



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0146

Introduced 1/14/2009, by Rep. Marlow H. Colvin

#### 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 a county law library fee of not to exceed (i) \$18 in 2009, (ii) \$19 in 2010, and (iii) \$21 in 2011 and thereafter (instead of \$13). Effective immediately.

LRB096 02878 RLJ 12892 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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 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,

1 in any county having established a county law library or  
2 libraries, the clerk of all trial courts located at the county  
3 seat of government shall charge and collect a county law  
4 library fee of \$2, and the county board may authorize a county  
5 law library fee of not to exceed (i) \$18 in 2009, (ii) \$19 in  
6 2010, and (iii) \$21 in 2011 and thereafter ~~\$13~~, to be charged  
7 and collected by the clerks of all trial courts located in the  
8 county. The fee shall be paid at the time of filing the first  
9 pleading, paper, or other appearance filed by each party in all  
10 civil cases, but no additional fee shall be required if more  
11 than one party is represented in a single pleading, paper, or  
12 other appearance.

13 Each clerk shall commence those charges and collections  
14 upon receipt of written notice from the chairman of the county  
15 board that the board has acted under this Division to establish  
16 and maintain a law library.

17 The fees shall be in addition to all other fees and charges  
18 of the clerks, assessable as costs, remitted by the clerks  
19 monthly to the county treasurer, and retained by the county  
20 treasurer in a special fund designated as the County Law  
21 Library Fund. Except as otherwise provided in this paragraph,  
22 disbursements from the fund shall be by the county treasurer,  
23 on order of a majority of the resident circuit judges of the  
24 circuit court of the county. In any county with more than  
25 2,000,000 inhabitants, the county board shall order  
26 disbursements from the fund and the presiding officer of the

1 county board, with the advice and consent of the county board,  
2 may appoint a library committee of not less than 9 members,  
3 who, by majority vote, may recommend to the county board as to  
4 disbursements of the fund and the operation of the library. In  
5 single county circuits with 2,000,000 or fewer inhabitants,  
6 disbursements from the County Law Library Fund shall be made by  
7 the county treasurer on the order of the chief judge of the  
8 circuit court of the county. In those single county circuits,  
9 the number of personnel necessary to operate and maintain the  
10 county law library shall be set by and those personnel shall be  
11 appointed by the chief judge. The county law library personnel  
12 shall serve at the pleasure of the appointing authority. The  
13 salaries of those personnel shall be fixed by the county board  
14 of the county. Orders shall be pre-audited, funds shall be  
15 audited by the county auditor, and a report of the orders and  
16 funds shall be rendered to the county board and to the judges.

17 Fees shall not be charged in any criminal or quasi-criminal  
18 case, in any matter coming to the clerk on change of venue, or  
19 in any proceeding to review the decision of any administrative  
20 officer, agency, or body.

21 (Source: P.A. 93-748, eff. 7-15-04.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.