



Rep. Robert W. Churchill

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LRB093 16332 MKM 48118 a

1 AMENDMENT TO HOUSE BILL 6401

2 AMENDMENT NO. _____. Amend House Bill 6401 by replacing
3 the title with the following:

4 "AN ACT concerning libraries."; and

5 by inserting everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Local Library Act is amended by
8 changing Section 4-7 as follows:

9 (75 ILCS 5/4-7) (from Ch. 81, par. 4-7)

10 Sec. 4-7. Each board of library trustees of a city,
11 incorporated town, village or township shall carry out the
12 spirit and intent of this Act in establishing, supporting and
13 maintaining a public library or libraries for providing library
14 service and, in addition to but without limiting other powers
15 conferred by this Act, shall have the following powers:

16 1. To make and adopt such bylaws, rules and
17 regulations, for their own guidance and for the government
18 of the library as may be expedient, not inconsistent with
19 this Act;

20 2. To have the exclusive control of the expenditure of
21 all moneys collected for the library and deposited to the
22 credit of the library fund;

23 3. To have the exclusive control of the construction of

1 any library building and of the supervision, care and
2 custody of the grounds, rooms or buildings constructed,
3 leased or set apart for that purpose;

4 4. To purchase or lease real or personal property, and
5 to construct an appropriate building or buildings for the
6 use of a library established hereunder, using, at the
7 board's option, contracts providing for all or part of the
8 consideration to be paid through installments at stated
9 intervals during a certain period not to exceed 20 years
10 with interest on the unpaid balance at any lawful rate for
11 municipal corporations in this State, except that
12 contracts for installment purchases of real estate shall
13 provide for not more than 75% of the total consideration to
14 be repaid by installments, and to refund at any time any
15 installment contract entered into pursuant to this
16 paragraph by means of a refunding loan agreement, which may
17 provide for installment payments of principal and interest
18 to be made at stated intervals during a certain period not
19 to exceed 20 years from the date of such refunding loan
20 agreement, with interest on the unpaid principal balance at
21 any lawful rate for municipal corporations in this State,
22 except that no installment contract or refunding loan
23 agreement for the same property or construction project may
24 exceed an aggregate of 20 years;

25 5. To remodel or reconstruct a building erected or
26 purchased by the board, when such building is not adapted
27 to its purposes or needs;

28 6. To sell or otherwise dispose of any real or personal
29 property that it deems no longer necessary or useful for
30 library purposes, and to lease to others any real property
31 not immediately useful but for which plans for ultimate use
32 have been or will be adopted but the corporate authorities
33 shall have the first right to purchase or lease except that
34 in the case of the City of Chicago, this power shall be

1 governed and limited by the Chicago Public Library Act;

2 7. To appoint and to fix the compensation of a
3 qualified librarian, who shall have the authority to hire
4 such other employees as may be necessary, to fix their
5 compensation, and to remove such appointees, subject to the
6 approval of the board, but these powers are subject to
7 Division 1 of Article 10 of the Illinois Municipal Code in
8 municipalities in which that Division is in force. The
9 board may also retain counsel and professional consultants
10 as needed;

11 8. To contract with any public or private corporation
12 or entity for the purpose of providing or receiving library
13 service or of performing any and all other acts necessary
14 and proper to carry out the responsibilities, the spirit,
15 and the provisions of this Act. This contractual power
16 includes, but is not limited to, participating in
17 interstate library compacts and library systems,
18 contracting to supply library services, and expending of
19 any federal or State funds made available to any county,
20 municipality, township or to the State of Illinois for
21 library purposes. However, if a contract is for the supply
22 of library services for residents without a public library
23 established under the provisions of this Act, the terms of
24 that contract will recognize the principle of equity or
25 cost of services to non-residents expressed in this Section
26 of this Act, and will provide for the assumption by the
27 contracting party receiving the services of financial
28 responsibility for the loss of or damage to any library
29 materials provided to non-residents under the contract;

30 9. To join with the board or boards of any one or more
31 libraries in this State in maintaining libraries, or for
32 the maintenance of a common library or common library
33 services for participants, upon such terms as may be agreed
34 upon by and between the boards;

1 10. To enter into contracts and to take title to any
2 property acquired by it for library purposes by the name
3 and style of "The Board of Library Trustees of the (city,
4 village, incorporated town or township) of" and by
5 that name to sue and be sued;

6 11. To exclude from the use of the library any person
7 who wilfully violates the rules prescribed by the board;

8 12. To extend the privileges and use of the library,
9 including the borrowing of materials on an individual basis
10 by persons residing outside of the city, incorporated town,
11 village or township. If the board exercises this power, the
12 privilege of library use shall be upon such terms and
13 conditions as the board shall from time to time by its
14 regulations prescribe, and for such privileges and use, the
15 board shall charge a nonresident fee at least equal to the
16 cost paid by residents of the city, incorporated town,
17 village or township, with the cost to be determined
18 according to the formula established by the Illinois State
19 Library. A person residing outside of a public library
20 service area must apply for a non-resident library card at
21 the public library located closest to the person's
22 principal residence. The nonresident cards shall allow for
23 borrowing privileges at all participating public libraries
24 in the regional library system. The nonresident fee shall
25 not apply to privilege and use provided under the terms of
26 the library's membership in a library system operating
27 under the provisions of the Illinois Library System Act,
28 under the terms of any reciprocal agreement with a public
29 or private corporation or entity providing a library
30 service, or to a nonresident who as an individual or as a
31 partner, principal stockholder, or other joint owner owns
32 taxable property or is a senior administrative officer of a
33 firm, business, or other corporation owning taxable
34 property within the city, incorporated town, village or

