

SB2078



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2078

Introduced 2/20/2009, by Sen. Randall M. Hultgren

SYNOPSIS AS INTRODUCED:

75 ILCS 5/4-7

from Ch. 81, par. 4-7

Amends the Illinois Local Library Act. Provides that any nonresident, and that nonresident's immediate family, who owns taxable property within a city, incorporated town, village, or township that has established a public library is entitled the same services and benefits of the library as a resident card holder. Effective immediately.

LRB096 10767 HLH 20962 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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;

1 4. To purchase or lease real or personal property, and
2 to construct an appropriate building or buildings for the
3 use of a library established hereunder, using, at the
4 board's option, contracts providing for all or part of the
5 consideration to be paid through installments at stated
6 intervals during a certain period not to exceed 20 years
7 with interest on the unpaid balance at any lawful rate for
8 municipal corporations in this State, except that
9 contracts for installment purchases of real estate shall
10 provide for not more than 75% of the total consideration to
11 be repaid by installments, and to refund at any time any
12 installment contract entered into pursuant to this
13 paragraph by means of a refunding loan agreement, which may
14 provide for installment payments of principal and interest
15 to be made at stated intervals during a certain period not
16 to exceed 20 years from the date of such refunding loan
17 agreement, with interest on the unpaid principal balance at
18 any lawful rate for municipal corporations in this State,
19 except that no installment contract or refunding loan
20 agreement for the same property or construction project may
21 exceed an aggregate of 20 years;

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

25 6. To sell or otherwise dispose of any real or personal
26 property that it deems no longer necessary or useful for

1 library purposes, and to lease to others any real property
2 not immediately useful but for which plans for ultimate use
3 have been or will be adopted but the corporate authorities
4 shall have the first right to purchase or lease except that
5 in the case of the City of Chicago, this power shall be
6 governed and limited by the Chicago Public Library Act;

7 7. To appoint and to fix the compensation of a
8 qualified librarian, who shall have the authority to hire
9 such other employees as may be necessary, to fix their
10 compensation, and to remove such appointees, subject to the
11 approval of the board, but these powers are subject to
12 Division 1 of Article 10 of the Illinois Municipal Code in
13 municipalities in which that Division is in force. The
14 board may also retain counsel and professional consultants
15 as needed;

16 8. To contract with any public or private corporation
17 or entity for the purpose of providing or receiving library
18 service or of performing any and all other acts necessary
19 and proper to carry out the responsibilities, the spirit,
20 and the provisions of this Act. This contractual power
21 includes, but is not limited to, participating in
22 interstate library compacts and library systems,
23 contracting to supply library services, and expending of
24 any federal or State funds made available to any county,
25 municipality, township or to the State of Illinois for
26 library purposes. However, if a contract is for the supply

1 of library services for residents without a public library
2 established under the provisions of this Act, the terms of
3 that contract will recognize the principle of equity or
4 cost of services to non-residents expressed in this Section
5 of this Act, and will provide for the assumption by the
6 contracting party receiving the services of financial
7 responsibility for the loss of or damage to any library
8 materials provided to non-residents under the contract;

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

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

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

21 12. To extend the privileges and use of the library,
22 including the borrowing of materials on an individual basis
23 by persons residing outside of the city, incorporated town,
24 village or township. If the board exercises this power, the
25 privilege of library use shall be upon such terms and
26 conditions as the board shall from time to time by its

1 regulations prescribe, and for such privileges and use, the
2 board shall charge a nonresident fee at least equal to the
3 cost paid by residents of the city, incorporated town,
4 village or township, with the cost to be determined
5 according to the formula established by the Illinois State
6 Library. A person residing outside of a public library
7 service area must apply for a non-resident library card at
8 the public library located closest to the person's
9 principal residence. The nonresident cards shall allow for
10 borrowing privileges at all participating public libraries
11 in the regional library system. The nonresident fee shall
12 not apply to privilege and use provided under the terms of
13 the library's membership in a library system operating
14 under the provisions of the Illinois Library System Act,
15 under the terms of any reciprocal agreement with a public
16 or private corporation or entity providing a library
17 service, ~~or to a nonresident who as an individual or as a~~
18 ~~partner, principal stockholder, or other joint owner owns~~
19 ~~taxable property~~ or is a senior administrative officer of a
20 firm, business, or other corporation owning taxable
21 property within the city, incorporated town, village or
22 township upon the presentation of the most recent tax bill
23 upon that taxable property, provided that the privilege and
24 use of the library is extended to only one such nonresident
25 for each parcel of such taxable property. Any nonresident,
26 and that nonresident's immediate family, who as an

1 individual or as a partner, principal stockholder, or other
2 joint owner owns taxable property within the city,
3 incorporated town, village, or township, upon the
4 presentation of the most recent tax bill upon that taxable
5 property, shall be entitled to all services and benefits of
6 the library that resident card holders are entitled to.

7 Nothing in this item 12 requires any public library to
8 participate in the non-resident card reciprocal borrowing
9 program of a regional library system as provided for in
10 this Section;

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

14 14. To join the public library as a member and to join
15 the library trustees as members in the Illinois Library
16 Association and the American Library Association,
17 non-profit, non-political, 501(c)(3) associations, as
18 designated by the federal Internal Revenue Service, having
19 the purpose of library development and librarianship; to
20 provide for the payment of annual membership dues, fees and
21 assessments and act by, through and in the name of such
22 instrumentality by providing and disseminating information
23 and research services, employing personnel and doing any
24 and all other acts for the purpose of improving library
25 development;

26 15. To invest funds pursuant to the Public Funds

1 Investment Act;

2 16. To accumulate and set apart as reserve funds
3 portions of the unexpended balances of the proceeds
4 received annually from taxes or other sources, for the
5 purpose of providing self-insurance against liabilities
6 relating to the public library.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.