



Sen. Kwame Raoul

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09800SB1768sam001

LRB098 08161 HEP 42035 a

1 AMENDMENT TO SENATE BILL 1768

2 AMENDMENT NO. _____. Amend Senate Bill 1768 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.826 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Supreme Court Special Purposes Fund.

8 Section 10. The Appellate Court Act is amended by changing
9 Section 3 as follows:

10 (705 ILCS 25/3) (from Ch. 37, par. 27)

11 Sec. 3. Clerk's salary - destruction of records.

12 (a) The ordinary and contingent expenses of operating the
13 offices of the clerks of the branches of the Appellate Court,
14 including salaries, shall be determined by the Supreme Court

1 and paid from the State Treasury on the warrant of the
2 Comptroller out of appropriations made for that purpose by the
3 General Assembly. The clerk of each branch of the appellate
4 court shall perform the duties usually devolving upon clerks of
5 courts in this State, and shall provide books, stationery and
6 seals for the appellate courts, and shall be entitled to
7 receive the same fees for services in each branch of the
8 appellate court as are allowed for like services in the Supreme
9 Court. All fees paid to or received by any such clerk shall be
10 paid into the Supreme Court Special Purposes Fund ~~State~~
11 ~~treasury as required by Section 2 of "An Act in relation to the~~
12 ~~payment and disposition of moneys received by officers and~~
13 ~~employees of the State of Illinois by virtue of their office or~~
14 ~~employment", approved June 9, 1911, as amended, except that any~~
15 filing fees designated by Supreme Court Rule for alternative
16 dispute resolution programs in the reviewing courts as provided
17 in the Reviewing Court Alternative Dispute Resolution Act
18 shall, within one month after receipt, be remitted to the State
19 Treasurer for deposit in the Mandatory Arbitration Fund.

20 (b) The clerks shall, on the order and under the direction
21 of the court, destroy any or all the records certified by the
22 clerk (or a judge) of a trial court in cases finally decided
23 more than 21 years prior to the entry of the order.

24 (Source: P.A. 96-302, eff. 1-1-10.)

25 Section 15. The Clerks of Courts Act is amended by changing

1 Sections 28 and 29 as follows:

2 (705 ILCS 105/28)

3 Sec. 28. Supreme Court Clerk; fees. At the time of filing a
4 petition or record, the petitioner or appellant shall pay to
5 the Clerk of the Supreme Court the sum of \$25. That sum shall
6 be in full payment of all services of the clerk on behalf of
7 the petitioner or appellant, except the making of a complete
8 record, or copies of records, papers, or orders. The respondent
9 or appellee, before entering an appearance or filing any paper,
10 shall pay to the Clerk of the Supreme Court the sum of \$15,
11 which sum shall be in full payment of all services of the clerk
12 on behalf of the respondent or appellee, except the making of a
13 complete record, or copies of records, papers, or orders.

14 The fee for each official certificate and seal is \$1.

15 The fee for making a complete record, copy of a record, or
16 other papers in this office is a reasonable fee per page as
17 established by the Supreme Court, except that the clerk shall
18 furnish without cost, to parties in interest or their attorneys
19 of record, copies of opinions or orders. In furtherance of the
20 public interest, the clerk may furnish copies of opinions or
21 orders without cost to other individuals or entities.

22 The fee for preparing a law license, certifying it with the
23 seal, administering the oath, and transcribing the name on the
24 roll of attorneys is \$5.

25 ~~In no event shall the clerk charge or receive any other or~~

1 ~~different fees than those specified in this Section, except as~~
2 ~~otherwise authorized by statute.~~

3 After the effective date of this amendatory Act of the 98th
4 General Assembly, the amount of any fee collected under this
5 Section may be set by Supreme Court rule, except that the
6 amount of the fees collected under this Section shall remain as
7 set by statute until the Supreme Court adopts rules specifying
8 a higher or lower fee amount.

