



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3184

Introduced 2/18/2025, by Rep. Martin J. Moylan - Natalie A. Manley, Dave Vella, Kevin John Olickal, Diane Blair-Sherlock, et al.

#### SYNOPSIS AS INTRODUCED:

50 ILCS 105/3.1	from Ch. 102, par. 3.1
735 ILCS 30/10-5-10	was 735 ILCS 5/7-102
735 ILCS 30/10-5-15	was 735 ILCS 5/7-102.1
735 ILCS 30/20-5-5	was 735 ILCS 5/7-103

Amends the Public Officer Prohibited Activities Act. Authorizes an authorized representative to sign the disclosure required under the Act before any contract relating to the ownership or use of real property is entered into by the State or a unit of local government disclosing the interest of an owner or beneficiary in the real property. Authorizes disclosure by providing a copy of a proxy statement or other official corporate document filed with the federal Securities Exchange Commission or similar federal regulatory body within the previous calendar year disclosing the overall ownership of the limited liability company, corporation, or general partnership. Removes the requirement for additional disclosure for contracts for the ownership or use of real property for highway purposes by the Department of Transportation for any entity that is wholly or partially owned by another entity. Amends the Eminent Domain Act. Allows a party authorized to take property to file a complaint in circuit court if the owner is unable or unwilling to provide documentation required by the acquiring party to obtain sufficient title to the property, consummate the transaction, or comply with all legal requirements for the transaction. Eliminates the requirement that the Illinois Department of Transportation obtain Illinois Commerce Commission approval before bringing an action to acquire property needed for highway projects owned by utilities and railroads. Allows notice to property owners to be sent by entities other than the United States Postal Service if a company provides the same function as certified mail with return receipt. Effective immediately.

LRB104 10934 JRC 21016 b

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 Officer Prohibited Activities Act is  
5 amended by changing Section 3.1 as follows:

6 (50 ILCS 105/3.1) (from Ch. 102, par. 3.1)

7 Sec. 3.1. Before any contract relating to the ownership or  
8 use of real property is entered into by and between the State  
9 or any local governmental unit or any agency of either the  
10 identity of every owner and beneficiary having any interest,  
11 real or personal, in such property, and every member,  
12 shareholder, limited partner, or general partner entitled to  
13 receive more than 7 1/2% of the total distributable income of  
14 any limited liability company, corporation, or limited  
15 partnership having any interest, real or personal, in such  
16 property must be disclosed. The disclosure shall be in writing  
17 and shall be subscribed by a member, owner, authorized  
18 trustee, corporate official, general partner, or managing  
19 agent, or his or her authorized attorney or other authorized  
20 representative, under oath. However, if the interest, stock,  
21 or shares in a limited liability company, corporation, or  
22 general partnership is publicly traded and there is no readily  
23 known individual having greater than a 7 1/2% interest, then a

1 statement to that effect, subscribed to under oath by a  
2 member, officer of the corporation, general partner, or  
3 managing agent, or his or her authorized attorney, shall  
4 fulfill the disclosure statement requirement of this Section.  
5 The disclosure requirement of this Section may also be  
6 satisfied by providing a copy of a proxy statement or other  
7 official corporate document filed with the federal Securities  
8 Exchange Commission or similar federal regulatory body within  
9 the previous calendar year disclosing the overall ownership of  
10 the limited liability company, corporation or general  
11 partnership. As a condition of contracts entered into on or  
12 after the effective date of this amendatory Act of 1995, the  
13 beneficiaries of a lease shall furnish the trustee of a trust  
14 subject to disclosure under this Section with a binding  
15 non-revocable letter of direction authorizing the trustee to  
16 provide the State with an up-to-date disclosure whenever  
17 requested by the State. The letter of direction shall be  
18 binding on beneficiaries' heirs, successors, and assigns  
19 during the term of the contract. This Section shall be  
20 liberally construed to accomplish the purpose of requiring the  
21 identification of the actual parties benefiting from any  
22 transaction with a governmental unit or agency involving the  
23 procurement of the ownership or use of real property thereby.

24 For any entity that is wholly or partially owned by  
25 another entity, the names of the owners of the wholly or  
26 partially owning entity shall be disclosed under this Section,

1 as well as the names of the owners of the wholly or partially  
2 owned entity. No such additional disclosure is required for  
3 contracts relating to the ownership or use of real property  
4 for highway purposes by the Department of Transportation.

5 (Source: P.A. 91-361, eff. 7-29-99.)

