

HB2820



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2820

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

50 ILCS 20/14

from Ch. 85, par. 1044

Amends the Public Building Commission Act. Provides that the Public Building Commission may rent its buildings and facilities to not for profit corporations and non-profit organizations or associations. Provides definitions for these terms. Effective immediately.

LRB098 07319 OMW 37382 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Public Building Commission Act is amended by
5 changing Section 14 as follows:

6 (50 ILCS 20/14) (from Ch. 85, par. 1044)

7 Sec. 14. A Public Building Commission is a municipal
8 corporation and constitutes a body both corporate and politic
9 separate and apart from any other municipal corporation or any
10 other public or governmental agency. It may sue and be sued,
11 plead and be impleaded, and have a seal and alter such at
12 pleasure, have perpetual succession, make and execute
13 contracts, leases, deeds and other instruments necessary or
14 convenient to the exercise of its powers, and make and from
15 time to time amend and repeal its by-laws, rules and
16 regulations not inconsistent with this Act. In addition, it has
17 and shall exercise the following public and essential
18 governmental powers and functions and all other powers
19 incidental or necessary, to carry out and effectuate such
20 express powers:

21 (a) To select, locate and designate, at any time and from
22 time to time, one or more areas lying wholly within the
23 territorial limits of the municipality or of the county seat of

1 the county in which the Commission is organized, or within the
2 territorial limits of the county if the site is to be used for
3 county purposes, or (in the case of a county having a
4 population of at least 20,000 but not more than 21,000 as
5 determined by the 1980 federal census) within the territorial
6 limits of the county if the site is to be used for municipal
7 purposes, as the site or sites to be acquired for the erection,
8 alteration or improvement of a building or buildings, public
9 improvement or other facilities for the purposes set forth in
10 this Section. The site or sites selected shall be conveniently
11 located within such county, municipality or county seat and of
12 an area in size sufficiently large to accomplish and effectuate
13 the purpose of this Act and sufficient to provide for proper
14 architectural setting and adequate landscaping for such
15 building or buildings, public improvement or other facilities.

16 (1) Where the governing body of the county seat or the
17 governing body of any municipality with 3,000 or more
18 inhabitants has adopted the original resolution for the
19 creation of the Commission, the site or sites selected, and in
20 the case of a project for an Airport Authority, the site or
21 sites selected, the project and any lease agreements, are
22 subject to approval by a majority of the members of the
23 governing body of the county seat or by a majority of the
24 members of the governing body of the municipality. However,
25 where the site is for a county project and is outside the
26 limits of a municipality, the approval of the site shall be by

1 the county board.

2 (2) Where the original resolution for the creation of the
3 Commission has been adopted by the governing body of the
4 county, the site or sites selected, and in the case of a
5 project for an Airport Authority, the site or sites selected,
6 the project and any lease agreements, are subject to approval
7 by a majority of the members of the governing body of the
8 county and to approval by 3/4 of the members of the governing
9 body of the county seat, except that approval of 3/4 of the
10 members of the governing body of the county seat is not
11 required where the site is for a county or (in the case of a
12 county having a population of at least 20,000 but not more than
13 21,000 as determined by the 1980 federal census) a municipal
14 project and is outside the limits of the county seat, in which
15 case approval by 3/4 of the members of the governing body of
16 any municipality where the site or sites will be located is
17 required; and, if such site or sites so selected, and in the
18 case of a project for an Airport Authority, the site or sites
19 selected, the project and any lease agreements, are not
20 approved by 3/4 of the members of the governing body of the
21 county seat the Commission may by resolution request that the
22 approval of the site or sites so selected, and in the case of a
23 project for an Airport Authority, the site or sites selected,
24 the project and any lease agreements, be submitted to a
25 referendum at the next general election in accordance with the
26 general election law, and shall present such resolution to the

1 county clerk. Upon receipt of such resolution the county clerk
 2 shall immediately notify the board of election commissioners,
 3 if any; however, referenda pursuant to such resolution shall
 4 not be called more frequently than once in 4 years. The
 5 proposition shall be in substantially the following form:

6 -----

7 Shall be acquired for the
 8 erection, alteration or improvement of
 9 a building or buildings pursuant to YES
 10 the Public Building Commission Act,
 11 approved July 5, 1955, which project
 12 it is estimated will cost \$....., -----
 13 including the cost of the site
 14 acquisition and for the payment of which
 15 revenue bonds in the amount of \$....., NO
 16 maturing and bearing interest at
 17 the rate of% per annum, may be
 18 issued?

19 -----

20 If a majority of the electors voting on the proposition
 21 vote in favor of the proposition, the site or sites so
 22 selected, and in the case of a project for an Airport
 23 Authority, the site or sites selected, the project and any
 24 lease agreements, shall be approved. Except where approval of
 25 the site or sites has been obtained by referendum, the area or
 26 areas may be enlarged by the Board of Commissioners, from time

1 to time, as the need therefor arises. The selection, location
2 and designation of more than one area may, but need not, be
3 made at one time but may be made from time to time.

4 (b) To acquire the fee simple title to or any lesser
5 interest in the real property located within such area or
6 areas, including easements and reversionary interests in the
7 streets, alleys and other public places and personal property
8 required for its purposes, by purchase, gift, legacy, or by the
9 exercise of the power of eminent domain, and title thereto
10 shall be taken in the corporate name of the Commission. Eminent
11 domain proceedings shall be in all respects in the manner
12 provided for the exercise of the right of eminent domain under
13 the Eminent Domain Act. All land and appurtenances thereto,
14 acquired or owned by the Commission are to be deemed acquired
15 or owned for a public use or public purpose.

