



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5058

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

30 ILCS 545/2

from Ch. 127, par. 132.52

Amends the Public Contract Fraud Act. Exempts from certain penalties under the Act projects constructed by the Department of Transportation where title to all the lands needed and where full legal possession has not been obtained as provided but a right of entry to occupy and to use the property has been voluntarily obtained in the name of the State of Illinois, through the Department, from the property owner. Provides that certain provisions concerning spending money without obtaining title to the land do not apply to any public work or improvement project by the Department or the Illinois State Toll Highway Authority and constructed using specified methods. Effective immediately.

LRB100 17203 HLH 32359 b

1 AN ACT concerning finance.

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

4 Section 5. The Public Contract Fraud Act is amended by
5 changing Section 2 as follows:

6 (30 ILCS 545/2) (from Ch. 127, par. 132.52)

7 Sec. 2. Spending money without obtaining title to land;
8 approval of title by Attorney General.

9 (a) Except as otherwise provided in Section 2 of the
10 Superconducting Super Collider Act; and except ~~or~~ for projects
11 constructed under the Bikeway Act; and except for projects, as
12 set forth in Section 1 of this Act, constructed by the
13 Department of Transportation where title to all the lands
14 needed and where full legal possession has not been obtained as
15 provided in this Section but a right of entry to occupy and to
16 use the property has been voluntarily obtained in the name of
17 the State of Illinois, through the Department of
18 Transportation, from the property owner: 7 any person or
19 persons, commissioner or commissioners, or other officer or
20 officers, entrusted with the construction or repair of any
21 public work or improvement, as set forth in Section 1, who
22 shall expend or cause to be expended upon such public work or
23 improvement, the whole or any part of the moneys appropriated

1 therefor, or who shall commence work, or in any way authorize
2 work to be commenced, thereon, without first having obtained a
3 title, by purchase, donation, condemnation or otherwise, to all
4 lands needed for such public work or improvement, running to
5 the People of the State of Illinois; such title to be approved
6 by the Attorney General, and his approval certified by the
7 Secretary of State and placed on record in his office, shall be
8 deemed guilty of a Class A misdemeanor.

9 (b) Approval of title by the Attorney General for all lands
10 needed for a public work or improvement shall not be required
11 as established under subsection (a) of this Section and the
12 State Comptroller may draw warrant in payment of consideration
13 for all such lands without requiring approval of title by the
14 Attorney General if consideration to be paid does not exceed
15 \$10,000 and the title acquired for such lands is for:

16 (1) a fee simple title or easement acquired by the
17 State for highway right-of-way; or

18 (2) an acquisition of rights or easements of access,
19 crossing, light, air or view to, from or over a freeway
20 vested in abutting property; or

21 (3) a fee simple title or easement used to place
22 utility lines and connect a permanent public work or
23 improvement owned by the State to main utility lines; or

24 (4) for the purpose of flood relief or other water
25 resource projects.

26 (c) This Section does not apply to any otherwise lawful

1 expenditures for the construction, completion, remodeling,
2 maintenance and equipment of buildings and other facilities
3 made in connection with and upon premises owned by the Illinois
4 Building Authority, nor shall this Section apply to
5 improvements to real estate leased by any State agency as
6 defined in the Illinois State Auditing Act, provided the
7 leasehold improvements were contracted for by an agency with
8 leasing authority and in compliance with the rules and
9 regulations promulgated by such agency for that purpose.

10 (d) This Section does not apply to any public work or
11 improvement project, as set forth in Section 1 of this Act, by
12 the Department of Transportation or the Illinois State Toll
13 Highway Authority, and constructed under: (1) a design-build
14 contract; (2) a contract with a construction manager or general
15 contractor; (3) a public-private agreement as authorized by the
16 Public-Private Partnerships for Transportation Act; or (4) any
17 alternative technical concepts project delivery method.

18 (Source: P.A. 88-676, eff. 12-14-94; 89-78, eff. 6-30-95.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.