



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0049

Introduced 1/14/2009, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

15 ILCS 320/25  
30 ILCS 605/7

from Ch. 127, par. 133b10

Amends the State Library Act and the State Property Control Act. With respect to the transfer of books, serial publications, and other library materials to which the Act's transfer procedures do not apply, (i) adds those items that have been withdrawn from the transferring agency's library collection through a regular collection evaluation process and (ii) adds non-profit agencies, whether located in or outside Illinois, to the list of entities to which such items may be transferred. Authorizes an agency with withdrawn books, serial publications, or other library materials to sell those items to the public at library book sales or to book dealers or to offer those items through exchange to book dealers or to organizations. Provides that revenues generated from such sales shall be (i) retained by the agency and used for the purchase of library materials or (ii) in the case of the State Library, deposited into the State Library Fund.

LRB096 03213 JAM 13230 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Library Act is amended by changing  
5 Section 25 as follows:

6 (15 ILCS 320/25)

7 Sec. 25. State Library Fund; disposition of moneys  
8 received. Any moneys received by the State Library for  
9 reimbursement for lost or damaged books, from the sale of  
10 withdrawn library materials as provided in subsection (c) of  
11 Section 7 of the State Property Control Act, for photocopies,  
12 or as transfers from other funds and any monetary gifts or  
13 bequests provided to the State Library shall be deposited into  
14 the State Library Fund, a special fund hereby created in the  
15 State treasury. Moneys in the State Library Fund, subject to  
16 appropriation, may be expended by the State Librarian to  
17 increase the collection of books, records, and holdings; to  
18 hold public forums; to purchase equipment and resource  
19 materials for the State Library; and for the upkeep, repair,  
20 and maintenance of the State Library building and grounds.

21 (Source: P.A. 93-397, eff. 1-1-04.)

22 Section 10. The State Property Control Act is amended by

1 changing Section 7 as follows:

2 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

3 Sec. 7. Disposition of transferable property.

4 (a) Except as provided in subsection (c), whenever a  
5 responsible officer considers it advantageous to the State to  
6 dispose of transferable property by trading it in for credit on  
7 a replacement of like nature, the responsible officer shall  
8 report the trade-in and replacement to the administrator on  
9 forms furnished by the latter. The exchange, trade or transfer  
10 of "textbooks" as defined in Section 18-17 of the School Code  
11 between schools or school districts pursuant to regulations  
12 adopted by the State Board of Education under that Section  
13 shall not constitute a disposition of transferable property  
14 within the meaning of this Section, even though such exchange,  
15 trade or transfer occurs within 5 years after the textbooks are  
16 first provided for loan pursuant to Section 18-17 of the School  
17 Code.

18 (b) Except as provided in subsection (c), whenever it is  
19 deemed necessary to dispose of any item of transferable  
20 property, the administrator shall proceed to dispose of the  
21 property by sale or scrapping as the case may be, in whatever  
22 manner he considers most advantageous and most profitable to  
23 the State. Items of transferable property which would  
24 ordinarily be scrapped and disposed of by burning or by burial  
25 in a landfill may be examined and a determination made whether

1 the property should be recycled. This determination and any  
2 sale of recyclable property shall be in accordance with rules  
3 promulgated by the Administrator.

4 When the administrator determines that property is to be  
5 disposed of by sale, he shall offer it first to the  
6 municipalities, counties, and school districts of the State and  
7 to charitable, not-for-profit educational and public health  
8 organizations, including but not limited to medical  
9 institutions, clinics, hospitals, health centers, schools,  
10 colleges, universities, child care centers, museums, nursing  
11 homes, programs for the elderly, food banks, State Use  
12 Sheltered Workshops and the Boy and Girl Scouts of America, for  
13 purchase at an appraised value. Notice of inspection or viewing  
14 dates and property lists shall be distributed in the manner  
15 provided in rules and regulations promulgated by the  
16 Administrator for that purpose.

17 Electronic data processing equipment purchased and charged  
18 to appropriations may, at the discretion of the administrator,  
19 be sold, pursuant to contracts entered into by the Director of  
20 Central Management Services or the heads of agencies exempt  
21 from "The Illinois Purchasing Act". However such equipment  
22 shall not be sold at prices less than the purchase cost thereof  
23 or depreciated value as determined by the administrator. No  
24 sale of the electronic data processing equipment and lease to  
25 the State by the purchaser of such equipment shall be made  
26 under this Act unless the Director of Central Management

1 Services finds that such contracts are financially  
2 advantageous to the State.

3 Disposition of other transferable property by sale, except  
4 sales directly to local governmental units, school districts,  
5 and not-for-profit educational, charitable and public health  
6 organizations, shall be subject to the following minimum  
7 conditions:

8 (1) The administrator shall cause the property to be  
9 advertised for sale to the highest responsible bidder,  
10 stating time, place, and terms of such sale at least 7 days  
11 prior to the time of sale and at least once in a newspaper  
12 having a general circulation in the county where the  
13 property is to be sold.

14 (2) If no acceptable bids are received, the  
15 administrator may then sell the property in whatever manner  
16 he considers most advantageous and most profitable to the  
17 State.

18 (c) Notwithstanding any other provision of this Act, an  
19 agency covered by this Act may transfer books, serial  
20 publications, or other library materials that are transferable  
21 property, or that have been withdrawn from the agency's library  
22 collection through a regular collection evaluation process, to  
23 any of the following entities ~~located in Illinois~~:

24 (1) Another agency covered by this Act located in  
25 Illinois.

26 (2) A State supported university library located in

1 Illinois.

2 (3) A tax-supported public library located in  
3 Illinois, including a library established by a public  
4 library district.

5 (4) A library system organized under the Illinois  
6 Library System Act or any library located in Illinois that  
7 is a member of such a system.

8 (5) A non-profit agency, located in or outside  
9 Illinois.

10 A transfer of property under this subsection is not subject  
11 to the requirements of subsection (a) or (b).

12 In addition, an agency covered by this Act may sell or  
13 exchange books, serial publications, and other library  
14 materials that have been withdrawn from its library collection  
15 through a regular collection evaluation process. Those items  
16 may be sold to the public at library book sales or to book  
17 dealers or may be offered through exchange to book dealers or  
18 other organizations. Revenues generated from the sale of  
19 withdrawn items shall be retained by the agency in a separate  
20 account to be used solely for the purchase of library  
21 materials; except that in the case of the State Library,  
22 revenues from the sale of withdrawn items shall be deposited  
23 into the State Library Fund to be used for the purposes stated  
24 in Section 25 of the State Library Act.

25 For purposes of this subsection (c), "library materials"  
26 means physical entities of any substance that serve as carriers

1 of information, including, without limitation, books, serial  
2 publications, periodicals, microforms, graphics, audio or  
3 video recordings, and machine readable data files.

4 (Source: P.A. 89-188, eff. 7-19-95.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.