

# SB1935



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1935

Introduced 2/9/2023, by Sen. Laura Ellman

### SYNOPSIS AS INTRODUCED:

30 ILCS 605/7

from Ch. 127, par. 133b10

Amends the State Property Control Act. Includes qualified veteran-owned small businesses in the list of entities that may receive preference in the disposition of transferable property. Effective immediately.

LRB103 27568 HLH 53944 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The State Property Control Act is amended by  
5 changing Section 7 as follows:

6 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

7 Sec. 7. Disposition of transferable property.

8 (a) Except as provided in subsection (c), whenever a  
9 responsible officer considers it advantageous to the State to  
10 dispose of transferable property by trading it in for credit  
11 on a replacement of like nature, the responsible officer shall  
12 report the trade-in and replacement to the administrator on  
13 forms furnished by the latter. The exchange, trade or transfer  
14 of "textbooks" as defined in Section 18-17 of the School Code  
15 between schools or school districts pursuant to regulations  
16 adopted by the State Board of Education under that Section  
17 shall not constitute a disposition of transferable property  
18 within the meaning of this Section, even though such exchange,  
19 trade or transfer occurs within 5 years after the textbooks  
20 are first provided for loan pursuant to Section 18-17 of the  
21 School Code.

22 (b) Except as provided in subsection (c), whenever it is  
23 deemed necessary to dispose of any item of transferable

1 property, the administrator shall proceed to dispose of the  
2 property by sale or scrapping as the case may be, in whatever  
3 manner he considers most advantageous and most profitable to  
4 the State. Items of transferable property which would  
5 ordinarily be scrapped and disposed of by burning or by burial  
6 in a landfill may be examined and a determination made whether  
7 the property should be recycled. This determination and any  
8 sale of recyclable property shall be in accordance with rules  
9 promulgated by the Administrator.

10 When the administrator determines that property is to be  
11 disposed of by sale, he shall offer it first to the  
12 municipalities, counties, and school districts of the State  
13 and to charitable, not-for-profit educational and public  
14 health organizations, including but not limited to medical  
15 institutions, clinics, hospitals, health centers, schools,  
16 colleges, universities, child care centers, museums, nursing  
17 homes, programs for the elderly, food banks, State Use  
18 Sheltered Workshops, ~~and~~ the Boy and Girl Scouts of America,  
19 and qualified veteran-owned small businesses as defined in  
20 Section 45-57 of the Illinois Procurement Code, for purchase  
21 at an appraised value. Notice of inspection or viewing dates  
22 and property lists shall be distributed in the manner provided  
23 in rules and regulations promulgated by the Administrator for  
24 that purpose.

25 Electronic data processing equipment purchased and charged  
26 to appropriations may, at the discretion of the administrator,

1 be sold, pursuant to contracts entered into by the Director of  
2 Central Management Services or the heads of agencies exempt  
3 from "The Illinois Purchasing Act". However such equipment  
4 shall not be sold at prices less than the purchase cost thereof  
5 or depreciated value as determined by the administrator. No  
6 sale of the electronic data processing equipment and lease to  
7 the State by the purchaser of such equipment shall be made  
8 under this Act unless the Director of Central Management  
9 Services finds that such contracts are financially  
10 advantageous to the State.

11 Disposition of other transferable property by sale, except  
12 sales directly to local governmental units, school districts,  
13 and not-for-profit educational, charitable and public health  
14 organizations, shall be subject to the following minimum  
15 conditions:

16 (1) The administrator shall cause the property to be  
17 advertised for sale to the highest responsible bidder,  
18 stating time, place, and terms of such sale at least 7 days  
19 prior to the time of sale and at least once in a newspaper  
20 having a general circulation in the county where the  
21 property is to be sold.

22 (2) If no acceptable bids are received, the  
23 administrator may then sell the property in whatever  
24 manner he considers most advantageous and most profitable  
25 to the State.

26 (c) Notwithstanding any other provision of this Act, an

1 agency covered by this Act may transfer books, serial  
2 publications, or other library materials that are transferable  
3 property, or that have been withdrawn from the agency's  
4 library collection through a regular collection evaluation  
5 process, to any of the following entities:

6 (1) Another agency covered by this Act located in  
7 Illinois.

8 (2) A State supported university library located in  
9 Illinois.

10 (3) A tax-supported public library located in  
11 Illinois, including a library established by a public  
12 library district.

13 (4) A library system organized under the Illinois  
14 Library System Act or any library located in Illinois that  
15 is a member of such a system.

16 (5) A non-profit agency, located in or outside  
17 Illinois.

18 A transfer of property under this subsection is not  
19 subject to the requirements of subsection (a) or (b).

20 In addition, an agency covered by this Act may sell or  
21 exchange books, serial publications, and other library  
22 materials that have been withdrawn from its library collection  
23 through a regular collection evaluation process. Those items  
24 may be sold to the public at library book sales or to book  
25 dealers or may be offered through exchange to book dealers or  
26 other organizations. Revenues generated from the sale of

1 withdrawn items shall be retained by the agency in a separate  
2 account to be used solely for the purchase of library  
3 materials; except that in the case of the State Library,  
4 revenues from the sale of withdrawn items shall be deposited  
5 into the State Library Fund to be used for the purposes stated  
6 in Section 25 of the State Library Act.

7 For purposes of this subsection (c), "library materials"  
8 means physical entities of any substance that serve as  
9 carriers of information, including, without limitation, books,  
10 serial publications, periodicals, microforms, graphics, audio  
11 or video recordings, and machine readable data files.

12 (d) Notwithstanding any other provision of this Act, the  
13 Director of the Illinois State Police may dispose of a service  
14 firearm or police badge issued or previously issued to a  
15 retiring or separating State Police officer as provided in  
16 Section 17b of the Illinois State Police Act. The Director of  
17 Natural Resources may dispose of a service firearm or police  
18 badge issued previously to a retiring Conservation Police  
19 Officer as provided in Section 805-538 of the Department of  
20 Natural Resources (Conservation) Law of the Civil  
21 Administrative Code of Illinois. The Director of the Secretary  
22 of State Department of Police may dispose of a service firearm  
23 or police badge issued or previously issued to a retiring  
24 Secretary of State Police officer, inspector, or investigator  
25 as provided in Section 2-116 of the Illinois Vehicle Code. The  
26 Office of the State Fire Marshal may dispose of a service

1 firearm or badge previously issued to a State Fire Marshal  
2 Arson Investigator Special Agent who is honorably retiring or  
3 separating in good standing as provided in subsection (c) of  
4 Section 1 of the Peace Officer Fire Investigation Act.  
5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.