1 township upon the presentation of the most recent tax bill
2 upon that taxable property, provided that the privilege and
3 use of the library is extended to only one such nonresident
4 for each parcel of such taxable property. Nothing in this
5 item 12 requires any public library to participate in the
6 non-resident card reciprocal borrowing program of a
7 regional library system as provided for in this Section;

8 12.5. To extend the privileges and use of the library,
9 including the borrowing of materials on an individual basis
10 by children in kindergarten through 12th grade who reside
11 outside of the city, incorporated town, village, or
12 township. If the board exercises this power, the privilege
13 of library use shall be upon the terms and conditions
14 prescribed from time to time by the board, and the board
15 may charge an annual fee determined by the board, but no
16 greater than the fee for a non-resident card. The fee may
17 be based on a sliding-scale. Fees may waived in appropriate
18 circumstances determined by the board. The non-resident
19 card issued under this paragraph shall allow for borrowing
20 privileges at all participating public libraries in the
21 State of Illinois. Privileges and use of the library
22 extended under this item shall be extended only to the
23 child and not to any other members of the child's family.
24 Nothing in this item 12.5 requires any public library to
25 participate in the non-resident reciprocal borrowing
26 program of a regional library system as provided for in
27 this Section;

28 13. To exercise the power of eminent domain subject to
29 the prior approval of the corporate authorities under
30 Sections 5-1 and 5-2 of this Act;

31 14. To join the public library as a member and to join
32 the library trustees as members in the Illinois Library
33 Association and the American Library Association,
34 non-profit, non-political, 501(c)(3) associations, as

1 designated by the federal Internal Revenue Service, having
2 the purpose of library development and librarianship; to
3 provide for the payment of annual membership dues, fees and
4 assessments and act by, through and in the name of such
5 instrumentality by providing and disseminating information
6 and research services, employing personnel and doing any
7 and all other acts for the purpose of improving library
8 development;

9 15. To invest funds pursuant to the Public Funds
10 Investment Act;

11 16. To accumulate and set apart as reserve funds
12 portions of the unexpended balances of the proceeds
13 received annually from taxes or other sources, for the
14 purpose of providing self-insurance against liabilities
15 relating to the public library.

16 (Source: P.A. 91-357, eff. 7-29-99; 92-166, eff. 1-1-02.)

17 Section 10. The Public Library District Act of 1991 is
18 amended by changing Section 30-55.60 as follows:

19 (75 ILCS 16/30-55.60)

20 Sec. 30-55.60. Use of library by nonresidents.

21 (a) The board may extend the privileges and use of the
22 library, including the borrowing of materials on an individual
23 basis by persons residing outside the district. If the board
24 exercises this power, the privilege of library use shall be
25 upon terms and conditions prescribed by the board in its
26 regulations. The board shall charge a nonresident fee for the
27 privileges and use of the library at least equal to the cost
28 paid by residents of the district, with the cost to be
29 determined according to the formula established by the Illinois
30 State Library. A person residing outside of a public library
31 service area must apply for a non-resident library card at the
32 public library closest to the person's principal residence. The

1 nonresident cards shall allow for borrowing privileges at all
2 participating public libraries in the regional library system.
3 The nonresident fee shall not apply to any of the following:

4 (1) Privileges and use provided (i) under the terms of
5 the district's membership in a library system operating
6 under the provisions of the Illinois Library System Act or
7 (ii) under the terms of any reciprocal agreement with a
8 public or private corporation or entity providing a library
9 service.

10 (2) Residents of an area in which the library is
11 conducting a program for the purpose of encouraging the
12 inclusion of the area in the library district.

13 (3) A nonresident who, as an individual or as a
14 partner, principal stockholder, or other joint owner, owns
15 taxable property or is a senior administrative officer of a
16 firm, business, or other corporation owning taxable
17 property within the district, upon presentation of the most
18 recent tax bill upon that taxable property, provided that
19 the privileges and use of the library is extended to only
20 one such nonresident for each parcel of taxable property.

21 (b) The Board may extend the privileges and use of the
22 library, including the borrowing of materials on an individual
23 basis by children in kindergarten through 12th grade who reside
24 outside of the district. If the board exercises this power, the
25 privilege of library use shall be upon the terms and conditions
26 prescribed from time to time by the board, and the board may
27 charge an annual fee determined by the board, but no more than
28 the fee for a non-resident card. The fee may be based on a
29 sliding-scale. Fees may waived in appropriate circumstances
30 determined by the board. The non-resident card issued under
31 this paragraph shall allow for borrowing privileges at all
32 participating public libraries in the State of Illinois.
33 Privileges and use of the library extended under this
34 subsection shall be extended only to the child and not to any

1 other members of the child's family.

2 (c) Nothing in this Section requires any public library to
3 participate in the non-resident card reciprocal borrowing
4 program of a regional library system as provided for in this
5 Section.

6 (Source: P.A. 92-166, eff. 1-1-02.)".