

1 AN ACT in relation to property.

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

4 Section 5. The Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended
6 by changing Section 405-305 as follows:

7 (20 ILCS 405/405-305) (was 20 ILCS 405/67.06)

8 Sec. 405-305. Lease of unused or unproductive State
9 land. To lease, at the fair market rental value rate, the
10 unused or unproductive land under the jurisdiction of any of
11 the ~~several~~ departments on terms and conditions that ~~in the~~
12 ~~judgement-of-the-Director~~ are in the best interests of the
13 State. The Department may lease property at a rate less than
14 60% of the fair market rental value rate only if (i) the
15 Director certifies in writing the reasons for leasing the
16 property at that rate and (ii) the rate constitutes fair and
17 adequate compensation. The Director may not lease property
18 for nominal consideration, except with the approval of the
19 General Assembly by joint resolution. For the purposes of
20 this Section, "nominal consideration" means less than 10% of
21 the fair market rental value.

22 No appraisal is required if during its initial survey of
23 the property the Department determines the property has an
24 annual fair market rental value of less than \$10 per square
25 foot. If the annual fair market rental value of the property
26 is determined by the Department in its initial survey to be
27 \$10 per square foot or more, then the Department shall obtain
28 an appraisal by a State certified real estate appraiser. The
29 appraisal shall represent the fair market rental value of the
30 property.

31 Any responsible officer, person, or employee of the State

1 government who knowingly violates this Section is guilty of a
2 Class B misdemeanor. A second or subsequent violation of this
3 Section by that officer, person, or employee is a Class A
4 misdemeanor.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 Section 10. The State Property Control Act is amended by
7 changing Sections 1.01, 7.1, and 9 as follows:

8 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

9 Sec. 1.01. "Responsible officer" means and includes all
10 elective State officers; directors of the executive code
11 departments; presidents of State universities and colleges;
12 chairmen of executive boards, bureaus, and commissions; and
13 all other officers in charge of the property of the State of
14 Illinois, including subordinates of responsible officers
15 deputized by them to carry out some or all of their duties
16 under this Act.

17 (Source: P.A. 82-1047.)

18 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

19 Sec. 7.1. (a) Except as otherwise provided by law, all
20 surplus real property held by the State of Illinois shall be
21 disposed of by the administrator as provided in this Section.
22 "Surplus real property," as used in this Section, means any
23 real property to which the State holds fee simple title or
24 lesser interest, and is vacant, unoccupied or unused and
25 which has no foreseeable use by the owning agency.

26 (b) All responsible officers shall submit an Annual Real
27 Property Utilization Report to the Administrator, or annual
28 update of such report, on forms required by the
29 Administrator, by October 30 of each year. The Administrator
30 may require such documentation as he deems reasonably
31 necessary in connection with this Report, and shall require

1 that such Report include the following information:

2 (1) A legal description of all real property owned by
3 the State under the control of the responsible officer.

4 (2) A description of the use of the real property listed
5 under (1).

6 (3) A list of any improvements made to such real
7 property during the previous year.

8 (4) The dates on which the State first acquired its
9 interest in such real property, and the purchase price and
10 source of the funds used to acquire the property.

11 (5) Plans for the future use of currently unused real
12 property.

13 (6) A declaration of any surplus real property. On or
14 before November 30 ~~December-31~~ of each year the Administrator
15 shall furnish copies of each responsible officer's report
16 along with a list of surplus property indexed by legislative
17 district to the General Assembly.

18 This report shall be filed with the Speaker, the Minority
19 Leader and the Clerk of the House of Representatives and the
20 President, the Minority Leader and the Secretary of the
21 Senate and shall be duplicated and made available to the
22 members of the General Assembly for evaluation by such
23 members for possible liquidation of unused public property at
24 public sale. The members of the General Assembly shall
25 review the list of surplus properties and submit any comments
26 to the Administrator by January 15 of the year following the
27 reports submission to the General Assembly. The
28 Administrator must consider these comments when disposing of
29 the property.

