



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3761

Introduced 2/25/2005, by Rep. Michael J. Madigan - Gary Hannig

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.640 new

Creates the Public Library Construction Act. Authorizes the Secretary of State to determine eligibility for and authorizes the Capitol Development Board (CDB) to make grants to public libraries for public library construction projects. Establishes an application procedure. Requires the Secretary of State to establish eligibility standards and priority standards for public library construction grants. Requires CDB to establish project standards for public library construction grants and to generally supervise public library construction projects. Requires a public library to submit the construction project or its financing to a referendum if required by law. Provides that the Chicago Public Library System may use public library construction grants for payment of debt service or a lease. Provides that public libraries eligible for but not awarded grants in a fiscal year shall continue to be considered in the next fiscal year. Authorizes CDB and the Secretary of State to promulgate rules concerning public library construction grants. Requires the Secretary of State and CDB to file with the General Assembly a comprehensive report of the capital needs of all public libraries in this State before January 1, 2006 and every 2 years thereafter. Amends the State Finance Act to create the Public Library Construction Fund.

LRB094 08668 MKM 42452 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public libraries.

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

4 Section 1. Short title. This Act may be cited as the Public
5 Library Construction Act.

6 Section 5. Definitions. As used in this Act:

7 "Grant index" means a figure for each public library equal
8 to one minus the ratio of the public library's equalized
9 assessed valuation per capita to the equalized assessed
10 valuation per capita of the public library located at the 90th
11 percentile for all public libraries in the State. The grant
12 index shall be no less than 0.35 and no greater than 0.75 for
13 each public library; provided that the grant index for public
14 libraries whose equalized assessed valuation per capita is at
15 the 99th percentile and above for all public libraries in the
16 State shall be 0.00.

17 "Public library" means the governmental unit of any free
18 and public library (i) established under the Illinois Local
19 Library Act, the Public Library District Act of 1991, the
20 Illinois Library System Act, or the Village Library Act or (ii)
21 maintained and operated by a unit of local government. "Public
22 library" does not include any private library.

23 "Public library construction project" means the
24 acquisition, development, construction, reconstruction,
25 rehabilitation, improvement, architectural planning,
26 installation, maintenance, and upkeep of capital facilities
27 consisting of buildings, structures, durable equipment, and
28 land for public library purposes.

29 Section 10. Grant awards. The Capital Development Board is
30 authorized to make grants to public libraries for public
31 library construction projects with funds appropriated by the

1 General Assembly from the Public Library Construction Fund
2 pursuant to the provisions of this Act.

3 Section 15. Grants. The Secretary of State is authorized to
4 determine grant eligibility for public library construction
5 projects and shall determine the priority order for public
6 library construction project grants to be made by the Capital
7 Development Board. When a grant eligibility has been determined
8 for a public library construction project, the Capital
9 Development Board shall notify the public library of the dollar
10 amount of the public library construction project's cost that
11 the public library will be required to finance with non-grant
12 funds in order to qualify to receive a public library
13 construction project grant under this Act from the Capital
14 Development Board. The Secretary of State shall thereafter
15 determine whether a grant shall be made.

16 Section 20. Grant application; public library facilities
17 plan. Public libraries shall apply to the Secretary of State
18 for public library construction project grants. Public
19 libraries filing grant applications shall submit to the
20 Secretary of State a public library facilities plan that shall
21 include, but not be limited to, an assessment of present and
22 future public library facility needs as required by present and
23 anticipated public library programming, the availability of
24 local financial resources including current revenues, fund
25 balances, and unused bonding capacity, a fiscal plan for
26 meeting present and anticipated debt service obligations, and a
27 maintenance plan and schedule that contain necessary
28 assurances that new, renovated, and existing facilities are
29 being or will be properly maintained. The Secretary of State
30 shall review and approve public library facilities plans prior
31 to determining eligibility and authorizing grants. Each public
32 library that is determined to be eligible shall annually update
33 its public library facilities plan and submit the revised plan
34 to the Secretary of State for approval.

1 Section 25. Eligibility and project standards.

2 (a) The Secretary of State shall establish eligibility
3 standards for public library construction project grants and
4 approve a public library's eligibility for a public library
5 construction project grant pursuant to the established
6 standards. These standards shall include minimum service
7 population requirements for construction project grants. The
8 Secretary of State shall approve a public library's eligibility
9 for a construction project grant and the Chicago Public Library
10 System's eligibility for a debt service grant or lease grant
11 pursuant to the established standards.

