

1 AMENDMENT TO SENATE BILL 74

2 AMENDMENT NO. _____. Amend Senate Bill 74 by replacing
3 everything after the enacting clause with the following:

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

7 (20 ILCS 405/405-305) (was 20 ILCS 405/67.06)

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

21 No appraisal is required if during its initial survey of
22 the property the Department determines the property has an

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

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

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

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

16 (30 ILCS 605/1.01) (from Ch. 127, par. 133b2)

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

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

26 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

27 Sec. 7.1. (a) Except as otherwise provided by law, all
28 surplus real property held by the State of Illinois shall be
29 disposed of by the administrator as provided in this Section.
30 "Surplus real property," as used in this Section, means any
31 real property to which the State holds fee simple title or

1 lesser interest, and is vacant, unoccupied or unused and
2 which has no foreseeable use by the owning agency.

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

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

12 (2) A description of the use of the real property listed
13 under (1).

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

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

19 (5) Plans for the future use of currently unused real
20 property.

21 (6) A declaration of any surplus real property. On or
22 before November 30 ~~December-31~~ of each year the Administrator
23 shall furnish copies of each responsible officer's report
24 along with a list of surplus property indexed by legislative
25 district to the General Assembly.

26 This report shall be filed with the Speaker, the Minority
27 Leader and the Clerk of the House of Representatives and the
28 President, the Minority Leader and the Secretary of the
29 Senate and shall be duplicated and made available to the
30 members of the General Assembly for evaluation by such
31 members for possible liquidation of unused public property at
32 public sale. The members of the General Assembly shall
33 review the list of surplus properties and submit any comments
34 to the Administrator by January 15 of the year following the

1 reports submission to the General Assembly. The
 2 Administrator must consider these comments when disposing of
 3 the property.

4 (c) Following receipt of the Annual Real Property
 5 Utilization Report required under paragraph (b), the
 6 Administrator shall notify all State agencies by December 31
 7 of all declared surplus real property. Any State agency may
 8 submit a written request to the Administrator, within 60 days
 9 of the date of such notification, to have control of surplus
 10 real property transferred to that agency. Such request must
 11 indicate the reason for the transfer and the intended use to
 12 be made of such surplus real property. The Administrator may
 13 not deny a request ~~any-or-all-such-requests~~ by a State agency
 14 unless ~~or-agencies-if-the-Administrator-determines-that-it-is~~
 15 ~~more-advantageous-to-the-State-to-dispose-of-the-surplus-real~~
 16 ~~property--under-paragraph-(d).--In-case-requests-for-the-same~~
 17 ~~surplus-real-property-are-received-from~~ more than one State
 18 agency requests the same property, in which case the
 19 Administrator shall weigh the benefits to the State and
 20 determine to which agency, ~~if-any,~~ to transfer control of the
 21 such property or determine how the property shall be divided.
 22 The Administrator shall coordinate the use and disposal of
 23 State surplus real property with any State space utilization
 24 program.

25 (d) Any Surplus real property which is not transferred
 26 to the control of another State agency under paragraph (c)
 27 shall be disposed of by the Administrator. No appraisal is
 28 required if during his initial survey of surplus real
 29 property the Administrator determines such property has a
 30 fair market value of less than \$15,000 ~~\$5,000~~. If the value
 31 of such property is determined by the Administrator in his
 32 initial survey to be \$15,000 ~~\$5,000~~ or more, then the
 33 Administrator shall obtain 3 appraisals of such real
 34 property, one of which shall be performed by an appraiser

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

34 The Administrator shall have authority to order such

1 surveys, abstracts of title, or commitments for title
 2 insurance as may, in his reasonable discretion, be deemed
 3 necessary to demonstrate to prospective purchasers or bidders
 4 good and marketable title in any property offered for sale
 5 pursuant to this Section. Unless otherwise specifically
 6 authorized by the General Assembly, all conveyances of
 7 property made by the Administrator shall be by quit claim
 8 deed.

9 (e) The Administrator shall submit an annual report by
 10 ~~en--er--before~~ February 1 to the Governor and the General
 11 Assembly containing a detailed statement of surplus real
 12 property either transferred or conveyed under this Section.

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

14 (30 ILCS 605/9) (from Ch. 127, par. 133b12)

15 Sec. 9. Any responsible officer, person, or employee of
 16 the State government who knowingly violates ~~any--ef--the~~
 17 ~~provisions,--rules,--regulations,--directions--and--orders--as--set~~
 18 ~~forth--in~~ this Act is ~~shall--be~~ guilty of a Class B
 19 misdemeanor. A second or subsequent violation by that
 20 officer, person, or employee is a Class A misdemeanor.

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

22 Section 99. Effective date. This Act takes effect upon
 23 becoming law."