

HB0759



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0759

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-4001

from Ch. 34, par. 4-4001

Amends the Counties Code. Makes a technical change in a Section concerning county clerks' fees.

LRB099 06876 AWJ 26956 b

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 4-4001 as follows:

6 (55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

7 Sec. 4-4001. County Clerks; counties of first and second
8 class. The ~~The~~ fees of the county clerk in counties of the
9 first and second class, except when increased by county
10 ordinance pursuant to the provisions of this Section, shall be:

11 For each official copy of any process, file, record or
12 other instrument of and pertaining to his office, 50¢ for each
13 100 words, and \$1 additional for certifying and sealing the
14 same.

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

19 For issuance of fireworks permits, \$2.

20 For issuance of liquor licenses, \$5.

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

23 For officially certifying and sealing each copy of any

1 process, file, record or other instrument of and pertaining to
2 his office, \$1.

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

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

6 For issuing each civil union or marriage license, the
7 certificate thereof, and for recording the same, including the
8 recording of the parent's or guardian's consent where
9 indicated, a fee to be determined by the county board of the
10 county, not to exceed \$75, which shall be the same, whether for
11 a civil union or marriage license. \$5 from all civil union and
12 marriage license fees shall be remitted by the clerk to the
13 State Treasurer for deposit into the Domestic Violence Fund.

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

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

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

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

22 For trying and sealing weights and measures by county
23 standard, together with all actual expenses in connection
24 therewith, \$1.

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

26 The following fees shall be allowed for services attending

1 the sale of land for taxes, and shall be charged as costs
2 against the delinquent property and be collected with the taxes
3 thereon:

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

7 For making list of delinquent lands and town lots sold, to
8 be filed with the Comptroller, for each tract or town lot sold,
9 10¢.

10 The county board of any county of the first or second class
11 may by ordinance authorize the county clerk to impose an
12 additional \$2 charge for certified copies of vital records as
13 defined in Section 1 of the Vital Records Act, for the purpose
14 of developing, maintaining, and improving technology in the
15 office of the County Clerk.

16 The foregoing fees allowed by this Section are the maximum
17 fees that may be collected from any officer, agency, department
18 or other instrumentality of the State. The county board may,
19 however, by ordinance, increase the fees allowed by this
20 Section and also the notary public recordation fees allowed by
21 Section 2-106 of the Illinois Notary Public Act and the
22 indexing and filing of assumed name certificate fees allowed by
23 Section 3 of the Assumed Business Name Act and collect such
24 increased fees from all persons and entities other than
25 officers, agencies, departments and other instrumentalities of
26 the State if the increase is justified by an acceptable cost

1 study showing that the fees allowed by these Sections are not
2 sufficient to cover the cost of providing the service.

3 A Statement of the costs of providing each service, program
4 and activity shall be prepared by the county board. All
5 supporting documents shall be public record and subject to
6 public examination and audit. All direct and indirect costs, as
7 defined in the United States Office of Management and Budget
8 Circular A-87, may be included in the determination of the
9 costs of each service, program and activity.

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

13 The county board of any county of the first or second class
14 may by ordinance authorize the county treasurer to establish a
15 special fund for deposit of the additional charge. Moneys in
16 the special fund shall be used solely to provide the equipment,
17 material and necessary expenses incurred to help defray the
18 cost of implementing and maintaining such document storage
19 system.

20 (Source: P.A. 96-328, eff. 8-11-09; 97-4, eff. 5-31-11; 97-986,
21 eff. 8-17-12.)