

1 AN ACT concerning the use of 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  
11 library service and, in addition to but without limiting  
12 other powers conferred by this Act, shall have the following  
13 powers:

14 1. To make and adopt such bylaws, rules and  
15 regulations, for their own guidance and for the  
16 government of the library as may be expedient, not  
17 inconsistent with this Act;

18 2. To have the exclusive control of the expenditure  
19 of all moneys collected for the library and deposited to  
20 the credit of the library fund;

21 3. To have the exclusive control of the  
22 construction of any library building and of the  
23 supervision, care and custody of the grounds, rooms or  
24 buildings constructed, leased or set apart for that  
25 purpose;

26 4. To purchase or lease real or personal property,  
27 and to construct an appropriate building or buildings for  
28 the use of a library established hereunder, using, at the  
29 board's option, contracts providing for all or part of  
30 the consideration to be paid through installments at  
31 stated intervals during a certain period not to exceed 20

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

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

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

29 7. To appoint and to fix the compensation of a  
30 qualified librarian, who shall have the authority to hire  
31 such other employees as may be necessary, to fix their  
32 compensation, and to remove such appointees, subject to  
33 the approval of the board, but these powers are subject  
34 to Division 1 of Article 10 of the Illinois Municipal

1 Code in municipalities in which that Division is in  
2 force. The board may also retain counsel and  
3 professional consultants as needed;

4 8. To contract with any public or private  
5 corporation or entity for the purpose of providing or  
6 receiving library service or of performing any and all  
7 other acts necessary and proper to carry out the  
8 responsibilities, the spirit, and the provisions of this  
9 Act. This contractual power includes, but is not limited  
10 to, participating in interstate library compacts and  
11 library systems, contracting to supply library services,  
12 and expending of any federal or State funds made  
13 available to any county, municipality, township or to the  
14 State of Illinois for library purposes. However, if a  
15 contract is for the supply of library services for  
16 residents without a public library established under the  
17 provisions of this Act, the terms of that contract will  
18 recognize the principle of equity or cost of services to  
19 non-residents expressed in this Section of this Act, and  
20 will provide for the assumption by the contracting party  
21 receiving the services of financial responsibility for  
22 the loss of or damage to any library materials provided  
23 to non-residents under the contract;

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

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

34 11. To exclude from the use of the library any

1 person who wilfully violates the rules prescribed by the  
2 board;

3 12. To extend the privileges and use of the  
4 library, including the borrowing of materials on an  
5 individual basis by persons residing outside of the city,  
6 incorporated town, village or township. If the board  
7 exercises this power, the privilege of library use shall  
8 be upon such terms and conditions as the board shall from  
9 time to time by its regulations prescribe, and for such  
10 privileges and use, the board shall charge a nonresident  
11 fee at least equal to the cost paid by residents of the  
12 city, incorporated town, village or township, with the  
13 cost to be determined according to the formula  
14 established by the Illinois State Library. Persons  
15 residing outside of the municipality or township must  
16 apply for a library card at the library located in the  
17 school district or township in which the person resides.

18 The nonresident cards shall allow for borrowing  
19 privileges at all libraries in the the regional library  
20 system or program the library participates in only-at-the  
21 library--where-the-card-was-issued. The nonresident fee  
22 shall not apply to privilege and use provided under the  
23 terms of the library's membership in a library system  
24 operating under the provisions of the Illinois Library  
25 System Act, under the terms of any reciprocal agreement  
26 with a public or private corporation or entity providing  
27 a library service, or to a nonresident who as an  
28 individual or as a partner, principal stockholder, or  
29 other joint owner owns taxable property or is a senior  
30 administrative officer of a firm, business, or other  
31 corporation owning taxable property within the city,  
32 incorporated town, village or township upon the  
33 presentation of the most recent tax bill upon that  
34 taxable property, provided that the privilege and use of

1 the library is extended to only one such nonresident for  
2 each parcel of such taxable property. Nothing in this  
3 item 12 requires a library to participate in a regional  
4 library system or program;

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

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

20 15. To invest funds pursuant to the Public Funds  
21 Investment Act;

22 16. To accumulate and set apart as reserve funds  
23 portions of the unexpended balances of the proceeds  
24 received annually from taxes or other sources, for the  
25 purpose of providing self-insurance against liabilities  
26 relating to the public library.

27 (Source: P.A. 91-357, eff. 7-29-99.)

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

30 (75 ILCS 16/30-55.60)

31 Sec. 30-55.60. Use of library by nonresidents. The board  
32 may extend the privileges and use of the library, including

1 the borrowing of materials on an individual basis by persons  
2 residing outside the district. If the board exercises this  
3 power, the privilege of library use shall be upon terms and  
4 conditions prescribed by the board in its regulations. The  
5 board shall charge a nonresident fee for the privileges and  
6 use of the library at least equal to the cost paid by  
7 residents of the district, with the cost to be determined  
8 according to the formula established by the Illinois State  
9 Library. Persons residing outside of the municipality or  
10 township must apply for a library card at the library located  
11 in the school district or township in which the person  
12 resides. The nonresident cards shall allow for borrowing  
13 privileges at all libraries in the regional library system or  
14 program the district participates in only-at-the-library  
15 where-the-card-was-issued. The nonresident fee shall not  
16 apply to any of the following:

17 (1) Privileges and use provided (i) under the terms  
18 of the district's membership in a library system  
19 operating under the provisions of the Illinois Library  
20 System Act or (ii) under the terms of any reciprocal  
21 agreement with a public or private corporation or entity  
22 providing a library service.

23 (2) Residents of an area in which the library is  
24 conducting a program for the purpose of encouraging the  
25 inclusion of the area in the library district.

26 (3) A nonresident who, as an individual or as a  
27 partner, principal stockholder, or other joint owner,  
28 owns taxable property or is a senior administrative  
29 officer of a firm, business, or other corporation owning  
30 taxable property within the district, upon presentation  
31 of the most recent tax bill upon that taxable property,  
32 provided that the privileges and use of the library is  
33 extended to only one such nonresident for each parcel of  
34 taxable property.

1 Nothing in this Section requires a library to participate in  
2 a regional library system or program.

3 (Source: P.A. 87-1277; 88-253.)

4 Section 90. The State Mandates Act is amended by adding  
5 Section 8.25 as follows:

6 (30 ILCS 805/8.25 new)

7 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
8 and 8 of this Act, no reimbursement by the State is required  
9 for the implementation of any mandate created by this  
10 amendatory Act of the 92nd General Assembly.