

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:

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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.