



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3920

Introduced 2/26/2009, by Rep. William D. Burns

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|-----------------------------|
| 30 ILCS 105/6p-3 | from Ch. 127, par. 142p3 |
| 30 ILCS 105/8.8a | from Ch. 127, par. 144.8a |
| 30 ILCS 105/5.107 rep. | |
| 30 ILCS 255/2 | from Ch. 127, par. 176c |
| 415 ILCS 20/3 | from Ch. 111 1/2, par. 7053 |

Amends the State Finance Act. Provides that any disbursements on or after July 1, 2009 that otherwise would be made from the State Surplus Property Revolving Fund shall be made from the Facilities Management Revolving Fund. Any moneys that otherwise would be paid into the State Surplus Property Revolving Fund on or after that date shall be deposited into the Facilities Management Revolving Fund. Further provides that the State Surplus Property Revolving Fund shall cease to exist on October 1, 2009, and that any balance in the Fund as of that date shall be transferred into the Facilities Management Revolving Fund. Repeals the State Surplus Property Revolving Fund. Makes conforming changes in the State Finance Act and other Acts. Effective July 1, 2009, except that provisions repealing the State Surplus Property Revolving Fund are effective November 1, 2009.

LRB096 03375 RCE 13398 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Finance Act is amended by changing
5 Sections 6p-3 and 8.8a as follows:

6 (30 ILCS 105/6p-3) (from Ch. 127, par. 142p3)

7 Sec. 6p-3. (a) ~~All The State Surplus Property Revolving~~
8 ~~Fund shall be initially financed by a transfer of funds from~~
9 ~~the General Revenue Fund. Thereafter all~~ fees and other monies
10 received by the Department of Central Management Services from
11 the sale or transfer of surplus or transferable property
12 pursuant to the "State Property Control Act" and "An Act to
13 create and establish a State Agency for Federal Surplus
14 Property, to prescribe its powers, duties and functions",
15 approved August 2, 1965, as amended, shall be paid into the
16 Facilities Management State Surplus Property Revolving Fund.
17 Except as provided in paragraph (e) of this Section, the money
18 in this fund shall be used by the Department of Central
19 Management Services as reimbursement for expenditures incurred
20 in relation to the sale of surplus or transferable property.

21 (b) Blank. ~~If at the end of the lapse period the balance in~~
22 ~~the State Surplus Property Revolving Fund exceeds the amount of~~
23 ~~\$500,000, all monies in excess of that amount shall be~~

1 ~~transferred and deposited into the General Revenue Fund.~~

2 (c) Provided, however, that the Facilities Management
3 Revolving Fund ~~fund established by this Section~~ shall contain a
4 separate account for the deposit of all proceeds resulting from
5 the sale of Federal surplus property, and the proceeds of this
6 separate account shall be used solely to reimburse the
7 Department of Central Management Services for expenditures
8 incurred in relation to the sale of Federal surplus property.

9 (d) (Blank). ~~Any funds on deposit in the State Agency for~~
10 ~~Surplus Property Utilization Fund on the effective date of this~~
11 ~~amendatory Act of 1983 shall be transferred to the Federal~~
12 ~~account of the State Surplus Property Revolving Fund.~~

13 (e) Revenues received from the sale of wastepaper through
14 paper recycling programs shall be placed into a separate
15 account in the Fund and shall be used to offset costs to the
16 Department of establishing and operating wastepaper recycling
17 programs. At the end of each calendar quarter, any amounts in
18 the separate account that have not been used or designated for
19 use shall be transferred to the Paper and Printing Revolving
20 Fund.

21 (f) Any disbursements on or after July 1, 2009 for
22 liabilities incurred on or after July 1, 2009 that otherwise
23 would be made from the State Surplus Property Revolving Fund
24 shall be made from the Facilities Management Revolving Fund.
25 Any moneys that otherwise would be paid into the State Surplus
26 Property Revolving Fund on or after July 1, 2009 shall be

1 deposited into the Facilities Management Revolving Fund. The
2 State Surplus Property Revolving Fund shall cease to exist on
3 October 1, 2009. Any balance in the Fund as of that date shall
4 be transferred into the Facilities Management Revolving Fund.

