

1 AN ACT in relation to property.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended
6 by changing Section 405-305 as follows:

7 (20 ILCS 405/405-305) (was 20 ILCS 405/67.06)

8 Sec. 405-305. Lease of unused or unproductive State
9 land. To lease, at the fair market rental value rate, the
10 unused or unproductive land under the jurisdiction of any of
11 the ~~several~~ departments on terms and conditions that ~~in the~~
12 ~~judgement-of-the-Director~~ are in the best interests of the
13 State. The Department may lease property at a rate less than
14 60% of the fair market rental value rate only if (i) the
15 Director certifies in writing the reasons for leasing the
16 property at that rate and (ii) the rate constitutes fair and
17 adequate compensation. The Director may not lease property
18 for nominal consideration that is tantamount to a gift,
19 except with the approval of the General Assembly by joint
20 resolution.

21 No appraisal is required if during its initial survey of
22 the property the Department determines the property has an
23 annual fair market rental value of less than \$10 per square
24 foot. If the annual fair market rental value of the property
25 is determined by the Department in its initial survey to be
26 \$10 per square foot or more, then the Department shall obtain
27 an appraisal by a State certified real estate appraiser. The
28 appraisal shall represent the fair market rental value of the
29 property.

30 Any responsible officer, person, or employee of the State
31 government who knowingly violates this Section is guilty of a

1 Class B misdemeanor. A second or subsequent violation of this
2 Section by that officer, person, or employee is a Class A
3 misdemeanor.

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 Section 10. The State Property Control Act is amended by
6 changing Sections 1.01, 7.1, and 9 as follows:

7 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

8 Sec. 1.01. "Responsible officer" means and includes all
9 elective State officers; directors of the executive code
10 departments; presidents of State universities and--colleges;
11 chairmen of executive boards, bureaus, and commissions; and
12 all other officers in charge of the property of the State of
13 Illinois, including subordinates of responsible officers
14 deputized by them to carry out some or all of their duties
15 under this Act.

16 (Source: P.A. 82-1047.)

17 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

18 Sec. 7.1. (a) Except as otherwise provided by law, all
19 surplus real property held by the State of Illinois shall be
20 disposed of by the administrator as provided in this Section.
21 "Surplus real property," as used in this Section, means any
22 real property to which the State holds fee simple title or
23 lesser interest, and is vacant, unoccupied or unused and
24 which has no foreseeable use by the owning agency.

25 (b) All responsible officers shall submit an Annual Real
26 Property Utilization Report to the Administrator, or annual
27 update of such report, on forms required by the
28 Administrator, by October 30 of each year. The Administrator
29 may require such documentation as he deems reasonably
30 necessary in connection with this Report, and shall require
31 that such Report include the following information:

1 (1) A legal description of all real property owned by
2 the State under the control of the responsible officer.

3 (2) A description of the use of the real property listed
4 under (1).

5 (3) A list of any improvements made to such real
6 property during the previous year.

7 (4) The dates on which the State first acquired its
8 interest in such real property, and the purchase price and
9 source of the funds used to acquire the property.

10 (5) Plans for the future use of currently unused real
11 property.

12 (6) A declaration of any surplus real property. On or
13 before November 30 ~~December-31~~ of each year the Administrator
14 shall furnish copies of each responsible officer's report
15 along with a list of surplus property indexed by legislative
16 district to the General Assembly.

17 This report shall be filed with the Speaker, the Minority
18 Leader and the Clerk of the House of Representatives and the
19 President, the Minority Leader and the Secretary of the
20 Senate and shall be duplicated and made available to the
21 members of the General Assembly for evaluation by such
22 members for possible liquidation of unused public property at
23 public sale. The members of the General Assembly shall
24 review the list of surplus properties and submit any comments
25 to the Administrator by January 15 of the year following the
26 reports submission to the General Assembly. The
27 Administrator must consider these comments when disposing of
28 the property.