30 (c) Following receipt of the Annual Real Property
31 Utilization Report required under paragraph (b), the
32 Administrator shall notify all State agencies by December 31
33 of all declared surplus real property. Any State agency may
34 submit a written request to the Administrator, within 60 days

1 of the date of such notification, to have control of surplus
 2 real property transferred to that agency. Such request must
 3 indicate the reason for the transfer and the intended use to
 4 be made of such surplus real property. The Administrator may
 5 not deny a request ~~any-or-all-such-requests~~ by a State agency
 6 unless ~~or-agencies-if-the-Administrator-determines-that-it-is~~
 7 ~~more-advantageous-to-the-State-to-dispose-of-the-surplus-real~~
 8 ~~property--under-paragraph-(d).--In-case-requests-for-the-same~~
 9 surplus real property are received from more than one State
 10 agency requests the same property, in which case the
 11 Administrator shall weigh the benefits to the State and
 12 determine to which agency, ~~if-any,~~ to transfer control of the
 13 such property or determine how the property shall be divided.
 14 The Administrator shall coordinate the use and disposal of
 15 State surplus real property with any State space utilization
 16 program.

17 (d) Any Surplus real property which is not transferred
 18 to the control of another State agency under paragraph (c)
 19 shall be disposed of by the Administrator. No appraisal is
 20 required if during his initial survey of surplus real
 21 property the Administrator determines such property has a
 22 fair market value of less than \$15,000 ~~\$5,000~~. If the value
 23 of such property is determined by the Administrator in his
 24 initial survey to be \$15,000 ~~\$5,000~~ or more, then the
 25 Administrator shall obtain 3 appraisals of such real
 26 property, one of which shall be performed by an appraiser
 27 residing in the county in which the said surplus real
 28 property is located. The average of these 3 appraisals, plus
 29 the costs of obtaining the appraisals, shall represent the
 30 fair market value of the surplus real property. No surplus
 31 real property may be conveyed by the Administrator for less
 32 than the fair market value. Prior to offering the surplus
 33 real property for sale to the public the Administrator shall
 34 give notice in writing of the existence and fair market value

1 of the surplus real property to the governing bodies of the
2 county and of all cities, villages and incorporated towns in
3 the county in which such real property is located. Any such
4 governing body may exercise its option to acquire the surplus
5 real property for the fair market value within 60 days of the
6 notice. After the 60 day period has passed, the
7 Administrator may sell the surplus real property by public
8 auction following notice of such sale by publication on 3
9 separate days not less than 15 nor more than 30 days prior to
10 the sale in the State newspaper and in a newspaper having
11 general circulation in the county in which the surplus real
12 property is located. The Administrator shall post "For Sale"
13 signs of a conspicuous nature on such surplus real property
14 offered for sale to the public. If no acceptable offers for
15 the surplus real property are received, the Administrator may
16 have new appraisals of such property made. The Administrator
17 shall have all power necessary to convey surplus real
18 property under this Section. All moneys received for the
19 sale of surplus real property shall be deposited in the
20 General Revenue Fund, except where moneys expended for the
21 acquisition of such real property were from a special fund
22 which is still a special fund in the State treasury, this
23 special fund shall be reimbursed in the amount of the
24 original expenditure and any amount in excess thereof shall
25 be deposited in the General Revenue Fund.

26 The Administrator shall have authority to order such
27 surveys, abstracts of title, or commitments for title
28 insurance as may, in his reasonable discretion, be deemed
29 necessary to demonstrate to prospective purchasers or bidders
30 good and marketable title in any property offered for sale
31 pursuant to this Section. Unless otherwise specifically
32 authorized by the General Assembly, all conveyances of
33 property made by the Administrator shall be by quit claim
34 deed.

1 (e) The Administrator shall submit an annual report by
 2 ~~en--er--before~~ February 1 to the Governor and the General
 3 Assembly containing a detailed statement of surplus real
 4 property either transferred or conveyed under this Section.

5 (Source: P.A. 85-315.)

6 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

7 Sec. 9. Any responsible officer, person, or employee of
 8 the State government who knowingly violates ~~any--ef--the~~
 9 ~~provisions,--rules,--regulations,--directions--and--orders--as--set~~
 10 ~~forth--in~~ this Act is ~~shall--be~~ guilty of a Class B
 11 misdemeanor. A second or subsequent violation by that
 12 officer, person, or employee is a Class A misdemeanor.

13 (Source: P.A. 77-2598.)

14 Section 99. Effective date. This Act takes effect upon
 15 becoming law.