



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4370

Introduced 02/03/04, by Mark H. Beaubien Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-39001

from Ch. 34, par. 5-39001

Amends the Counties Code. Provides that a county board may authorize the clerk of the circuit court to charge litigants in civil cases a county law library fee not to exceed \$13 (now, not to exceed \$10). Effective immediately.

LRB093 20768 BDD 46668 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning counties.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-39001 is amended as follows:

6 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

7 Sec. 5-39001. Establishment and use; fee. The county board
8 of any county may establish and maintain a county law library,
9 to be located in any county building or privately or publicly
10 owned building at the county seat of government. The term
11 "county building" includes premises leased by the county from a
12 public building commission created under the Public Building
13 Commission Act. After August 2, 1976, the county board of any
14 county may establish and maintain a county law library at the
15 county seat of government and, in addition, branch law
16 libraries in other locations within that county as the county
17 board deems necessary.

18 The facilities of those libraries shall be freely available
19 to all licensed Illinois attorneys, judges, other public
20 officers of the county, and all members of the public, whenever
21 the court house is open.

22 The expense of establishing and maintaining those
23 libraries shall be borne by the county. To defray that expense,
24 in any county having established a county law library or
25 libraries, the clerk of all trial courts located at the county
26 seat of government shall charge and collect a county law
27 library fee of \$2, and the county board may authorize a county
28 law library fee of not to exceed \$13 ~~\$10~~, to be charged and
29 collected by the clerks of all trial courts located in the
30 county. The fee shall be paid at the time of filing the first
31 pleading, paper, or other appearance filed by each party in all
32 civil cases, but no additional fee shall be required if more

1 than one party is represented in a single pleading, paper, or
2 other appearance.

3 Each clerk shall commence those charges and collections
4 upon receipt of written notice from the chairman of the county
5 board that the board has acted under this Division to establish
6 and maintain a law library.

7 The fees shall be in addition to all other fees and charges
8 of the clerks, assessable as costs, remitted by the clerks
9 monthly to the county treasurer, and retained by the county
10 treasurer in a special fund designated as the County Law
11 Library Fund. Except as otherwise provided in this paragraph,
12 disbursements from the fund shall be by the county treasurer,
13 on order of a majority of the resident circuit judges of the
14 circuit court of the county. In any county with more than
15 2,000,000 inhabitants, the county board shall order
16 disbursements from the fund and the presiding officer of the
17 county board, with the advice and consent of the county board,
18 may appoint a library committee of not less than 9 members,
19 who, by majority vote, may recommend to the county board as to
20 disbursements of the fund and the operation of the library. In
21 single county circuits with 2,000,000 or fewer inhabitants,
22 disbursements from the County Law Library Fund shall be made by
23 the county treasurer on the order of the chief judge of the
24 circuit court of the county. In those single county circuits,
25 the number of personnel necessary to operate and maintain the
26 county law library shall be set by and those personnel shall be
27 appointed by the chief judge. The county law library personnel
28 shall serve at the pleasure of the appointing authority. The
29 salaries of those personnel shall be fixed by the county board
30 of the county. Orders shall be pre-audited, funds shall be
31 audited by the county auditor, and a report of the orders and
32 funds shall be rendered to the county board and to the judges.

33 Fees shall not be charged in any criminal or quasi-criminal
34 case, in any matter coming to the clerk on change of venue, or
35 in any proceeding to review the decision of any administrative
36 officer, agency, or body.

1 (Source: P.A. 90-92, eff. 1-1-98; 90-589, eff. 6-5-98.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.