29 (c) Following receipt of the Annual Real Property
30 Utilization Report required under paragraph (b), the
31 Administrator shall notify all State agencies by December 31
32 of all declared surplus real property. Any State agency may
33 submit a written request to the Administrator, within 60 days
34 of the date of such notification, to have control of surplus

1 real property transferred to that agency. Such request must
 2 indicate the reason for the transfer and the intended use to
 3 be made of such surplus real property. The Administrator may
 4 not deny a request ~~any-or-all-such-requests~~ by a State agency
 5 unless ~~or-agencies-if-the-Administrator-determines-that-it-is~~
 6 ~~more-advantageous-to-the-State-to-dispose-of-the-surplus-real~~
 7 ~~property-under-paragraph-(d).--In-case-requests-for-the--same~~
 8 ~~surplus--real--property-are-received-from~~ more than one State
 9 agency requests the same property, in which case the
 10 Administrator shall weigh the benefits to the State and
 11 determine to which agency, ~~if-any,~~ to transfer control of the
 12 such property or determine how the property shall be divided.
 13 The Administrator shall coordinate the use and disposal of
 14 State surplus real property with any State space utilization
 15 program.

16 (d) Any Surplus real property which is not transferred
 17 to the control of another State agency under paragraph (c)
 18 shall be disposed of by the Administrator. No appraisal is
 19 required if during his initial survey of surplus real
 20 property the Administrator determines such property has a
 21 fair market value of less than \$15,000 ~~\$5,000~~. If the value
 22 of such property is determined by the Administrator in his
 23 initial survey to be \$15,000 ~~\$5,000~~ or more, then the
 24 Administrator shall obtain 3 appraisals of such real
 25 property, one of which shall be performed by an appraiser
 26 residing in the county in which the said surplus real
 27 property is located. The average of these 3 appraisals, plus
 28 the costs of obtaining the appraisals, shall represent the
 29 fair market value of the surplus real property. No surplus
 30 real property may be conveyed by the Administrator for less
 31 than the fair market value. Prior to offering the surplus
 32 real property for sale to the public the Administrator shall
 33 give notice in writing of the existence and fair market value
 34 of the surplus real property to the governing bodies of the

1 county and of all cities, villages and incorporated towns in
2 the county in which such real property is located. Any such
3 governing body may exercise its option to acquire the surplus
4 real property for the fair market value within 60 days of the
5 notice. After the 60 day period has passed, the
6 Administrator may sell the surplus real property by public
7 auction following notice of such sale by publication on 3
8 separate days not less than 15 nor more than 30 days prior to
9 the sale in the State newspaper and in a newspaper having
10 general circulation in the county in which the surplus real
11 property is located. The Administrator shall post "For Sale"
12 signs of a conspicuous nature on such surplus real property
13 offered for sale to the public. If no acceptable offers for
14 the surplus real property are received, the Administrator may
15 have new appraisals of such property made. The Administrator
16 shall have all power necessary to convey surplus real
17 property under this Section. All moneys received for the
18 sale of surplus real property shall be deposited in the
19 General Revenue Fund, except where moneys expended for the
20 acquisition of such real property were from a special fund
21 which is still a special fund in the State treasury, this
22 special fund shall be reimbursed in the amount of the
23 original expenditure and any amount in excess thereof shall
24 be deposited in the General Revenue Fund.

25 The Administrator shall have authority to order such
26 surveys, abstracts of title, or commitments for title
27 insurance as may, in his reasonable discretion, be deemed
28 necessary to demonstrate to prospective purchasers or bidders
29 good and marketable title in any property offered for sale
30 pursuant to this Section. Unless otherwise specifically
31 authorized by the General Assembly, all conveyances of
32 property made by the Administrator shall be by quit claim
33 deed.

34 (e) The Administrator shall submit an annual report by

1 ~~en-er-before~~ February 1 to the Governor and the General
2 Assembly containing a detailed statement of surplus real
3 property either transferred or conveyed under this Section.

4 (Source: P.A. 85-315.)

5 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

6 Sec. 9. Any responsible officer, person, or employee of
7 the State government who knowingly violates any--~~of-the~~
8 ~~provisions, rules, regulations, directions and orders as set~~
9 ~~forth--~~in this Act is ~~shall--~~be guilty of a Class B
10 misdemeanor. A second or subsequent violation by that
11 officer, person, or employee is a Class A misdemeanor.

12 (Source: P.A. 77-2598.)

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