 Section 99. Effective date. This Act takes effect January  
10 1, 2011.