



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2459**

Introduced 2/3/2004, by J. Bradley Burzynski

**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. Removes provisions that (i) require a person applying for a non-resident library card to apply at the public library closest to the person's principal residence and (ii) provide that public libraries are not required to participate in the non-resident card reciprocal borrowing program of a regional library system. Provides that non-resident cards allow for borrowing privileges only at the library where the card was issued (now, allows for borrowing privileges at participating public libraries in the regional library system).

LRB093 20554 MKM 46363 b

1 AN ACT concerning 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 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;

24 4. To purchase or lease real or personal property, and  
25 to construct an appropriate building or buildings for the  
26 use of a library established hereunder, using, at the  
27 board's option, contracts providing for all or part of the  
28 consideration to be paid through installments at stated  
29 intervals during a certain period not to exceed 20 years  
30 with interest on the unpaid balance at any lawful rate for  
31 municipal corporations in this State, except that  
32 contracts for installment purchases of real estate shall

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

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

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

24 7. To appoint and to fix the compensation of a  
25 qualified librarian, who shall have the authority to hire  
26 such other employees as may be necessary, to fix their  
27 compensation, and to remove such appointees, subject to the  
28 approval of the board, but these powers are subject to  
29 Division 1 of Article 10 of the Illinois Municipal Code in  
30 municipalities in which that Division is in force. The  
31 board may also retain counsel and professional consultants  
32 as needed;

33 8. To contract with any public or private corporation  
34 or entity for the purpose of providing or receiving library  
35 service or of performing any and all other acts necessary  
36 and proper to carry out the responsibilities, the spirit,

1 and the provisions of this Act. This contractual power  
2 includes, but is not limited to, participating in  
3 interstate library compacts and library systems,  
4 contracting to supply library services, and expending of  
5 any federal or State funds made available to any county,  
6 municipality, township or to the State of Illinois for  
7 library purposes. However, if a contract is for the supply  
8 of library services for residents without a public library  
9 established under the provisions of this Act, the terms of  
10 that contract will recognize the principle of equity or  
11 cost of services to non-residents expressed in this Section  
12 of this Act, and will provide for the assumption by the  
13 contracting party receiving the services of financial  
14 responsibility for the loss of or damage to any library  
15 materials provided to non-residents under the contract;

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

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

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

28 12. To extend the privileges and use of the library,  
29 including the borrowing of materials on an individual basis  
30 by persons residing outside of the city, incorporated town,  
31 village or township. If the board exercises this power, the  
32 privilege of library use shall be upon such terms and  
33 conditions as the board shall from time to time by its  
34 regulations prescribe, and for such privileges and use, the  
35 board shall charge a nonresident fee at least equal to the  
36 cost paid by residents of the city, incorporated town,

1 village or township, with the cost to be determined  
2 according to the formula established by the Illinois State  
3 Library. ~~A person residing outside of a public library~~  
4 ~~service area must apply for a non-resident library card at~~  
5 ~~the public library located closest to the person's~~  
6 ~~principal residence.~~ The nonresident cards shall allow for  
7 borrowing privileges only at the library where the card was  
8 issued ~~at all participating public libraries in the~~  
9 ~~regional library system.~~ The nonresident fee shall not  
10 apply to privilege and use provided under the terms of the  
11 library's membership in a library system operating under  
12 the provisions of the Illinois Library System Act, under  
13 the terms of any reciprocal agreement with a public or  
14 private corporation or entity providing a library service,  
15 or to a nonresident who as an individual or as a partner,  
16 principal stockholder, or other joint owner owns taxable  
17 property or is a senior administrative officer of a firm,  
18 business, or other corporation owning taxable property  
19 within the city, incorporated town, village or township  
20 upon the presentation of the most recent tax bill upon that  
21 taxable property, provided that the privilege and use of  
22 the library is extended to only one such nonresident for  
23 each parcel of such taxable property. ~~Nothing in this item~~  
24 ~~12 requires any public library to participate in the~~  
25 ~~non-resident card reciprocal borrowing program of a~~  
26 ~~regional library system as provided for in this Section;~~

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

30 14. To join the public library as a member and to join  
31 the library trustees as members in the Illinois Library  
32 Association and the American Library Association,  
33 non-profit, non-political, 501(c)(3) associations, as  
34 designated by the federal Internal Revenue Service, having  
35 the purpose of library development and librarianship; to  
36 provide for the payment of annual membership dues, fees and

1 assessments and act by, through and in the name of such  
2 instrumentality by providing and disseminating information  
3 and research services, employing personnel and doing any  
4 and all other acts for the purpose of improving library  
5 development;

6 15. To invest funds pursuant to the Public Funds  
7 Investment Act;

8 16. To accumulate and set apart as reserve funds  
9 portions of the unexpended balances of the proceeds  
10 received annually from taxes or other sources, for the  
11 purpose of providing self-insurance against liabilities  
12 relating to the public library.

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

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

16 (75 ILCS 16/30-55.60)

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

34 (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 library  
5 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 taxable property or is a senior administrative officer of a  
12 firm, business, or other corporation owning taxable  
13 property within the district, upon presentation of the most  
14 recent tax bill upon that taxable property, provided that  
15 the privileges and use of the library is extended to only  
16 one such nonresident for each parcel of taxable property.

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

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