9 There is created the Supreme Court Special Purposes Fund, a
10 special fund in the State treasury. Moneys collected under this
11 Section shall be deposited into the Supreme Court Special
12 Purposes Fund, to be used by the Supreme Court for:

13 (1) costs associated with electronic filing and case
14 management systems in the reviewing courts; and

15 (2) the operation of committees and commissions
16 established by the Supreme Court.

17 (Source: P.A. 88-691; 89-233, eff. 1-1-96; 89-626, eff. 8-9-96;
18 89-686, eff. 12-31-96.)

19 (705 ILCS 105/29)

20 Sec. 29. Salary; disposition of fees; expenditures. The
21 ordinary and contingent expenses of operating the Office of the
22 Clerk of the Supreme Court, including salaries, shall be
23 determined by the Supreme Court and paid from the State
24 treasury on the warrant of the Comptroller out of
25 appropriations made for that purpose by the General Assembly.

1 Except as specified under Section 28 of this Act, Section
2 12 of the Professional Service Corporation Act, Section 50-45
3 of the Limited Liability Company Act, and Section 10 of the
4 Professional Association Act, all ~~All~~ fees and costs paid to or
5 received by the Clerk of the Supreme Court shall be paid into
6 the State Treasury.

7 (Source: P.A. 89-233, eff. 1-1-96.)

8 Section 20. The Professional Service Corporation Act is
9 amended by changing Section 12 as follows:

10 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

11 Sec. 12. (a) No corporation shall open, operate or maintain
12 an establishment for any of the purposes for which a
13 corporation may be organized under this Act without a
14 certificate of registration from the regulating authority
15 authorized by law to license individuals to engage in the
16 profession or related professions concerned. Application for
17 such registration shall be made in writing, and shall contain
18 the name and address of the corporation, and such other
19 information as may be required by the regulating authority.
20 Upon receipt of such application, the regulating authority, or
21 some administrative agency of government designated by it,
22 shall make an investigation of the corporation. If the
23 regulating authority is the Supreme Court it may designate the
24 bar or legal association which investigates and prefers charges

1 against lawyers to it for disciplining. If such authority finds
2 that the incorporators, officers, directors and shareholders
3 are each licensed pursuant to the laws of Illinois to engage in
4 the particular profession or related professions involved
5 (except that the secretary of the corporation need not be so
6 licensed), and if no disciplinary action is pending before it
7 against any of them, and if it appears that the corporation
8 will be conducted in compliance with the law and the
9 regulations and rules of the regulating authority, such
10 authority, shall issue, upon payment of a registration fee of
11 \$50, a certificate of registration.

12 Upon written application of the holder, the regulating
13 authority which originally issued the certificate of
14 registration shall renew the certificate if it finds that the
15 corporation has complied with its regulations and the
16 provisions of this Act.

17 The fee for the renewal of a certificate of registration
18 shall be calculated at the rate of \$40 per year.

19 The certificate of registration shall be conspicuously
20 posted upon the premises to which it is applicable, and the
21 professional corporation shall have only those offices which
22 are designated by street address in the articles of
23 incorporation, or as changed by amendment of such articles. No
24 certificate of registration shall be assignable.

25 (b) Moneys collected under this Section from a professional
26 corporation organized to practice law shall be deposited into

1 the Supreme Court Special Purposes Fund.

2 (c) After the effective date of this amendatory Act of the
3 98th General Assembly, the amount of any fee collected under
4 this Section from a professional corporation organized to
5 practice law may be set by Supreme Court rule, except that the
6 amount of the fees shall remain as set by statute until the
7 Supreme Court adopts rules specifying a higher or lower fee
8 amount.

9 (Source: P.A. 83-863.)

