



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by George P. Shadid

SYNOPSIS AS INTRODUCED:

30 ILCS 545/2

from Ch. 127, par. 132.52

615 ILCS 60/0.02 new

Amends the Des Plaines and Illinois Rivers Act and the Public Contract Fraud Act. Provides that the Department of Natural Resources may use funds appropriated under the Des Plaines and Illinois Rivers Act for projects using land owned by the United States government, a unit of local government, a railroad company, or a school district. Effective July 1, 2004.

LRB093 20440 DRH 46223 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

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 or Section 0.02 of the Des
11 Plaines and Illinois River Act or for projects constructed
12 under the Bikeway Act, any person or persons, commissioner or
13 commissioners, or other officer or officers, entrusted with the
14 construction or repair of any public work or improvement, as
15 set forth in Section 1, who shall expend or cause to be
16 expended upon such public work or improvement, the whole or any
17 part of the moneys appropriated therefor, or who shall commence
18 work, or in any way authorize work to be commenced, thereon,
19 without first having obtained a title, by purchase, donation,
20 condemnation or otherwise, to all lands needed for such public
21 work or improvement, running to the People of the State of
22 Illinois; such title to be approved by the Attorney General,
23 and his approval certified by the Secretary of State and placed
24 on record in his office, shall be deemed guilty of a Class A
25 misdemeanor.

26 (b) Approval of title by the Attorney General for all lands
27 needed for a public work or improvement shall not be required
28 as established under subsection (a) of this Section and the
29 State Comptroller may draw warrant in payment of consideration
30 for all such lands without requiring approval of title by the
31 Attorney General if consideration to be paid does not exceed
32 \$10,000 and the title acquired for such lands is for:

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

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

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

9 (4) for the purpose of flood relief or other water
10 resource projects.

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

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

22 Section 10. The Des Plaines and Illinois Rivers Act is
23 amended by adding Section 0.02 as follows:

24 (615 ILCS 60/0.02 new)

25 Sec. 0.02. Expenditure of funds for projects on certain
26 land. Section 2 of the Public Contract Fraud Act does not
27 prohibit expenditure of funds appropriated to the Department
28 for projects under this Act using land owned by the United
29 States government, a unit of local government, a railroad
30 company, or a school district.

31 Section 99. Effective date. This Act takes effect July 1,
32 2004.