



Sen. Michael E. Hastings

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10100SB2291sam001

LRB101 14531 RJF 70868 a

1 AMENDMENT TO SENATE BILL 2291

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2291 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Property Control Act is amended by  
5 changing Section 7.1 as follows:

6 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

7 Sec. 7.1. (a) Except as otherwise provided by law, all  
8 surplus real property held by the State of Illinois shall be  
9 disposed of by the administrator as provided in this Section.  
10 "Surplus real property," as used in this Section, means any  
11 real property to which the State holds fee simple title or  
12 lesser interest, and is determined by the head of the owning  
13 agency to no longer be required for the State agency's needs  
14 and responsibilities. Title to the surplus real property may,  
15 if approved by the Administrator, remain with the owning agency  
16 throughout the disposition process; however, the Administrator

1 and the Department of Central Management Services have sole  
2 responsibility and authority for disposing of the property as  
3 set forth in this Section ~~vacant, unoccupied or unused and~~  
4 ~~which has no foreseeable use by the owning agency.~~

5 (b) All responsible officers shall submit an Annual Real  
6 Property Utilization Report to the Administrator, or annual  
7 update of such report, on forms required by the Administrator,  
8 by July 31 of each year. The Administrator may require such  
9 documentation as he deems reasonably necessary in connection  
10 with this Report, and shall require that such Report include  
11 the following information:

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

14 (2) A description of the use of the real property listed  
15 under (1).

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

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

21 (5) Plans for the future use of currently unused real  
22 property.

23 (6) A declaration of any surplus real property. On or  
24 before October 31 of each year the Administrator shall furnish  
25 copies of each responsible officer's report along with a list  
26 of surplus property indexed by legislative district to the

1 General Assembly.

2 This report shall be filed with the Speaker, the Minority  
3 Leader and the Clerk of the House of Representatives and the  
4 President, the Minority Leader and the Secretary of the Senate  
5 and shall be duplicated and made available to the members of  
6 the General Assembly for evaluation by such members for  
7 possible liquidation of unused public property at public sale.

8 (c) Following receipt of the Annual Real Property  
9 Utilization Report required under paragraph (b), the  
10 Administrator shall notify all State agencies by October 31 of  
11 all declared surplus real property. ~~Any State agency may submit  
12 a written request to the Administrator, within 60 days of the  
13 date of such notification, to have control of surplus real  
14 property transferred to that agency. Such request must indicate  
15 the reason for the transfer and the intended use to be made of  
16 such surplus real property. The Administrator may deny any or  
17 all such requests by a State agency or agencies if the  
18 Administrator determines that it is more advantageous to the  
19 State to dispose of the surplus real property under paragraph  
20 (d). In case requests for the same surplus real property are  
21 received from more than one State agency, the Administrator  
22 shall weigh the benefits to the State and determine to which  
23 agency, if any, to transfer control of such property. The  
24 Administrator shall coordinate the use and disposal of State  
25 surplus real property with any State space utilization program.~~

26 (d) Any surplus real property ~~which is not transferred to~~

1 ~~the control of another State agency under paragraph (c)~~ shall  
2 be disposed of by the Administrator. No appraisal is required  
3 if during his initial survey of surplus real property the  
4 Administrator determines such property has a fair market value  
5 of less than \$5,000. If the value of such property is  
6 determined by the Administrator in his initial survey to be  
7 \$5,000 or more, then the Administrator shall obtain 2 ~~3~~  
8 appraisals of such real property, ~~one of which shall be~~  
9 ~~performed by an appraiser residing in the county in which said~~  
10 ~~surplus real property is located.~~ The average of these 2 ~~3~~  
11 appraisals, ~~plus the costs of obtaining the appraisals,~~ shall  
12 represent the fair market value of the surplus real property.

13 No surplus real property may be conveyed by the  
14 Administrator for less than the fair market value, unless the  
15 Administrator makes a written determination that it is in the  
16 best interests of the State to establish a different value.  
17 That written determination shall be published in the Illinois  
18 Procurement Bulletin. The written determination, along with an  
19 affidavit setting forth the conditions and circumstances that  
20 make the use of a different value in the best interests of the  
21 State, shall also be filed with the Executive Ethics  
22 Commission. The Executive Ethics Commission shall have 30 days  
23 to review the written determination. The Executive Ethics  
24 Commission may order an additional 30 days to review the  
25 written determination. The Administrator shall provide the  
26 Executive Ethics Commission with any information requested by