6 Section 10. The Eminent Domain Act is amended by changing  
7 Sections 10-5-10, 10-5-15, and 20-5-5 as follows:

8 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

9 Sec. 10-5-10. Parties.

10 (a) When the right (i) to take private property for public  
11 use, without the owner's consent, (ii) to construct or  
12 maintain any public road, railroad, plankroad, turnpike road,  
13 canal, or other public work or improvement, or (iii) to damage  
14 property not actually taken has been or is conferred by  
15 general law or special charter upon any corporate or municipal  
16 authority, public body, officer or agent, person,  
17 commissioner, or corporation and when (i) the compensation to  
18 be paid for or in respect of the property sought to be  
19 appropriated or damaged for the purposes mentioned cannot be  
20 agreed upon by the parties interested, (ii) the owner of the  
21 property is incapable of consenting, (iii) the owner's name or  
22 residence is unknown, ~~or~~ (iv) the owner is a nonresident of the  
23 State, or (v) the owner is unable or unwilling to provide  
24 documentation required by the acquiring party to obtain

1 sufficient title to the property or consummate the transaction  
2 or comply with all legal requirements for the transaction,  
3 then the party authorized to take or damage the property so  
4 required, or to construct, operate, and maintain any public  
5 road, railroad, plankroad, turnpike road, canal, or other  
6 public work or improvement, may apply to the circuit court of  
7 the county where the property or any part of the property is  
8 situated, by filing with the clerk a complaint. The complaint  
9 shall set forth, by reference, (i) the complainant's authority  
10 in the premises, (ii) the purpose for which the property is  
11 sought to be taken or damaged, (iii) a description of the  
12 property, and (iv) the names of all persons interested in the  
13 property as owners or otherwise, as appearing of record, if  
14 known, or if not known stating that fact; and shall pray the  
15 court to cause the compensation to be paid to the owner to be  
16 assessed.

17 (b) If it appears that any person not in being, upon coming  
18 into being, is, or may become or may claim to be, entitled to  
19 any interest in the property sought to be appropriated or  
20 damaged, the court shall appoint some competent and  
21 disinterested person as guardian ad litem to appear for and  
22 represent that interest in the proceeding and to defend the  
23 proceeding on behalf of the person not in being. Any judgment  
24 entered in the proceeding shall be as effectual for all  
25 purposes as though the person was in being and was a party to  
26 the proceeding.

1 (c) If the proceeding seeks to affect the property of  
2 persons under guardianship, the guardians shall be made  
3 parties defendant.

4 (d) Any interested persons whose names are unknown may be  
5 made parties defendant by the same descriptions and in the  
6 same manner as provided in other civil cases.

7 (e) When the property to be taken or damaged is a common  
8 element of property subject to a declaration of condominium  
9 ownership, pursuant to the Condominium Property Act, or of a  
10 common interest community, the complaint shall name the unit  
11 owners' association in lieu of naming the individual unit  
12 owners and lienholders on individual units. Unit owners,  
13 mortgagees, and other lienholders may intervene as parties  
14 defendant. For the purposes of this Section, "common interest  
15 community" has the same meaning as set forth in subsection (c)  
16 of Section 9-102 of the Code of Civil Procedure. "Unit owners'  
17 association" or "association" shall refer to both the  
18 definition contained in Section 2 of the Condominium Property  
19 Act and subsection (c) of Section 9-102 of the Code of Civil  
20 Procedure.

21 (f) When the property is sought to be taken or damaged by  
22 the State for the purposes of establishing, operating, or  
23 maintaining any State house or State charitable or other  
24 institutions or improvements, the complaint shall be signed by  
25 the Governor, or the Governor's designee, or as otherwise  
26 provided by law.

1 (g) No property, except property described in Section 3 of  
2 the Sports Stadium Act, property to be acquired in furtherance  
3 of actions under Article 11, Divisions 124, 126, 128, 130,  
4 135, 136, and 139, of the Illinois Municipal Code, property to  
5 be acquired by the Department of Transportation under Article  
6 4, Division 5 or Article 8 of the Illinois Highway Code,  
7 property to be acquired in furtherance of actions under  
8 Section 3.1 of the Intergovernmental Cooperation Act, property  
9 to be acquired that is a water system or waterworks pursuant to  
10 the home rule powers of a unit of local government, property  
11 described as Site B in Section 2 of the Metropolitan Pier and  
12 Exposition Authority Act, and property that may be taken as  
13 provided in the Public-Private Agreements for the South  
14 Suburban Airport Act belonging to a railroad or other public  
15 utility subject to the jurisdiction of the Illinois Commerce  
16 Commission, may be taken or damaged, pursuant to the  
17 provisions of this Act, without the prior approval of the  
18 Illinois Commerce Commission.

19 (h) Notwithstanding subsection (g), property belonging to  
20 a public utility that provides water or sewer service and that  
21 is subject to the jurisdiction of the Illinois Commerce  
22 Commission may not be taken or damaged by eminent domain  
23 without prior approval of the Illinois Commerce Commission,  
24 except for property to be acquired by a municipality with  
25 140,000 or more inhabitants or a regional water commission  
26 formed under Article 11, Division 135.5 of the Illinois

1 Municipal Code or a municipality that is a member of such a  
2 regional water commission, only in furtherance of purposes  
3 authorized under Article 11, Division 135.5 of the Illinois  
4 Municipal Code, and limited solely to interests in real  
5 property and not improvements to or assets on the real  
6 property belonging to a public utility that provides water or  
7 sewer service and that is subject to the jurisdiction of the  
8 Illinois Commerce Commission. This subsection does not apply  
9 to any action commenced prior to the effective date of this  
10 amendatory Act of the 103rd General Assembly under this  
11 Section or Section 11-124-5 or 11-139-12 of the Illinois  
12 Municipal Code.

