

1 AN ACT concerning the use of libraries.

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

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

6 (75 ILCS 5/4-7) (from Ch. 81, par. 4-7)

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

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

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

21 3. To have the exclusive control of the
22 construction of any library building and of the
23 supervision, care and custody of the grounds, rooms or
24 buildings constructed, leased or set apart for that
25 purpose;

26 4. To purchase or lease real or personal property,
27 and to construct an appropriate building or buildings for
28 the use of a library established hereunder, using, at the
29 board's option, contracts providing for all or part of
30 the consideration to be paid through installments at
31 stated intervals during a certain period not to exceed 20

1 years with interest on the unpaid balance at any lawful
2 rate for municipal corporations in this State, except
3 that contracts for installment purchases of real estate
4 shall provide for not more than 75% of the total
5 consideration to be repaid by installments, and to refund
6 at any time any installment contract entered into
7 pursuant to this paragraph by means of a refunding loan
8 agreement, which may provide for installment payments of
9 principal and interest to be made at stated intervals
10 during a certain period not to exceed 20 years from the
11 date of such refunding loan agreement, with interest on
12 the unpaid principal balance at any lawful rate for
13 municipal corporations in this State, except that no
14 installment contract or refunding loan agreement for the
15 same property or construction project may exceed an
16 aggregate of 20 years;

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

20 6. To sell or otherwise dispose of any real or
21 personal property that it deems no longer necessary or
22 useful for library purposes, and to lease to others any
23 real property not immediately useful but for which plans
24 for ultimate use have been or will be adopted but the
25 corporate authorities shall have the first right to
26 purchase or lease except that in the case of the City of
27 Chicago, this power shall be governed and limited by the
28 Chicago Public Library Act;

29 7. To appoint and to fix the compensation of a
30 qualified librarian, who shall have the authority to hire
31 such other employees as may be necessary, to fix their
32 compensation, and to remove such appointees, subject to
33 the approval of the board, but these powers are subject
34 to Division 1 of Article 10 of the Illinois Municipal

1 Code in municipalities in which that Division is in
2 force. The board may also retain counsel and
3 professional consultants as needed;

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

24 9. To join with the board or boards of any one or
25 more libraries in this State in maintaining libraries, or
26 for the maintenance of a common library or common library
27 services for participants, upon such terms as may be
28 agreed upon by and between the boards;

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

34 11. To exclude from the use of the library any

1 person who wilfully violates the rules prescribed by the
2 board;

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

1 the library is extended to only one such nonresident for
 2 each parcel of such taxable property. Nothing in this
 3 item 12 requires any public library to participate in the
 4 non-resident card reciprocal borrowing program of a
 5 regional library system as provided for in this Section;

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

9 14. To join the public library as a member and to
 10 join the library trustees as members in the Illinois
 11 Library Association and the American Library Association,
 12 non-profit, non-political, 501(c)(3) associations, as
 13 designated by the federal Internal Revenue Service,
 14 having the purpose of library development and
 15 librarianship; to provide for the payment of annual
 16 membership dues, fees and assessments and act by, through
 17 and in the name of such instrumentality by providing and
 18 disseminating information and research services,
 19 employing personnel and doing any and all other acts for
 20 the purpose of improving library development;

21 15. To invest funds pursuant to the Public Funds
 22 Investment Act;

23 16. To accumulate and set apart as reserve funds
 24 portions of the unexpended balances of the proceeds
 25 received annually from taxes or other sources, for the
 26 purpose of providing self-insurance against liabilities
 27 relating to the public library.

28 (Source: P.A. 91-357, eff. 7-29-99.)

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

31 (75 ILCS 16/30-55.60)

32 Sec. 30-55.60. Use of library by nonresidents. The board

1 may extend the privileges and use of the library, including
 2 the borrowing of materials on an individual basis by persons
 3 residing outside the district. If the board exercises this
 4 power, the privilege of library use shall be upon terms and
 5 conditions prescribed by the board in its regulations. The
 6 board shall charge a nonresident fee for the privileges and
 7 use of the library at least equal to the cost paid by
 8 residents of the district, with the cost to be determined
 9 according to the formula established by the Illinois State
 10 Library. A person residing outside of a public library
 11 service area must apply for a non-resident library card at
 12 the public library closest to the person's principal
 13 residence. The nonresident cards shall allow for borrowing
 14 privileges at all participating public libraries in the
 15 regional library system only-at-the-library-where-the-card
 16 was-issued. The nonresident fee shall not apply to any of
 17 the following:

18 (1) Privileges and use provided (i) under the terms
 19 of the district's membership in a library system
 20 operating under the provisions of the Illinois Library
 21 System Act or (ii) under the terms of any reciprocal
 22 agreement with a public or private corporation or entity
 23 providing a library service.

24 (2) Residents of an area in which the library is
 25 conducting a program for the purpose of encouraging the
 26 inclusion of the area in the library district.

27 (3) A nonresident who, as an individual or as a
 28 partner, principal stockholder, or other joint owner,
 29 owns taxable property or is a senior administrative
 30 officer of a firm, business, or other corporation owning
 31 taxable property within the district, upon presentation
 32 of the most recent tax bill upon that taxable property,
 33 provided that the privileges and use of the library is
 34 extended to only one such nonresident for each parcel of

1 taxable property.

2 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. 87-1277; 88-253.)

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.25 as follows:

9 (30 ILCS 805/8.25 new)

10 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
11 and 8 of this Act, no reimbursement by the State is required
12 for the implementation of any mandate created by this
13 amendatory Act of the 92nd General Assembly.