

**SB2488**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB2488**

Introduced 1/31/2018, by Sen. Michael Connelly

**SYNOPSIS AS INTRODUCED:**

75 ILCS 5/4-7

from Ch. 81, par. 4-7

75 ILCS 16/30-55.60

Amends the Illinois Local Library Act and the Public Library District Act of 1991. Provides that a nonresident fee shall not be charged to a nonresident who owns or leases property that is taxed for library service (rather than only the owner of taxable property) upon the presentation of the most recent tax bill upon that taxable property or a copy of the commercial lease of that taxable property (rather than only the most recent tax bill). Removes the limitation of nonresident privileges for only one nonresident for each parcel of taxable property. Effective immediately.

LRB100 15711 AWJ 30816 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning local government.

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 library  
11 service and, in addition to but without limiting other powers  
12 conferred by this Act, shall have the following powers:

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

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

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

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

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

25          6. To sell or otherwise dispose of any real or personal  
26          property that it deems no longer necessary or useful for

1 library purposes, and to lease to others any real property  
2 not immediately useful but for which plans for ultimate use  
3 have been or will be adopted but the corporate authorities  
4 shall have the first right to purchase or lease except that  
5 in the case of the City of Chicago, this power shall be  
6 governed and limited by the Chicago Public Library Act;

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

16 8. To contract with any public or private corporation  
17 or entity for the purpose of providing or receiving library  
18 service or of performing any and all other acts necessary  
19 and proper to carry out the responsibilities, the spirit,  
20 and the provisions of this Act. This contractual power  
21 includes, but is not limited to, participating in  
22 interstate library compacts and library systems,  
23 contracting to supply library services, and expending of  
24 any federal or State funds made available to any county,  
25 municipality, township or to the State of Illinois for  
26 library purposes. However, if a contract is for the supply

1 of library services for residents without a public library  
2 established under the provisions of this Act, the terms of  
3 that contract will recognize the principle of equity or  
4 cost of services to non-residents expressed in this Section  
5 of this Act, and will provide for the assumption by the  
6 contracting party receiving the services of financial  
7 responsibility for the loss of or damage to any library  
8 materials provided to non-residents under the contract;

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

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

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

21 12. To extend the privileges and use of the library,  
22 including the borrowing of materials on an individual basis  
23 by persons residing outside of the city, incorporated town,  
24 village or township. If the board exercises this power, the  
25 privilege of library use shall be upon such terms and  
26 conditions as the board shall from time to time by its

1 regulations prescribe, and for such privileges and use, the  
2 board shall charge a nonresident fee at least equal to the  
3 cost paid by residents of the city, incorporated town,  
4 village or township, with the cost to be determined  
5 according to the formula established by the Illinois State  
6 Library. A person residing outside of a public library  
7 service area must apply for a non-resident library card at  
8 the public library located closest to the person's  
9 principal residence. The nonresident cards shall allow for  
10 borrowing privileges at all participating public libraries  
11 in the regional library system. The nonresident fee shall  
12 not apply to privilege and use provided under the terms of  
13 the library's membership in a library system operating  
14 under the provisions of the Illinois Library System Act,  
15 under the terms of any reciprocal agreement with a public  
16 or private corporation or entity providing a library  
17 service, or to a nonresident who as an individual or as a  
18 partner, principal stockholder, or other joint owner owns  
19 or leases taxable property that is taxed for library  
20 service or is a senior administrative officer of a firm,  
21 business, or other corporation owning taxable property  
22 within the city, incorporated town, village or township  
23 upon the presentation of the most recent tax bill upon that  
24 taxable property or a copy of the commercial lease of that  
25 taxable property ~~, provided that the privilege and use of~~  
26 ~~the library is extended to only one such nonresident for~~

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

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

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

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

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

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

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

4 (75 ILCS 16/30-55.60)

5 Sec. 30-55.60. Use of library by nonresidents. The board  
6 may extend the privileges and use of the library, including the  
7 borrowing of materials on an individual basis by persons  
8 residing outside the district. If the board exercises this  
9 power, the privilege of library use shall be upon terms and  
10 conditions prescribed by the board in its regulations. The  
11 board shall charge a nonresident fee for the privileges and use  
12 of the library at least equal to the cost paid by residents of  
13 the district, with the cost to be determined according to the  
14 formula established by the Illinois State Library. A person  
15 residing outside of a public library service area must apply  
16 for a non-resident library card at the public library closest  
17 to the person's principal residence. The nonresident cards  
18 shall allow for borrowing privileges at all participating  
19 public libraries in the regional library system. The  
20 nonresident fee shall not apply to any of the following:

21 (1) Privileges and use provided (i) under the terms of  
22 the district's membership in a library system operating  
23 under the provisions of the Illinois Library System Act or  
24 (ii) under the terms of any reciprocal agreement with a



1 public or private corporation or entity providing a library  
2 service.

3 (2) Residents of an area in which the library is  
4 conducting a program for the purpose of encouraging the  
5 inclusion of the area in the library district.

6 (3) A nonresident who, as an individual or as a  
7 partner, principal stockholder, or other joint owner, owns  
8 or leases taxable property that is taxed for library  
9 service or is a senior administrative officer of a firm,  
10 business, or other corporation owning taxable property  
11 within the district, upon presentation of the most recent  
12 tax bill upon that taxable property or a copy of the  
13 commercial lease of that taxable property ~~, provided that~~  
14 ~~the privileges and use of the library is extended to only~~  
15 ~~one such nonresident for each parcel of taxable property.~~

16 Nothing in this Section requires any public library to  
17 participate in the non-resident card reciprocal borrowing  
18 program of a regional library system as provided for in this  
19 Section.

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.