

1 AN ACT concerning finance.

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

4 Section 5. The State Property Control Act is amended by
5 changing Section 7 as follows:

6 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

7 Sec. 7. Disposition of transferable property.

8 (a) Except as provided in subsection (c), whenever a
9 responsible officer considers it advantageous to the State to
10 dispose of transferable property by trading it in for credit on
11 a replacement of like nature, the responsible officer shall
12 report the trade-in and replacement to the administrator on
13 forms furnished by the latter. The exchange, trade or transfer
14 of "textbooks" as defined in Section 18-17 of the School Code
15 between schools or school districts pursuant to regulations
16 adopted by the State Board of Education under that Section
17 shall not constitute a disposition of transferable property
18 within the meaning of this Section, even though such exchange,
19 trade or transfer occurs within 5 years after the textbooks are
20 first provided for loan pursuant to Section 18-17 of the School
21 Code.

22 (b) Except as provided in subsection (c), whenever it is
23 deemed necessary to dispose of any item of transferable

1 property, the administrator shall proceed to dispose of the
2 property by sale or scrapping as the case may be, in whatever
3 manner he considers most advantageous and most profitable to
4 the State. Items of transferable property which would
5 ordinarily be scrapped and disposed of by burning or by burial
6 in a landfill may be examined and a determination made whether
7 the property should be recycled. This determination and any
8 sale of recyclable property shall be in accordance with rules
9 promulgated by the Administrator.

10 When the administrator determines that property is to be
11 disposed of by sale, he shall offer it first to the
12 municipalities, counties, and school districts of the State and
13 to charitable, not-for-profit educational and public health
14 organizations, including but not limited to medical
15 institutions, clinics, hospitals, health centers, schools,
16 colleges, universities, child care centers, museums, nursing
17 homes, programs for the elderly, food banks, State Use
18 Sheltered Workshops and the Boy and Girl Scouts of America, for
19 purchase at an appraised value. Notice of inspection or viewing
20 dates and property lists shall be distributed in the manner
21 provided in rules and regulations promulgated by the
22 Administrator for that purpose.

23 Electronic data processing equipment purchased and charged
24 to appropriations may, at the discretion of the administrator,
25 be sold, pursuant to contracts entered into by the Director of
26 Central Management Services or the heads of agencies exempt

1 from "The Illinois Purchasing Act". However such equipment
2 shall not be sold at prices less than the purchase cost thereof
3 or depreciated value as determined by the administrator. No
4 sale of the electronic data processing equipment and lease to
5 the State by the purchaser of such equipment shall be made
6 under this Act unless the Director of Central Management
7 Services finds that such contracts are financially
8 advantageous to the State.

9 Disposition of other transferable property by sale, except
10 sales directly to local governmental units, school districts,
11 and not-for-profit educational, charitable and public health
12 organizations, shall be subject to the following minimum
13 conditions:

14 (1) The administrator shall cause the property to be
15 advertised for sale to the highest responsible bidder,
16 stating time, place, and terms of such sale at least 7 days
17 prior to the time of sale and at least once in a newspaper
18 having a general circulation in the county where the
19 property is to be sold.

20 (2) If no acceptable bids are received, the
21 administrator may then sell the property in whatever manner
22 he considers most advantageous and most profitable to the
23 State.

24 (c) Notwithstanding any other provision of this Act, an
25 agency covered by this Act may transfer books, serial
26 publications, or other library materials that are transferable

1 property, or that have been withdrawn from the agency's library
2 collection through a regular collection evaluation process, to
3 any of the following entities ~~located in Illinois:~~

4 (1) Another agency covered by this Act located in
5 Illinois.

6 (2) A State supported university library located in
7 Illinois.

8 (3) A tax-supported public library located in
9 Illinois, including a library established by a public
10 library district.

11 (4) A library system organized under the Illinois
12 Library System Act or any library located in Illinois that
13 is a member of such a system.

14 (5) A non-profit agency, located in or outside
15 Illinois.

16 A transfer of property under this subsection is not subject
17 to the requirements of subsection (a) or (b).

18 In addition, an agency covered by this Act may sell or
19 exchange books, serial publications, and other library
20 materials that have been withdrawn from its library collection
21 through a regular collection evaluation process. Those items
22 may be sold to the public at library book sales or to book
23 dealers or may be offered through exchange to book dealers or
24 other organizations. Revenues generated from the sale of
25 withdrawn items shall be retained by the agency in a separate
26 account to be used solely for the purchase of library

1 materials.

2 For purposes of this subsection (c), "library materials"
3 means physical entities of any substance that serve as carriers
4 of information, including, without limitation, books, serial
5 publications, periodicals, microforms, graphics, audio or
6 video recordings, and machine readable data files.

7 Notwithstanding any other rulemaking authority that may
8 exist, neither the Governor nor any agency or agency head under
9 the jurisdiction of the Governor has any authority to make or
10 promulgate rules to implement or enforce the provisions of this
11 amendatory Act of the 95th General Assembly. If, however, the
12 Governor believes that rules are necessary to implement or
13 enforce the provisions of this amendatory Act of the 95th
14 General Assembly, the Governor may suggest rules to the General
15 Assembly by filing them with the Clerk of the House and the
16 Secretary of the Senate and by requesting that the General
17 Assembly authorize such rulemaking by law, enact those
18 suggested rules into law, or take any other appropriate action
19 in the General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this paragraph, "rules"
24 is given the meaning contained in Section 1-70 of the Illinois
25 Administrative Procedure Act, and "agency" and "agency head"
26 are given the meanings contained in Sections 1-20 and 1-25 of

1 the Illinois Administrative Procedure Act to the extent that
2 such definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

4 (Source: P.A. 89-188, eff. 7-19-95.)