5 (Source: P.A. 85-1197.)

6 (30 ILCS 105/8.8a) (from Ch. 127, par. 144.8a)

7 Sec. 8.8a. Appropriations for the sale or transfer of
8 surplus or transferable property by the Department of Central
9 Management Services, and for all other expenses incident to the
10 handling, transportation, maintenance and storage of such
11 surplus property, including personal services and contractual
12 services connected therewith and for expenses incident to the
13 establishment and operation of wastepaper recycling programs
14 by the Department, are payable from the Facilities Management
15 ~~State Surplus Property~~ Revolving Fund.

16 (Source: P.A. 85-1197.)

17 (30 ILCS 105/5.107 rep.)

18 Section 10. The State Finance Act is amended by repealing
19 Section 5.107.

20 Section 15. The Federal Commodity Disbursement Act is
21 amended by changing Section 2 as follows:

22 (30 ILCS 255/2) (from Ch. 127, par. 176c)

1 Sec. 2. Any officer, department or agency of this State who
2 or which shall be designated by the Governor as the State
3 Agency for Surplus Property Utilization is authorized to
4 promulgate regulations for the carrying out of its distribution
5 of surplus funds and commodities. All fees and moneys collected
6 or received by the employees or agents of the State officer or
7 agency who or which is designated as the receiving agency shall
8 be paid or turned over to and held by the State Treasurer as ex
9 officio custodian thereof separate and apart from all public
10 funds or moneys of this State and shall be known as the Federal
11 account of the Facilities Management ~~State Surplus Property~~
12 Revolving Fund, to be administered by the designated State
13 officer or agency. All disbursements from this fund shall be
14 made only upon warrants of the State Comptroller drawn upon the
15 Treasurer as custodian of this fund upon vouchers signed by the
16 designated State officer or agency, and the Comptroller is
17 hereby authorized to draw such warrants upon vouchers so
18 signed. The Treasurer shall accept all warrants so signed and
19 shall be released from liability for all payments made thereon.
20 (Source: P.A. 83-9.)

21 Section 20. The Illinois Solid Waste Management Act is
22 amended by changing Section 3 as follows:

23 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

24 Sec. 3. State agency materials recycling program.

1 (a) All State agencies responsible for the maintenance of
2 public lands in the State shall, to the maximum extent
3 feasible, give due consideration and preference to the use of
4 compost materials in all land maintenance activities which are
5 to be paid with public funds.

6 (b) The Department of Central Management Services, in
7 coordination with the Department of Commerce and Economic
8 Opportunity, shall implement waste reduction programs,
9 including source separation and collection, for office
10 wastepaper, corrugated containers, newsprint and mixed paper,
11 in all State buildings as appropriate and feasible. Such waste
12 reduction programs shall be designed to achieve waste
13 reductions of at least 25% of all such waste by December 31,
14 1995, and at least 50% of all such waste by December 31, 2000.
15 Any source separation and collection program shall include, at
16 a minimum, procedures for collecting and storing recyclable
17 materials, bins or containers for storing materials, and
18 contractual or other arrangements with buyers of recyclable
19 materials. If market conditions so warrant, the Department of
20 Central Management Services, in coordination with the
21 Department of Commerce and Economic Opportunity, may modify
22 programs developed pursuant to this Section.

23 The Department of Commerce and Community Affairs (now
24 Department of Commerce and Economic Opportunity) shall conduct
25 waste categorization studies of all State facilities for
26 calendar years 1991, 1995 and 2000. Such studies shall be

1 designed to assist the Department of Central Management
2 Services to achieve the waste reduction goals established in
3 this subsection.

4 (c) Each State agency shall, upon consultation with the
5 Department of Commerce and Economic Opportunity, periodically
6 review its procurement procedures and specifications related
7 to the purchase of products or supplies. Such procedures and
8 specifications shall be modified as necessary to require the
9 procuring agency to seek out products and supplies that contain
10 recycled materials, and to ensure that purchased products or
11 supplies are reusable, durable or made from recycled materials
12 whenever economically and practically feasible. In choosing
13 among products or supplies that contain recycled material,
14 consideration shall be given to products and supplies with the
15 highest recycled material content that is consistent with the
16 effective and efficient use of the product or supply.

