

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Real Property Electronic Recording
5 Act is amended by changing Section 5 as follows:

6 (765 ILCS 33/5)

7 Sec. 5. Administration and standards.

8 (a) To adopt standards to implement this Act, there is
9 established, within the Office of the Secretary of State, the
10 Illinois Electronic Recording Commission consisting of 17 ~~15~~
11 commissioners as follows:

12 (1) The Secretary of State or the Secretary's designee
13 shall be a permanent commissioner.

14 (2) The Secretary of State shall appoint the following
15 additional 16 ~~14~~ commissioners:

16 (A) Three who are from the land title profession.

17 (B) Three who are from lending institutions.

18 (C) One who is an attorney.

19 (D) Seven who are county recorders, no more than 4
20 of whom are from one political party, representative of
21 counties of varying size, geography, population, and
22 resources.

23 (E) Two who are licensed real estate brokers or

1 managing brokers under the Real Estate License Act of
2 2000.

3 (3) On the effective date of this Act, the Secretary of
4 State or the Secretary's designee shall become the Acting
5 Chairperson of the Commission. The Secretary shall appoint
6 the initial commissioners within 60 days and hold the first
7 meeting of the Commission within 120 days, notifying
8 commissioners of the time and place of the first meeting
9 with at least 14 days' notice. At its first meeting the
10 Commission shall adopt, by a majority vote, such rules and
11 structure that it deems necessary to govern its operations,
12 including the title, responsibilities, and election of
13 officers. Once adopted, the rules and structure may be
14 altered or amended by the Commission by majority vote. Upon
15 the election of officers and adoption of rules or bylaws,
16 the duties of the Acting Chairperson shall cease.

17 (4) The Commission shall meet at least once every year
18 within the State of Illinois. The time and place of
19 meetings to be determined by the Chairperson and approved
20 by a majority of the Commission.

21 (5) Nine ~~Eight~~ commissioners shall constitute a
22 quorum.

23 (6) Commissioners shall receive no compensation for
24 their services but may be reimbursed for reasonable
25 expenses at current rates in effect at the Office of the
26 Secretary of State, directly related to their duties as

1 commissioners and participation at Commission meetings or
2 while on business or at meetings which have been authorized
3 by the Commission.

4 (7) Appointed commissioners shall serve terms of 3
5 years, which shall expire on December 1st. Five of the
6 initially appointed commissioners, including at least 2
7 county recorders, shall serve terms of one year, 5 of the
8 initially appointed commissioners, including at least 2
9 county recorders, shall serve terms of 2 years, and 4 of
10 the initially appointed commissioners shall serve terms of
11 3 years, to be determined by lot. Of the commissioners
12 appointed under subparagraph (E) of paragraph (2) of this
13 subsection, one of the initially appointed commissioners
14 shall serve a term of 2 years and one of the initially
15 appointed commissioners shall serve a term of 3 years, to
16 be determined by lot. The calculation of the terms in
17 office of the initially appointed commissioners shall
18 begin on the first December 1st after the commissioners
19 have served at least 6 months in office.

20 (8) The Chairperson shall declare a commissioner's
21 office vacant immediately after receipt of a written
22 resignation, death, a recorder commissioner no longer
23 holding the public office, or under other circumstances
24 specified within the rules adopted by the Commission, which
25 shall also by rule specify how and by what deadlines a
26 replacement is to be appointed.

1 (c) The Commission shall adopt and transmit to the
2 Secretary of State standards to implement this Act and shall be
3 the exclusive entity to set standards for counties to engage in
4 electronic recording in the State of Illinois.

5 (d) To keep the standards and practices of county recorders
6 in this State in harmony with the standards and practices of
7 recording offices in other jurisdictions that enact
8 substantially this Act and to keep the technology used by
9 county recorders in this State compatible with technology used
10 by recording offices in other jurisdictions that enact
11 substantially this Act, the Commission, so far as is consistent
12 with the purposes, policies, and provisions of this Act, in
13 adopting, amending, and repealing standards shall consider:

14 (1) standards and practices of other jurisdictions;

15 (2) the most recent standards promulgated by national
16 standard-setting bodies, such as the Property Records
17 Industry Association;

18 (3) the views of interested persons and governmental
19 officials and entities;

20 (4) the needs of counties of varying size, population,
21 and resources; and

22 (5) standards requiring adequate information security
23 protection to ensure that electronic documents are
24 accurate, authentic, adequately preserved, and resistant
25 to tampering.

26 (e) The Commission shall review the statutes related to

1 real property and the statutes related to recording real
2 property documents and shall recommend to the General Assembly
3 any changes in the statutes that the Commission deems necessary
4 or advisable.

5 (f) Funding. The Secretary of State may accept for the
6 Commission, for any of its purposes and functions, donations,
7 gifts, grants, and appropriations of money, equipment,
8 supplies, materials, and services from the federal government,
9 the State or any of its departments or agencies, a county or
10 municipality, or from any institution, person, firm, or
11 corporation. The Commission may authorize a fee payable by
12 counties engaged in electronic recording to fund its expenses.
13 Any fee shall be proportional based on county population or
14 number of documents recorded annually. On approval by a county
15 recorder of the form and amount, a county board may authorize
16 payment of any fee out of the special fund it has created to
17 fund document storage and electronic retrieval, as authorized
18 in Section 3-5018 of the Counties Code. Any funds received by
19 the Office of the Secretary of State for the Commission shall
20 be used entirely for expenses approved by and for the use of
21 the Commission.

22 (g) The Secretary of State shall provide administrative
23 support to the Commission, including the preparation of the
24 agenda and minutes for Commission meetings, distribution of
25 notices and proposed rules to commissioners, payment of bills
26 and reimbursement for expenses of commissioners.

1 (h) Standards and rules adopted by the Commission shall be
2 delivered to the Secretary of State. Within 60 days, the
3 Secretary shall either promulgate by rule the standards
4 adopted, amended, or repealed or return them to the Commission,
5 with findings, for changes. The Commission may override the
6 Secretary by a three-fifths vote, in which case the Secretary
7 shall publish the Commission's standards.

8 (Source: P.A. 95-472, eff. 8-27-07.)