



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4962

Introduced 2/3/2012, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

55 ILCS 5/2-3003	from Ch. 34, par. 2-3003
55 ILCS 5/3-5010	from Ch. 34, par. 3-5010
55 ILCS 5/4-4001	from Ch. 34, par. 4-4001

Amends the Counties Code. Provides that if a county board determines members shall be elected by districts, then each district shall be "substantially" equal in population to each other district. Provides that in counties of less than 500,000 inhabitants, the recorder may cause to be microphotographed or otherwise reproduced on electronic method of storage any instrument received in writing by the recorder. Further provides that authorization by the county board is not required for the reproduction of the instruments on film or electronic method of storage. Makes a technical change in a Section concerning County Clerks in counties of the first and second class. Effective immediately.

LRB097 17628 KMW 62835 b

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
5 Sections 2-3003, 3-5010, and 4-4001 as follows:

6 (55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)
7 Sec. 2-3003. Apportionment plan.

8 (1) If the county board determines that members shall be
9 elected by districts, it shall develop an apportionment plan
10 and specify the number of districts and the number of county
11 board members to be elected from each district and whether
12 voters will have cumulative voting rights in multi-member
13 districts. Each such district:

14 a. Shall be substantially equal in population to each
15 other district;

16 b. Shall be comprised of contiguous territory, as
17 nearly compact as practicable; and

18 c. May divide townships or municipalities only when
19 necessary to conform to the population requirement of
20 paragraph a. of this Section.

21 d. Shall be created in such a manner so that no
22 precinct shall be divided between 2 or more districts,
23 insofar as is practicable.

1 (2) The county board of each county having a population of
2 less than 3,000,000 inhabitants may, if it should so decide,
3 provide within that county for single member districts outside
4 the corporate limits and multi-member districts within the
5 corporate limits of any municipality with a population in
6 excess of 75,000. Paragraphs a, b, c and d of subsection (1) of
7 this Section shall apply to the apportionment of both single
8 and multi-member districts within a county to the extent that
9 compliance with paragraphs a, b, c and d still permit the
10 establishment of such districts, except that the population of
11 any multi-member district shall be equal to the population of
12 any single member district, times the number of members found
13 within that multi-member district.

14 (3) In a county where the Chairman of the County Board is
15 elected by the voters of the county as provided in Section
16 2-3007, the Chairman of the County Board may develop and
17 present to the Board by the third Wednesday in May in the year
18 after a federal decennial census year an apportionment plan in
19 accordance with the provisions of subsection (1) of this
20 Section. If the Chairman presents a plan to the Board by the
21 third Wednesday in May, the Board shall conduct at least one
22 public hearing to receive comments and to discuss the
23 apportionment plan, the hearing shall be held at least 6 days
24 but not more than 21 days after the Chairman's plan was
25 presented to the Board, and the public shall be given notice of
26 the hearing at least 6 days in advance. If the Chairman

1 presents a plan by the third Wednesday in May, the Board is
2 prohibited from enacting an apportionment plan until after a
3 hearing on the plan presented by the Chairman. The Chairman
4 shall have access to the federal decennial census available to
5 the Board.

6 (4) In a county where a County Executive is elected by the
7 voters of the county as provided in Section 2-5007 of the
8 Counties Code, the County Executive may develop and present to
9 the Board by the third Wednesday in May in the year after a
10 federal decennial census year an apportionment plan in
11 accordance with the provisions of subsection (1) of this
12 Section. If the Executive presents a plan to the Board by the
13 third Wednesday in May, the Board shall conduct at least one
14 public hearing to receive comments and to discuss the
15 apportionment plan, the hearing shall be held at least 6 days
16 but not more than 21 days after the Executive's plan was
17 presented to the Board, and the public shall be given notice of
18 the hearing at least 6 days in advance. If the Executive
19 presents a plan by the third Wednesday in May, the Board is
20 prohibited from enacting an apportionment plan until after a
21 hearing on the plan presented by the Executive. The Executive
22 shall have access to the federal decennial census available to
23 the Board.

24 (Source: P.A. 96-1540, eff. 3-7-11.)

25 (55 ILCS 5/3-5010) (from Ch. 34, par. 3-5010)

1 Sec. 3-5010. Duties of recorder. Every recorder shall, as
2 soon as practicable after the receipt of any instrument in
3 writing in his office, entitled to be recorded, record the same
4 at length in the order of time of its reception, in well bound
5 books to be provided for that purpose. In counties of 500,000
6 or more inhabitants, the recorder may microphotograph or
7 otherwise reproduce on film any of such instruments in the
8 manner provided by law. In counties of less than 500,000
9 inhabitants, the recorder may cause to be microphotographed or
10 otherwise reproduced on film or electronic method of storage
11 any of such instruments ~~only if authorized to do so by the~~
12 ~~county board~~. When any such instrument is reproduced on film,
13 the film shall comply with the minimum standards of quality
14 approved for permanent photographic records of the State
15 Records Commission and the device used to reproduce the records
16 on the film shall be one which accurately reproduces the
17 contents of the original.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

20 Sec. 4-4001. County Clerks; counties of first and second
21 class. The fees of the county clerk in counties of the first
22 and second class, except when increased by county ordinance
23 pursuant to the provisions of this Section, shall be:

24 For each official copy of any process, file, record or
25 other instrument of and pertaining to his office, 50¢ for each

1 100 words, and \$1 additional for certifying and sealing the
2 same.