17 (d) Wherever economically and practically feasible, the
18 Department of Central Management Services shall procure
19 recycled paper and paper products as follows:

20 (1) Beginning July 1, 1989, at least 10% of the total
21 dollar value of paper and paper products purchased by the
22 Department of Central Management Services shall be
23 recycled paper and paper products.

24 (2) Beginning July 1, 1992, at least 25% of the total
25 dollar value of paper and paper products purchased by the
26 Department of Central Management Services shall be

1 recycled paper and paper products.

2 (3) Beginning July 1, 1996, at least 40% of the total
3 dollar value of paper and paper products purchased by the
4 Department of Central Management Services shall be
5 recycled paper and paper products.

6 (4) Beginning July 1, 2000, at least 50% of the total
7 dollar value of paper and paper products purchased by the
8 Department of Central Management Services shall be
9 recycled paper and paper products.

10 (e) Paper and paper products purchased from private vendors
11 pursuant to printing contracts are not considered paper
12 products for the purposes of subsection (d). However, the
13 Department of Central Management Services shall report to the
14 General Assembly on an annual basis the total dollar value of
15 printing contracts awarded to private sector vendors that
16 included the use of recycled paper.

17 (f)(1) Wherever economically and practically feasible, the
18 recycled paper and paper products referred to in subsection
19 (d) shall contain postconsumer or recovered paper
20 materials as specified by paper category in this
21 subsection:

22 (i) Recycled high grade printing and writing paper
23 shall contain at least 50% recovered paper material.
24 Such recovered paper material, until July 1, 1994,
25 shall consist of at least 20% deinked stock or
26 postconsumer material; and beginning July 1, 1994,

1 shall consist of at least 25% deinked stock or
2 postconsumer material; and beginning July 1, 1996,
3 shall consist of at least 30% deinked stock or
4 postconsumer material; and beginning July 1, 1998,
5 shall consist of at least 40% deinked stock or
6 postconsumer material; and beginning July 1, 2000,
7 shall consist of at least 50% deinked stock or
8 postconsumer material.

9 (ii) Recycled tissue products, until July 1, 1994,
10 shall contain at least 25% postconsumer material; and
11 beginning July 1, 1994, shall contain at least 30%
12 postconsumer material; and beginning July 1, 1996,
13 shall contain at least 35% postconsumer material; and
14 beginning July 1, 1998, shall contain at least 40%
15 postconsumer material; and beginning July 1, 2000,
16 shall contain at least 45% postconsumer material.

17 (iii) Recycled newsprint, until July 1, 1994,
18 shall contain at least 40% postconsumer material; and
19 beginning July 1, 1994, shall contain at least 50%
20 postconsumer material; and beginning July 1, 1996,
21 shall contain at least 60% postconsumer material; and
22 beginning July 1, 1998, shall contain at least 70%
23 postconsumer material; and beginning July 1, 2000,
24 shall contain at least 80% postconsumer material.

25 (iv) Recycled unbleached packaging, until July 1,
26 1994, shall contain at least 35% postconsumer

1 material; and beginning July 1, 1994, shall contain at
2 least 40% postconsumer material; and beginning July 1,
3 1996, shall contain at least 45% postconsumer
4 material; and beginning July 1, 1998, shall contain at
5 least 50% postconsumer material; and beginning July 1,
6 2000, shall contain at least 55% postconsumer
7 material.

8 (v) Recycled paperboard, until July 1, 1994, shall
9 contain at least 80% postconsumer material; and
10 beginning July 1, 1994, shall contain at least 85%
11 postconsumer material; and beginning July 1, 1996,
12 shall contain at least 90% postconsumer material; and
13 beginning July 1, 1998, shall contain at least 95%
14 postconsumer material.

