

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. In the event of an
20 emergency when the General Assembly is not in session, the
21 Director may lease property for nominal consideration and
22 shall seek the approval of the General Assembly by joint
23 resolution upon the next meeting of the General Assembly.
24 For the purposes of this Section, "nominal consideration"
25 means less than 10% of the fair market rental value.

26 No appraisal is required if during its initial survey of
27 the property the Department determines the property has an
28 annual fair market rental value of less than \$10 per square
29 foot. If the annual fair market rental value of the property
30 is determined by the Department in its initial survey to be
31 \$10 per square foot or more, then the Department shall obtain

1 an appraisal by a State certified real estate appraiser. The
2 appraisal shall represent the fair market rental value of the
3 property.

4 Any responsible officer, person, or employee of the State
5 government who knowingly violates this Section is guilty of a
6 Class B misdemeanor. A second or subsequent violation of this
7 Section by that officer, person, or employee is a Class A
8 misdemeanor.

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

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

12 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

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

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

22 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

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

30 (b) All responsible officers shall submit an Annual Real
31 Property Utilization Report to the Administrator, or annual

1 update of such report, on forms required by the
2 Administrator, by October 30 of each year. The Administrator
3 may require such documentation as he deems reasonably
4 necessary in connection with this Report, and shall require
5 that such Report include the following information:

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

8 (2) A description of the use of the real property listed
9 under (1).

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

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

15 (5) Plans for the future use of currently unused real
16 property.

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

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

34 (c) Following receipt of the Annual Real Property

1 Utilization Report required under paragraph (b), the
 2 Administrator shall notify all State agencies by December 31
 3 of all declared surplus real property. Any State agency may
 4 submit a written request to the Administrator, within 60 days
 5 of the date of such notification, to have control of surplus
 6 real property transferred to that agency. Such request must
 7 indicate the reason for the transfer and the intended use to
 8 be made of such surplus real property. The Administrator may
 9 not deny a request ~~any-or-all-such-requests~~ by a State agency
 10 unless ~~or-agencies-if-the-Administrator-determines-that-it-is~~
 11 ~~more-advantageous-to-the-State-to-dispose-of-the-surplus-real~~
 12 ~~property-under-paragraph-(d).--In-case-requests-for-the--same~~
 13 ~~surplus--real--property-are-received-from~~ more than one State
 14 agency requests the same property, in which case the
 15 Administrator shall weigh the benefits to the State and
 16 determine to which agency, ~~if-any,~~ to transfer control of the
 17 such property or determine how the property shall be divided.
 18 The Administrator shall coordinate the use and disposal of
 19 State surplus real property with any State space utilization
 20 program.

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

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

30 The Administrator shall have authority to order such
31 surveys, abstracts of title, or commitments for title
32 insurance as may, in his reasonable discretion, be deemed
33 necessary to demonstrate to prospective purchasers or bidders
34 good and marketable title in any property offered for sale

1 pursuant to this Section. Unless otherwise specifically
2 authorized by the General Assembly, all conveyances of
3 property made by the Administrator shall be by quit claim
4 deed.

5 (e) The Administrator shall submit an annual report by
6 ~~on-or-before~~ February 1 to the Governor and the General
7 Assembly containing a detailed statement of surplus real
8 property either transferred or conveyed under this Section.

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

10 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.