



Sen. Karen McConnaughay

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10000SB1011sam001

LRB100 07596 MLM 25636 a

1 AMENDMENT TO SENATE BILL 1011

2 AMENDMENT NO. _____. Amend Senate Bill 1011 by replacing
3 everything after the enacting clause with the following:

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

1 the State of Illinois, through the Department of
2 Transportation, from the property owner: any person or
3 persons, commissioner or commissioners, or other officer or
4 officers, entrusted with the construction or repair of any
5 public work or improvement, as set forth in Section 1, who
6 shall expend or cause to be expended upon such public work or
7 improvement, the whole or any part of the moneys appropriated
8 therefor, or who shall commence work, or in any way authorize
9 work to be commenced, thereon, without first having obtained a
10 title, by purchase, donation, condemnation or otherwise, to all
11 lands needed for such public work or improvement, running to
12 the People of the State of Illinois; such title to be approved
13 by the Attorney General, and his approval certified by the
14 Secretary of State and placed on record in his office, shall be
15 deemed guilty of a Class A misdemeanor.

16 (b) Approval of title by the Attorney General for all lands
17 needed for a public work or improvement shall not be required
18 as established under subsection (a) of this Section and the
19 State Comptroller may draw warrant in payment of consideration
20 for all such lands without requiring approval of title by the
21 Attorney General if consideration to be paid does not exceed
22 \$10,000 and the title acquired for such lands is for:

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

25 (2) an acquisition of rights or easements of access,
26 crossing, light, air or view to, from or over a freeway

1 vested in abutting property; or

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

5 (4) for the purpose of flood relief or other water
6 resource projects.

7 (c) This Section does not apply to any otherwise lawful
8 expenditures for the construction, completion, remodeling,
9 maintenance and equipment of buildings and other facilities
10 made in connection with and upon premises owned by the Illinois
11 Building Authority, nor shall this Section apply to
12 improvements to real estate leased by any State agency as
13 defined in the Illinois State Auditing Act, provided the
14 leasehold improvements were contracted for by an agency with
15 leasing authority and in compliance with the rules and
16 regulations promulgated by such agency for that purpose.

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".