10 Section 25. The Limited Liability Company Act is amended by
11 changing Section 50-45 as follows:

12 (805 ILCS 180/50-45)

13 Sec. 50-45. Certificate of registration; attorneys at law.

14 (a) A limited liability company that is organized to
15 practice law may not engage in the practice of law without a
16 certificate of registration from the Supreme Court of Illinois.
17 Application for registration shall be made in writing and shall
18 contain the name and address of the limited liability company
19 and such other information as may be required by the Supreme
20 Court. Upon receipt of the application, if the Supreme Court
21 finds that the organizers, members, and managers are each
22 licensed to practice law, no disciplinary action is pending
23 against any of them, and it appears that the limited liability
24 company will be conducted in compliance with the law and the

1 rules of the Supreme Court, the Supreme Court may issue, upon
2 payment of a registration fee of \$50, a certificate of
3 registration.

4 Upon written application of the certificate holder and upon
5 completion of a form prescribed by the Supreme Court, the
6 Supreme Court may renew the certificate if it finds that the
7 limited liability company has complied with the Supreme Court's
8 rules and the provisions of this Act. The fee for the renewal
9 of a certificate of registration is \$40 per year.

10 The applications submitted and fees payable to the Supreme
11 Court shall be in addition to the documents, amendments, and
12 reports filed with and the fees and penalties charged by the
13 Secretary of State.

14 The certificate of registration shall be conspicuously
15 posted upon the premises to which it is applicable, and the
16 limited liability company may have only those offices that are
17 designated by street address in the articles of organization or
18 as changed by amendment of those articles. A certificate of
19 registration is not assignable.

20 (b) Moneys collected under this Section shall be deposited
21 into the Supreme Court Special Purposes Fund.

22 (c) After the effective date of this amendatory Act of the
23 98th General Assembly, the amount of any fee collected under
24 this Section may be set by Supreme Court rule, except that the
25 amount of the fees shall remain as set by statute until the
26 Supreme Court adopts rules specifying a higher or lower fee

1 amount.

2 (Source: P.A. 89-686, eff. 12-31-96.)

3 Section 30. The Professional Association Act is amended by
4 changing Section 10 as follows:

5 (805 ILCS 305/10) (from Ch. 106 1/2, par. 110)

6 Sec. 10. Regulation of practice of law.

7 (a) The manner in which lawyers practice law under this Act
8 is subject to the powers of the Supreme Court to regulate the
9 practice of law.

10 (b) A professional association that is organized to
11 practice law may not engage in the practice of law without a
12 certificate of registration from the Supreme Court of Illinois.
13 Application for registration shall be made in writing and shall
14 contain the name and address of the professional association
15 and such other information as may be required by the Supreme
16 Court. Upon receipt of the application, if the Supreme Court
17 finds that the members and shareholders are each licensed to
18 practice law, no disciplinary action is pending against any of
19 them, and it appears that the professional association will be
20 conducted in compliance with the law and the rules of the
21 Supreme Court, the Supreme Court may issue, upon payment of a
22 registration fee of \$50, a certificate of registration.

23 Upon written application of the certificate holder and upon
24 completion of a form prescribed by the Supreme Court, the

1 Supreme Court may renew the certificate if it finds that the
2 professional association has complied with the Supreme Court's
3 rules and the provisions of this Act. The fee for the renewal
4 of a certificate of registration is \$40 per year.

5 The certificate of registration shall be conspicuously
6 posted upon the premises to which it is applicable, and the
7 professional association may have only those offices that are
8 designated by street address in the articles of association or
9 as changed by amendment of those articles. A certificate of
10 registration is not assignable.

11 (c) Moneys collected under this Section shall be deposited
12 into the Supreme Court Special Purposes Fund.

13 (d) After the effective date of this amendatory Act of the
14 98th General Assembly, the amount of any fee collected under
15 this Section may be set by Supreme Court rule, except that the
16 amount of the fees shall remain as set by statute until the
17 Supreme Court adopts rules specifying a higher or lower fee
18 amount.

19 (Source: P.A. 89-686, eff. 12-31-96.)

20 Section 99. Effective date. This Act takes effect October
21 1, 2013."