16 Any municipal corporation which owns fee simple title to or
17 any lesser interest in real property located within such an
18 area, may convey such real property, or any part thereof or
19 interest therein, to the Commission with a provision in such
20 conveyance for the reverter of such real property or interest
21 therein to the transferor municipal corporation at such time as
22 all revenue bonds and other obligations of the Commission
23 incident to the real property or interest therein so conveyed,
24 have been paid in full, and such Commission is hereby
25 authorized to accept such a conveyance.

26 (c) To demolish, repair, alter or improve any building or

1 buildings within the area or areas and to erect a new building
2 or buildings, improvement and other facilities within the area
3 or areas to provide space for the conduct of the executive,
4 legislative and judicial functions of government, its various
5 branches, departments and agencies thereof and to provide
6 buildings, improvements and other facilities for use by local
7 government in the furnishing of essential governmental,
8 health, safety and welfare services to its citizens; to furnish
9 and equip such building or buildings, improvements and other
10 facilities, and maintain and operate them so as to effectuate
11 the purposes of this Act.

12 (d) To pave and improve streets within such area or areas,
13 and to construct, repair and install sidewalks, sewers,
14 waterpipes and other similar facilities and site improvements
15 within such area or areas and to provide for adequate
16 landscaping essential to the preparation of such site or sites
17 in accordance with the purposes of this Act.

18 (e) To make provisions for offstreet parking facilities.

19 (f) To operate, maintain, manage and to make and enter into
20 contracts for the operation, maintenance and management of such
21 buildings and other facilities and to provide rules and
22 regulations for the operation, maintenance and management
23 thereof.

24 (g) To employ and discharge without regard to any Civil
25 Services Act, engineering, architectural, construction,
26 design-build, legal and financial experts and such other

1 employees as may be necessary in its judgment to carry out the
2 purposes of this Act and to fix compensation for such
3 employees, and enter into contracts for the employment of any
4 person, firm, or corporation, and for professional services
5 necessary or desirable for the accomplishment of the objects
6 and purposes of the Commission and the proper administration,
7 management, protection and control of its property.

8 (h) To rent all or any part or parts of such building,
9 buildings, or other facilities to any municipal corporation
10 that organized or joined in the organization of the Public
11 Building Commission or to any branch, department, or agency
12 thereof, or to any branch, department, or agency of the State
13 or Federal government, or to any other state or any agency or
14 political subdivision of another state with which the
15 Commission has entered into an intergovernmental agreement or
16 contract under the Intergovernmental Cooperation Act, or to any
17 municipal corporation with which the Commission has entered
18 into an intergovernmental agreement or contract under the
19 Intergovernmental Cooperation Act, or to any other municipal
20 corporation, quasi municipal corporation, political
21 subdivision or body politic, or agency thereof, doing business,
22 maintaining an office, or rendering a public service in such
23 county for any period of time , or to any not for profit
24 corporation or any non-profit organization or association. For
25 this Section, "not for profit corporation" means an Illinois
26 corporation organized and existing under the General Not For

1 Profit Corporation Act of 1986 in good standing with the State
2 and having been granted status as an exempt organization under
3 Section 501(c) of the Internal Revenue Code, or any successor
4 or similar provision of the Internal Revenue Code. "Non-profit
5 organization or association" means any organization or
6 association where no part of the net earnings enures to the
7 lawful benefit of any person.

8 (i) To rent such space in such building or buildings as
9 from time to time may not be needed by any governmental agency
10 for such other purposes as the Board of Commissioners may
11 determine will best serve the comfort and convenience of the
12 occupants of such building or buildings, and upon such terms
13 and in such manner as the Board of Commissioners may determine.

14 (j) To execute written leases evidencing the rental
15 agreements authorized in paragraphs (h) and (i) of this
16 Section.

17 (k) To procure and enter into contracts for any type of
18 insurance or indemnity against loss or damage to property from
19 any cause, including loss of use and occupancy, against death
20 or injury of any person, against employer's liability, against
21 any act of any member, officer or employee of the Public
22 Building Commission in the performance of the duties of his
23 office or employment or any other insurable risk, as the Board
24 of Commissioners in its discretion may deem necessary.

25 (l) To accept donations, contributions, capital grants or
26 gifts from any individuals, associations, municipal and

1 private corporations and the United States of America, or any
2 agency or instrumentality thereof, for or in aid of any of the
3 purposes of this Act and to enter into agreements in connection
4 therewith.

5 (m) To borrow money from time to time and in evidence
6 thereof to issue and sell revenue bonds in such amount or
7 amounts as the Board of Commissioners may determine to provide
8 funds for the purpose of acquiring, erecting, demolishing,
9 improving, altering, equipping, repairing, maintaining and
10 operating buildings and other facilities and to acquire sites
11 necessary and convenient therefor and to pay all costs and
12 expenses incident thereto, including, but without in any way
13 limiting the generality of the foregoing, architectural,
14 engineering, legal and financing expense, which may include an
15 amount sufficient to meet the interest charges on such revenue
16 bonds during such period or periods as may elapse prior to the
17 time when the project or projects may become revenue producing
18 and for one year in addition thereto; and to refund and
19 refinance, from time to time, revenue bonds so issued and sold,
20 as often as may be deemed to be advantageous by the Board of
21 Commissioners.

22 (n) To enter into any agreement or contract with any
23 lessee, who, pursuant to the terms of this Act, is renting or
24 is about to rent from the Commission all or part of any
25 building or buildings or facilities, whereby under such
26 agreement or contract such lessee obligates itself to pay all

1 or part of the cost of maintaining and operating the premises
2 so leased. Such agreement may be included as a provision of any
3 lease entered into pursuant to the terms of this Act or may be
4 made the subject of a separate agreement or contract between
5 the Commission and such lessee.

6 (Source: P.A. 95-614, eff. 9-11-07; 96-352, eff. 8-13-09.)

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