

1 AN ACT to create the Public Improvement Ownership
2 Disclosure Act.

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

5 Section 1. Short title. This Act may be cited as the
6 Public Improvement Ownership Disclosure Act.

7 Section 5. Legislative findings and purpose. The General
8 Assembly finds that public construction benefits property
9 values of adjoining and nearby parcels of property. The
10 General Assembly finds that oftentimes several locations of a
11 proposed public project are advanced and affected property
12 owners should be identified to advance the principle that the
13 location of public improvements should be made on the basis
14 of worthiness and necessity rather than on the basis of who
15 will profit. The General Assembly's purpose in enacting this
16 Act is to ensure that the locations of public projects are
17 chosen on the basis of public good and not on the basis of
18 private gain.

19 Section 10. Definitions. As used in this Act:

20 "Beneficial interest", "beneficiary", and "land trust"
21 have the same definitions as those set forth in the Land
22 Trust Beneficial Interest Disclosure Act.

23 "Corporation" and "shareholders" have the same
24 definitions as those set forth in the Business Corporation
25 Act of 1983.

26 "Economic benefits zone" means, in the case of a roadway,
27 that area within one-half mile of the footprint of any
28 roadway creation, expansion, or extension, and, in the case
29 of an airport, that area within 2 miles of the footprint of
30 any airport creation, expansion, or extension.

1 "Footprint" means the real property necessary to the
2 project that will be owned by any unit of federal, State, or
3 local government or that is reserved for public use or
4 access.

5 "General partnership" and "partner" have the same
6 definitions as those set forth in the Uniform Partnership
7 Act.

8 "Limited liability company", "manager", and "member" have
9 the same definitions as those set forth in the Limited
10 Liability Company Act.

11 "Limited partnership", "general partner", and "limited
12 partner" have the same definitions as those set forth in the
13 Revised Uniform Limited Partnership Act.

14 "Public improvement project" means any construction,
15 expansion, or extension of any roadway or airport that is
16 funded in whole or part by federal, State, or local
17 government funding or tax abatements.

18 Section 15. Disclosure of ownership benefited by public
19 improvement projects.

20 (a) Whenever a public improvement project location or
21 alternative location is proposed by any unit of State or
22 local government, the unit of State or local government shall
23 notify all persons described in paragraphs (1) through (6) of
24 subsection (b) within the economic benefit zone surrounding
25 the footprint of the proposed public improvement project
26 location or alternative location of the possibility of their
27 property becoming located within the economic benefits zone
28 surrounding the footprint of a public improvement project.
29 This notice shall be made at least 30 days prior to the
30 expenditure of any public funds or other resources for any
31 site evaluations, preliminary studies, environmental impact
32 statements, engineering proposals, or other action or
33 activity relating to the proposed public improvement project.

1 (b) Within 10 days of the notice described in subsection
2 (a), the persons described in paragraphs (1) through (6) of
3 this subsection (b), or their successors or assigns, shall
4 disclose the names and addresses of the persons or entities
5 required to be disclosed and shall define their interests in
6 the property located within the economic benefits zone
7 surrounding the footprint of a public improvement project.
8 Each individual or entity shall be disclosed, regardless of
9 the size of the individual or entity's interest in that
10 property.

11 (1) The trustees of record of a land trust shall
12 disclose the owners of beneficial interests.

13 (2) The secretary of a corporation shall disclose
14 the holders of 7.5% or more of any class or combination
15 of classes of the corporation's voting stock.

16 (3) A manager of a limited liability company shall
17 disclose the managers of the limited liability company
18 and the members entitled to receive 7.5% or more of any
19 distributions made by the limited liability company.

20 (4) A general partner of a limited partnership
21 shall disclose the general partners of the limited
22 partnership, together with the limited partners entitled
23 to receive 7.5% or more of any distributions made by the
24 limited partnership.

25 (5) A limited partner in a limited partnership
26 shall disclose the general partners and limited partners
27 entitled to receive 7.5% or more of any distribution made
28 by the limited partnership.

29 (6) A partner in a general partnership shall
30 disclose the partners entitled to receive 7.5% or more of
31 any distributions made by the general partnership.

32 The requirements of this subsection (b) apply to each
33 described person or entity that is the owner of record of any
34 real property located within the economic benefits zone

1 surrounding the footprint of a public improvement project.

2 (c) The disclosures required in subsection (b) shall be
3 made by filing an affidavit of ownership or beneficial
4 interest with the Recorder of Deeds in the county or counties
5 contained within the economic benefits zone surrounding the
6 footprint of the proposed public improvement project location
7 or alternative location. It shall be the duty of the person
8 required to make the disclosure, or his or her successors or
9 assigns, to record supplements to the affidavit of ownership
10 or beneficial interest, reflecting any changes in the
11 ownership of the ownership and beneficial interests which are
12 required to be disclosed under this Section, within 10 days
13 of the change.

14 Section 20. Exceptions. This Act does not apply to public
15 improvement projects with an estimated total construction
16 cost of less than \$10,000,000.

17 Section 25. Penalty. Any person who fails to comply with
18 the disclosure requirements of Section 15 of this Act is
19 guilty of a petty offense and subject to a fine of not more
20 than \$1,000.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.