1 the Executive Ethics Commission related to the Administrator's  
2 determination of the value of the surplus real property. If the  
3 Executive Ethics Commission objects in writing to the value  
4 determined by the Administrator, then the Administrator shall  
5 not convey the surplus real property for less than either the  
6 fair market value as determined by the average of appraisals or  
7 an amount agreed upon by the Executive Ethics Commission and  
8 the Administrator. Circumstances in which it is in the best  
9 interests of the State to establish a different value may  
10 include, but are not limited to, the following: (1) an auction  
11 did not yield any bids at the established fair market value;  
12 (2) a unit of local government is interested in acquiring the  
13 surplus real property; or (3) the costs to the State of  
14 maintaining the surplus real property are sufficiently high  
15 that it would be reasonable to a prudent person to sell the  
16 surplus real property for less than the fair market value  
17 established by the average of the appraisals.

18 Prior to offering the surplus real property for sale to the  
19 public the Administrator shall give notice in writing of the  
20 existence and fair market value of the surplus real property to  
21 each State agency and to the governing bodies of the county and  
22 of all cities, villages and incorporated towns in the county in  
23 which such real property is located. Any such State agency or  
24 governing body may notify the Administrator of its interest in  
25 acquiring and exercising ~~exercise~~ its option to acquire the  
26 surplus real property for the fair market value within the

1 notice period set by the Administrator of at least 60 days ~~of~~  
2 ~~the notice.~~ If any State agency notifies the Administrator of  
3 its interest in acquiring the surplus property, the  
4 Administrator may deny any such requests by a State agency if  
5 the Administrator determines that it is more advantageous to  
6 the State to dispose of the surplus real property to a  
7 governing body or the public. If a governing body notifies the  
8 Administrator of its interest in acquiring the property, then  
9 the Administrator shall wait a minimum of 30 additional days  
10 during which the Administrator may engage in negotiations with  
11 the governing body for the sale of the surplus real property.  
12 At the conclusion of the additional governing body negotiation  
13 period, the Administrator shall notify the governing body of  
14 his or her decision regarding the negotiations. After the  
15 notice period as set by the Administrator of at least 60 days  
16 ~~60 day period~~ has passed, the Administrator may sell the  
17 surplus real property by public auction, which may include an  
18 electronic auction or the use of sealed bids, following notice  
19 of such sale by publication on 3 separate days not less than 15  
20 nor more than 30 days prior to the sale in the State newspaper  
21 and in a newspaper having general circulation in the county in  
22 which the surplus real property is located. The Administrator  
23 shall post "For Sale" signs of a conspicuous nature on such  
24 surplus real property offered for sale to the public. If no  
25 acceptable offers for the surplus real property are received,  
26 the Administrator may have new appraisals of such property

1 made. The Administrator shall have all power necessary to  
2 convey surplus real property under this Section. All moneys  
3 received for the sale of surplus real property shall be  
4 deposited in the General Revenue Fund, except that:

5 (1) Where moneys expended for the acquisition of such  
6 real property were from a special fund which is still a  
7 special fund in the State treasury, this special fund shall  
8 be reimbursed in the amount of the original expenditure and  
9 any amount in excess thereof shall be deposited in the  
10 General Revenue Fund.

11 (2) Whenever a State mental health facility operated by  
12 the Department of Human Services is closed and the real  
13 estate on which the facility is located is sold by the  
14 State, the net proceeds of the sale of the real estate  
15 shall be deposited into the Community Mental Health  
16 Medicaid Trust Fund.

17 (3) Whenever a State developmental disabilities  
18 facility operated by the Department of Human Services is  
19 closed and the real estate on which the facility is located  
20 is sold by the State, the net proceeds of the sale of the  
21 real estate shall be deposited into the Community  
22 Developmental Disability Services Medicaid Trust Fund.

23 The Administrator shall have authority to order such  
24 surveys, abstracts of title, or commitments for title insurance  
25 as may, in his reasonable discretion, be deemed necessary to  
26 demonstrate to prospective purchasers or bidders good and

1 marketable title in any property offered for sale pursuant to  
2 this Section. Unless otherwise specifically authorized by the  
3 General Assembly, all conveyances of property made by the  
4 Administrator shall be by quit claim deed.

5 (e) The Administrator shall submit an annual report on or  
6 before February 1 to the Governor and the General Assembly  
7 containing a detailed statement of surplus real property either  
8 transferred or conveyed under this Section.

9 (Source: P.A. 96-527, eff. 1-1-10; 96-660, eff. 8-25-09;  
10 96-1000, eff. 7-2-10.)

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