12 (b) The Capital Development Board shall establish project
13 standards for all public library construction project grants
14 provided pursuant to this Act. These standards shall include
15 the determination of recognized project costs that shall be
16 eligible for State financial assistance and enrichment costs
17 that shall not be eligible for State financial assistance.

18 (c) The Secretary of State and the Capital Development
19 Board shall not establish standards that disapprove or
20 otherwise establish limitations that restrict the eligibility
21 of the Chicago Public Library System for a public library
22 construction project grant based on the fact that any or all of
23 the public library construction project grant will be used to
24 make lease payments, as authorized by subsection (b) of Section
25 35 of this Act.

26 Section 30. Priority of public library construction
27 projects. The Secretary of State shall develop standards for
28 the determination of priority needs concerning public library
29 construction projects based upon approved public library
30 facilities plans. These standards shall call for
31 prioritization based on the degree of need and project type in
32 the following order:

33 (1) Replacement or reconstruction of public library
34 facilities destroyed or damaged by flood, tornado, fire,

1 earthquake, or other disasters, either man-made or
2 produced by nature;

3 (2) Replacement or reconstruction of public library
4 facilities determined to be severe and continuing health or
5 life safety hazards;

6 (3) Alterations necessary to provide accessibility for
7 qualified individuals with disabilities; and

8 (4) Projects designed to address population growth or
9 to replace aging public library facilities; and

10 (5) Other unique solutions to facility needs.

11 Section 35. Public library construction project grant
12 amounts; permitted use; prohibited use.

13 (a) The product of the public library's grant index and the
14 recognized project cost, as determined by the Capital
15 Development Board, for an approved public library construction
16 project shall equal the amount of the grant the Capital
17 Development Board shall provide to the eligible public library.
18 The grant index shall not be used in cases where the General
19 Assembly and the Governor approve appropriations designated
20 for specifically identified public library construction
21 projects.

22 (b) In each fiscal year in which public library
23 construction project grants are awarded, 20% of the total
24 amount awarded statewide shall be awarded to the Chicago Public
25 Library System, provided that the Chicago Public Library System
26 complies with the provisions of this Act.

27 In addition to the uses otherwise authorized by this Act,
28 the Chicago Public Library System is authorized to use any or
29 all of the public library construction project grants (i) to
30 pay debt service, as defined in the Local Government Debt
31 Reform Act, on bonds, as defined in the Local Government Debt
32 Reform Act, issued to finance one or more public library
33 construction projects and (ii) to the extent that any such bond
34 is a lease or other installment or financing contract between
35 the public library and a public building commission that has

1 issued bonds to finance one or more qualifying library
2 construction projects, to make lease payments under the lease.

3 (c) No portion of a public library construction project
4 grant awarded by the Capital Development Board shall be used by
5 a public library for any on-going operational costs.

6 Section 37. Carry over projects. If a public library has
7 been determined eligible for a public library construction
8 project, has arranged and approved all local financing, and is
9 eligible to receive a public library construction project grant
10 award in any fiscal year, but does not receive such award in
11 that year due to lack of adequate appropriations, those public
12 library construction projects shall continue to be considered
13 for grant awards for the following fiscal year.

14 Section 40. Supervision of public library construction
15 projects. The Capital Development Board shall exercise general
16 supervision over public library construction projects financed
17 pursuant to this Act. Public libraries, however, must be
18 allowed to choose the architect and engineer for their public
19 library construction projects, and no project may be
20 disapproved by the Secretary of State or the Capital
21 Development Board solely due to a public library's selection of
22 an architect or engineer.

23 Section 50. Referendum requirements. After the Secretary
24 of State has approved all or part of a public library's
25 application and made a determination of eligibility for a
26 public library construction project grant, the governing body
27 of the public library shall submit the project or the financing
28 of the project to a referendum when the referendum is required
29 by law.

30 Section 55. Rules.

31 (a) The Capital Development Board shall promulgate such
32 rules as it deems necessary for carrying out its

1 responsibilities under the provisions of this Act.

2 (b) The Secretary of State shall promulgate such rules as
3 it deems necessary for carrying out its responsibilities under
4 the provisions of this Act.

5 Section 60. Public library capital needs assessment. The
6 Secretary of State and the Capital Development Board shall file
7 with the General Assembly a comprehensive assessment report of
8 the capital needs of all public libraries in this State before
9 January 1, 2006 and every 2 years thereafter. This assessment
10 shall include, without limitation, an analysis of the 6
11 categories of capital needs prioritized in Section 5-30 of this
12 Act.

13 Section 900. The State Finance Act is amended by adding
14 Section 5.640 as follows:

15 (30 ILCS 105/5.640 new)

16 Sec. 5.640. The Public Library Construction Fund.