3 For filing any paper not herein otherwise provided for, \$1,
4 except that no fee shall be charged for filing a Statement of
5 economic interest pursuant to the Illinois Governmental Ethics
6 Act or reports made pursuant to Article 9 of The Election Code.

7 For issuance of fireworks permits, \$2.

8 For issuance of liquor licenses, \$5.

9 For filing and recording of the appointment and oath of
10 each public official, \$3.

11 For officially certifying and sealing each copy of any
12 process, file, record or other instrument of and pertaining to
13 his office, \$1.

14 For swearing any person to an affidavit, \$1.

15 For issuing each license in all matters except where the
16 fee for the issuance thereof is otherwise fixed, \$4.

17 For issuing each civil union or marriage license, the
18 certificate thereof, and for recording the same, including the
19 recording of the parent's or guardian's consent where
20 indicated, a fee to be determined by the county board of the
21 county, not to exceed \$75, which shall be the same, whether for
22 a civil union or marriage license. \$5 from all civil union and
23 marriage license fees shall be remitted by the clerk to the
24 State Treasurer for deposit into the Domestic Violence Fund.

25 For taking and certifying acknowledgments to any
26 instrument, except where herein otherwise provided for, \$1.

1 For issuing each certificate of appointment or commission,
2 the fee for which is not otherwise fixed by law, \$1.

3 For cancelling tax sale and issuing and sealing
4 certificates of redemption, \$3.

5 For issuing order to county treasurer for redemption of
6 forfeited tax, \$2.

7 For trying and sealing weights and measures by county
8 standard, together with all actual expenses in connection
9 therewith, \$1.

10 For services in case of estrays, \$2.

11 The following fees shall be allowed for services attending
12 the sale of land for taxes, and shall be charged as costs
13 against the delinquent property and be collected with the taxes
14 thereon:

15 For services in attending the tax sale and issuing
16 certificate of sale and sealing the same, for each tract or
17 town lot sold, \$4.

18 For making list of delinquent lands and town lots sold, to
19 be filed with the Comptroller, for each tract or town lot sold,
20 10¢.

21 The county board of any county of the first or second class
22 may by ordinance authorize the county clerk to impose an
23 additional \$2 charge for certified copies of vital records as
24 defined in Section 1 of the Vital Records Act, for the purpose
25 of developing, maintaining, and improving technology in the
26 office of the County Clerk.

1 The foregoing fees allowed by this Section are the maximum
2 fees that may be collected from any officer, agency, department
3 or other instrumentality of the State. The county board may,
4 however, by ordinance, increase the fees allowed by this
5 Section and also the notary public recordation fees allowed by
6 Section 2-106 of the Illinois Notary Public Act and the
7 indexing and filing of assumed name certificate fees allowed by
8 Section 3 of the Assumed Business Name Act and collect such
9 increased fees from all persons and entities other than
10 officers, agencies, departments and other instrumentalities of
11 the State if the increase is justified by an acceptable cost
12 study showing that the fees allowed by these Sections are not
13 sufficient to cover the cost of providing the service.

14 A Statement of the costs of providing each service, program
15 and activity shall be prepared by the county board. All
16 supporting documents shall be public record and subject to
17 public examination and audit. All direct and indirect costs, as
18 defined in the United States Office of Management and Budget
19 Circular A-87, may be included in the determination of the
20 costs of each service, program and activity.

21 The county clerk in all cases may demand and receive the
22 payment of all fees for services in advance so far as the same
23 can be ascertained.

24 ~~The county board of any county of the first or second class~~
25 ~~may by ordinance authorize the county clerk to impose an~~
26 ~~additional \$2 charge for certified copies of vital records as~~

1 ~~defined in Section 1 of the Vital Records Act, for the purpose~~
2 ~~of developing, maintaining, and improving technology in the~~
3 ~~office of the County Clerk.~~

4 The county board of any county of the first or second class
5 may by ordinance authorize the county treasurer to establish a
6 special fund for deposit of the additional charge. Moneys in
7 the special fund shall be used solely to provide the equipment,
8 material and necessary expenses incurred to help defray the
9 cost of implementing and maintaining such document storage
10 system.

11 (Source: P.A. 96-328, eff. 8-11-09; 97-4, eff. 5-31-11.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.