

SB3177



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3177

Introduced 2/11/2020, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

75 ILCS 5/4-7 from Ch. 81, par. 4-7
75 ILCS 16/30-55.60
30 ILCS 805/8.44 new

Amends the Illinois Local Library Act and the Public Library District Act of 1991. Provides that nonresident fees for the privilege and use of a library shall not be charged to a nonresident in an unincorporated area in Illinois who is a student and meets the poverty income guidelines. Removes provisions allowing libraries not to participate in nonresident card reciprocal borrowing programs of a regional library system. Amends the State Mandates Act requiring implementation without reimbursement.

LRB101 19936 AWJ 69460 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Cards for
5 Kids Act.

6 Section 5. The Illinois Local Library Act is amended by
7 changing Section 4-7 as follows:

8 (75 ILCS 5/4-7) (from Ch. 81, par. 4-7)

9 Sec. 4-7. Each board of library trustees of a city,
10 incorporated town, village or township shall carry out the
11 spirit and intent of this Act in establishing, supporting and
12 maintaining a public library or libraries for providing library
13 service and, in addition to but without limiting other powers
14 conferred by this Act, shall have the following powers:

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

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

22 3. To have the exclusive control of the construction of

1 any library building and of the supervision, care and
2 custody of the grounds, rooms or buildings constructed,
3 leased or set apart for that purpose;

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

25 5. To remodel or reconstruct a building erected or
26 purchased by the board, when such building is not adapted

1 to its purposes or needs;

2 6. To sell or otherwise dispose of any real or personal
3 property that it deems no longer necessary or useful for
4 library purposes, and to lease to others any real property
5 not immediately useful but for which plans for ultimate use
6 have been or will be adopted but the corporate authorities
7 shall have the first right to purchase or lease except that
8 in the case of the City of Chicago, this power shall be
9 governed and limited by the Chicago Public Library Act;

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

19 8. To contract with any public or private corporation
20 or entity for the purpose of providing or receiving library
21 service or of performing any and all other acts necessary
22 and proper to carry out the responsibilities, the spirit,
23 and the provisions of this Act. This contractual power
24 includes, but is not limited to, participating in
25 interstate library compacts and library systems,
26 contracting to supply library services, and expending of

1 any federal or State funds made available to any county,
2 municipality, township or to the State of Illinois for
3 library purposes. However, if a contract is for the supply
4 of library services for residents without a public library
5 established under the provisions of this Act, the terms of
6 that contract will recognize the principle of equity or
7 cost of services to non-residents expressed in this Section
8 of this Act, and will provide for the assumption by the
9 contracting party receiving the services of financial
10 responsibility for the loss of or damage to any library
11 materials provided to non-residents under the contract;

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

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

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

24 12. To extend the privileges and use of the library,
25 including the borrowing of materials on an individual basis
26 by persons residing outside of the city, incorporated town,

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

1 property or a copy of the commercial lease of that taxable
2 property; or to a nonresident in an unincorporated area in
3 Illinois who is a student and meets the poverty income
4 guidelines. ~~Nothing in this item 12 requires any public~~
5 ~~library to participate in the non resident card reciprocal~~
6 ~~borrowing program of a regional library system as provided~~
7 ~~for in this Section;~~

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

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

23 15. To invest funds pursuant to the Public Funds
24 Investment Act; and

25 16. To accumulate and set apart as reserve funds
26 portions of the unexpended balances of the proceeds

1 received annually from taxes or other sources, for the
2 purpose of providing self-insurance against liabilities
3 relating to the public library.

4 (Source: P.A. 100-875, eff. 8-14-18.)

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

7 (75 ILCS 16/30-55.60)

8 Sec. 30-55.60. Use of library by nonresidents. The board
9 may extend the privileges and use of the library, including the
10 borrowing of materials on an individual basis by persons
11 residing outside the district. If the board exercises this
12 power, the privilege of library use shall be upon terms and
13 conditions prescribed by the board in its regulations. The
14 board shall charge a nonresident fee for the privileges and use
15 of the library at least equal to the cost paid by residents of
16 the district, with the cost to be determined according to the
17 formula established by the Illinois State Library. A person
18 residing outside of a public library service area must apply
19 for a non-resident library card at the public library closest
20 to the person's principal residence. The nonresident cards
21 shall allow for borrowing privileges at all participating
22 public libraries in the regional library system. The
23 nonresident fee shall not apply to any of the following:

24 (1) Privileges and use provided (i) under the terms of

1 the district's membership in a library system operating
2 under the provisions of the Illinois Library System Act or
3 (ii) under the terms of any reciprocal agreement with a
4 public or private corporation or entity providing a library
5 service.

6 (2) Residents of an area in which the library is
7 conducting a program for the purpose of encouraging the
8 inclusion of the area in the library district.

9 (3) A nonresident who, as an individual or as a
10 partner, principal stockholder, or other joint owner, owns
11 or leases property that is taxed for library service or is
12 a senior administrative officer of a firm, business, or
13 other corporation owning taxable property within the
14 district, upon presentation of the most recent tax bill
15 upon that taxable property or a copy of the commercial
16 lease of that taxable property.

17 (4) A nonresident in an unincorporated area in Illinois
18 who is a student and meets the poverty income guidelines.

19 ~~Nothing in this Section requires any public library to~~
20 ~~participate in the non-resident card reciprocal borrowing~~
21 ~~program of a regional library system as provided for in this~~
22 ~~Section.~~

23 (Source: P.A. 100-875, eff. 8-14-18.)

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.44 as follows:

1 (30 ILCS 805/8.44 new)

2 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 101st General Assembly.