

1 AMENDMENT TO SENATE BILL 1258

2 AMENDMENT NO. _____. Amend Senate Bill 1258, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

8 (20 ILCS 405/405-305) (was 20 ILCS 405/67.06)

9 Sec. 405-305. Lease of unused or unproductive State
10 land. To lease, at the fair market rental value rate, the
11 unused or unproductive land under the jurisdiction of any of
12 the several departments on terms and conditions that in the
13 judgement of the Director are in the best interests of the
14 State. The Department may lease the property at a rate less
15 than 60% of the fair market rental value rate only if (i) the
16 Director certifies in writing the reasons for leasing the
17 property at that rate and (ii) the rate constitutes fair and
18 adequate compensation. The Director may not lease property
19 for nominal consideration that is tantamount to a gift.

20 No appraisal is required if during its initial survey of
21 the property the Department determines the property has an
22 annual fair market rental value of less than \$10 per square

1 foot. If the annual fair market rental value of the property
2 is determined by the Department in its initial survey to be
3 \$10 per square foot or more, then the Department shall obtain
4 an appraisal. The appraisal shall represent the fair market
5 rental value of the property.

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

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

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

14 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

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

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

24 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

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

1 (b) All responsible officers shall submit an Annual Real
2 Property Utilization Report to the Administrator, or annual
3 update of such report, on forms required by the
4 Administrator, by October 30 of each year. The Administrator
5 may require such documentation as he deems reasonably
6 necessary in connection with this Report, and shall require
7 that such Report include the following information:

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

10 (2) A description of the use of the real property listed
11 under (1).

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

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

17 (5) Plans for the future use of currently unused real
18 property.

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

24 This report shall be filed with the Speaker, the Minority
25 Leader and the Clerk of the House of Representatives and the
26 President, the Minority Leader and the Secretary of the
27 Senate and shall be duplicated and made available to the
28 members of the General Assembly for evaluation by such
29 members for possible liquidation of unused public property at
30 public sale.

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

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

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

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

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

33 (e) The Administrator shall submit an annual report on
34 or before February 1 to the Governor and the General Assembly

1 containing a detailed statement of surplus real property
2 either transferred or conveyed under this Section.

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

4 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

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

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."