15 (2) For the purposes of this Section, "postconsumer
16 material" includes:

17 (i) paper, paperboard, and fibrous wastes from
18 retail stores, office buildings, homes, and so forth,
19 after the waste has passed through its end usage as a
20 consumer item, including used corrugated boxes, old
21 newspapers, mixed waste paper, tabulating cards, and
22 used cordage; and

23 (ii) all paper, paperboard, and fibrous wastes
24 that are diverted or separated from the municipal solid
25 waste stream.

26 (3) For the purposes of this Section, "recovered paper

1 material" includes:

2 (i) postconsumer material;

3 (ii) dry paper and paperboard waste generated
4 after completion of the papermaking process (that is,
5 those manufacturing operations up to and including the
6 cutting and trimming of the paper machine reel into
7 smaller rolls or rough sheets), including envelope
8 cuttings, bindery trimmings, and other paper and
9 paperboard waste resulting from printing, cutting,
10 forming, and other converting operations, or from bag,
11 box and carton manufacturing, and butt rolls, mill
12 wrappers, and rejected unused stock; and

13 (iii) finished paper and paperboard from obsolete
14 inventories of paper and paperboard manufacturers,
15 merchants, wholesalers, dealers, printers, converters,
16 or others.

17 (g) The Department of Central Management Services may adopt
18 regulations to carry out the provisions and purposes of this
19 Section.

20 (h) Every State agency shall, in its procurement documents,
21 specify that, whenever economically and practically feasible,
22 a product to be procured must consist, wholly or in part, of
23 recycled materials, or be recyclable or reusable in whole or in
24 part. When applicable, if state guidelines are not already
25 prescribed, State agencies shall follow USEPA guidelines for
26 federal procurement.

1 (i) All State agencies shall cooperate with the Department
2 of Central Management Services in carrying out this Section.
3 The Department of Central Management Services may enter into
4 cooperative purchasing agreements with other governmental
5 units in order to obtain volume discounts, or for other reasons
6 in accordance with the Governmental Joint Purchasing Act, or in
7 accordance with the Intergovernmental Cooperation Act if
8 governmental units of other states or the federal government
9 are involved.

10 (j) The Department of Central Management Services shall
11 submit an annual report to the General Assembly concerning its
12 implementation of the State's collection and recycled paper
13 procurement programs. This report shall include a description
14 of the actions that the Department of Central Management
15 Services has taken in the previous fiscal year to implement
16 this Section. This report shall be submitted on or before
17 November 1 of each year.

18 (k) The Department of Central Management Services, in
19 cooperation with all other appropriate departments and
20 agencies of the State, shall institute whenever economically
21 and practically feasible the use of re-refined motor oil in all
22 State-owned motor vehicles and the use of remanufactured and
23 retread tires whenever such use is practical, beginning no
24 later than July 1, 1992.

25 (l) (Blank).

26 (m) The Department of Central Management Services, in

1 coordination with the Department of Commerce and Community
2 Affairs (now Department of Commerce and Economic Opportunity),
3 shall implement an aluminum can recycling program in all State
4 buildings within 270 days of the effective date of this
5 amendatory Act of 1997. The program shall provide for (1) the
6 collection and storage of used aluminum cans in bins or other
7 appropriate containers made reasonably available to occupants
8 and visitors of State buildings and (2) the sale of used
9 aluminum cans to buyers of recyclable materials.

10 Proceeds from the sale of used aluminum cans shall be
11 deposited into I-CYCLE accounts maintained in the Facilities
12 Management ~~State Surplus Property~~ Revolving Fund and, subject
13 to appropriation, shall be used by the Department of Central
14 Management Services and any other State agency to offset the
15 costs of implementing the aluminum can recycling program under
16 this Section.

17 All State agencies having an aluminum can recycling program
18 in place shall continue with their current plan. If a State
19 agency has an existing recycling program in place, proceeds
20 from the aluminum can recycling program may be retained and
21 distributed pursuant to that program, otherwise all revenue
22 resulting from these programs shall be forwarded to Central
23 Management Services, I-CYCLE for placement into the
24 appropriate account within the Facilities Management ~~State~~
25 ~~Surplus Property~~ Revolving Fund, minus any operating costs
26 associated with the program.

1 (Source: P.A. 94-793, eff. 5-19-06.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2009, except that Section 10 takes effect November 1, 2009.