

**SB3497**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB3497**

Introduced 1/19/2022, by Sen. Laura M. Murphy

**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 Public Library District Act of 1991. Provides that a library board may adopt regulations waiving the nonresident fee for persons under the age of 18. Removes language in the Illinois Local Library Act providing that nothing in the Section requires a public library to participate in the non-resident card reciprocal borrowing program of a regional library system. Effective immediately.

LRB102 24556 AWJ 33790 b

**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  
11 library service and, in addition to but without limiting other  
12 powers 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  
21 of 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  
11          to 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  
14          may provide for installment payments of principal and  
15          interest to be made at stated intervals during a certain  
16          period not to exceed 20 years from the date of such  
17          refunding loan agreement, with interest on the unpaid  
18          principal balance at any lawful rate for municipal  
19          corporations in this State, except that no installment  
20          contract or refunding loan agreement for the same property  
21          or construction project may exceed an aggregate of 20  
22          years;

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

26          6. To sell or otherwise dispose of any real or

1 personal property that it deems no longer necessary or  
2 useful for library purposes, and to lease to others any  
3 real property not immediately useful but for which plans  
4 for ultimate use have been or will be adopted but the  
5 corporate authorities shall have the first right to  
6 purchase or lease except that in the case of the City of  
7 Chicago, this power shall be governed and limited by the  
8 Chicago Public Library Act;

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

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

1 any county, municipality, township or to the State of  
2 Illinois for library purposes. However, if a contract is  
3 for the supply of library services for residents without a  
4 public library established under the provisions of this  
5 Act, the terms of that contract will recognize the  
6 principle of equity or cost of services to non-residents  
7 expressed in this Section of this Act, and will provide  
8 for the assumption by the contracting party receiving the  
9 services of financial responsibility for the loss of or  
10 damage to any library materials provided to non-residents  
11 under the contract;

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

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

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

24 12. To extend the privileges and use of the library,  
25 including the borrowing of materials on an individual  
26 basis by persons residing outside of the city,

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

1 presentation of the most recent tax bill upon that taxable  
2 property or a copy of the commercial lease of that taxable  
3 property. The board may adopt regulations waiving the  
4 nonresident fee for persons under the age of 18; or to a  
5 nonresident in an unincorporated area in Illinois who is a  
6 student whose household falls at or below the U.S.  
7 Department of Agriculture's Income Eligibility Guidelines;

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

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

23 15. To invest funds pursuant to the Public Funds  
24 Investment Act; and

25 16. To accumulate and set apart as reserve funds  
26 portions of the unexpended balances of the proceeds

1 received annually from taxes or other sources, for the  
2 purpose of providing self-insurance against liabilities  
3 relating to the public library.

4 (Source: P.A. 100-875, eff. 8-14-18; 101-632, eff. 6-5-20.)

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

7 (75 ILCS 16/30-55.60)

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

24 (1) Privileges and use provided (i) under the terms of



1 the district's membership in a library system operating  
2 under the provisions of the Illinois Library System Act or  
3 (ii) under the terms of any reciprocal agreement with a  
4 public or private corporation or entity providing a  
5 library service.

6 (2) Residents of an area in which the library is  
7 conducting a program for the purpose of encouraging the  
8 inclusion of the area in the library district.

9 (3) A nonresident who, as an individual or as a  
10 partner, principal stockholder, or other joint owner, owns  
11 or leases property that is taxed for library service or is  
12 a senior administrative officer of a firm, business, or  
13 other corporation owning taxable property within the  
14 district, upon presentation of the most recent tax bill  
15 upon that taxable property or a copy of the commercial  
16 lease of that taxable property.

17 (4) A nonresident in an unincorporated area in  
18 Illinois who is a student whose household falls at or  
19 below the U.S. Department of Agriculture's Income  
20 Eligibility Guidelines.

21 The board may adopt regulations waiving the nonresident  
22 fee for persons under the age of 18.

23 (Source: P.A. 100-875, eff. 8-14-18; 101-632, eff. 6-5-20.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.