13 (Source: P.A. 103-13, eff. 6-9-23.)

14 (735 ILCS 30/10-5-15) (was 735 ILCS 5/7-102.1)

15 Sec. 10-5-15. State agency proceedings; information.

16 (a) This Section applies only to the State and its  
17 agencies, and only to matters arising after December 31, 1991.

18 (b) Before any State agency initiates any proceeding under  
19 this Act, the agency must designate and provide for an  
20 appropriate person to respond to requests arising from the  
21 notifications required under this Section. The designated  
22 person may be an employee of the agency itself or an employee  
23 of any other appropriate State agency. The designated person  
24 shall respond to property owners' questions about the  
25 authority and procedures of the State agency in acquiring

1 property by condemnation and about the property owner's  
2 general rights under those procedures. However, the designated  
3 person shall not provide property owners with specific legal  
4 advice or specific legal referrals.

5 (c) At the time of first contact with a property owner,  
6 whether in person or by letter, the State agency shall advise  
7 the property owner, in writing, of the following:

8 (1) A description of the property that the agency  
9 seeks to acquire.

10 (2) The name, address, and telephone number of the  
11 State official designated under subsection (b) to answer  
12 the property owner's questions.

13 (3) The identity of the State agency attempting to  
14 acquire the property.

15 (4) The general purpose of the proposed acquisition.

16 (5) The type of facility to be constructed on the  
17 property, if any.

18 (d) At least 60 days before filing a petition with any  
19 court to initiate a proceeding under this Act, a State agency  
20 shall send a letter by certified mail, return receipt  
21 requested (or by entities other than the United States Postal  
22 Service that provide the same function as certified mail with  
23 return receipts), to the owner of the property to be taken,  
24 giving the property owner the following information:

25 (1) The amount of compensation for the taking of the  
26 property proposed by the agency and the basis for

1 computing it.

2 (2) A statement that the agency continues to seek a  
3 negotiated agreement with the property owner.

4 (3) A statement that, in the absence of a negotiated  
5 agreement, it is the intention of the agency to initiate a  
6 court proceeding under this Act.

7 The State agency shall maintain a record of the letters  
8 sent in compliance with this Section for at least one year.

9 (e) Any duty imposed on a State agency by this Section may  
10 be assumed by the Office of the Attorney General, the Capital  
11 Development Board, or any other agency of State government  
12 that is assisting or acting on behalf of the State agency in  
13 the matter.

14 (Source: P.A. 94-1055, eff. 1-1-07.)

15 (735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

16 Sec. 20-5-5. Quick-take.

17 (a) This Section applies only to proceedings under this  
18 Article that are authorized in this Article and in Article 25  
19 of this Act.

20 (b) In a proceeding subject to this Section, the  
21 plaintiff, at any time after the complaint has been filed and  
22 before judgment is entered in the proceeding, may file a  
23 written motion requesting that, immediately or at some  
24 specified later date, the plaintiff either: (i) be vested with  
25 the fee simple title (or such lesser estate, interest, or

1 easement, as may be required) to the real property, or a  
2 specified portion of that property, which is the subject of  
3 the proceeding, and be authorized to take possession of and  
4 use the property; or (ii) only be authorized to take  
5 possession of and to use the property, if possession and use,  
6 without the vesting of title, are sufficient to permit the  
7 plaintiff to proceed with the project until the final  
8 ascertainment of compensation. No land or interests in land  
9 now or hereafter owned, leased, controlled, or operated and  
10 used by, or necessary for the actual operation of, any common  
11 carrier engaged in interstate commerce, or any other public  
12 utility subject to the jurisdiction of the Illinois Commerce  
13 Commission, shall be taken or appropriated under this Section  
14 by the State of Illinois, except property to be acquired by the  
15 Department of Transportation under Article 4, Division 5 or  
16 Article 8 of the Illinois Highway Code, the Illinois Toll  
17 Highway Authority, the sanitary district, the St. Louis  
18 Metropolitan Area Airport Authority, or the Board of Trustees  
19 of the University of Illinois without first securing the  
20 approval of the Illinois Commerce Commission.

21 Except as otherwise provided in this Article, the motion  
22 for taking shall state: (1) an accurate description of the  
23 property to which the motion relates and the estate or  
24 interest sought to be acquired in that property; (2) the  
25 formally adopted schedule or plan of operation for the  
26 execution of the plaintiff's project; (3) the situation of the

1 property to which the motion relates, with respect to the  
2 schedule or plan; (4) the necessity for taking the property in  
3 the manner requested in the motion; and (5) if the property  
4 (except property described in Section 3 of the Sports Stadium  
5 Act or property described as Site B in Section 2 of the  
6 Metropolitan Pier and Exposition Authority Act, or property to  
7 be acquired by the Department of Transportation under Article  
8 4, Division 5 or Article 8 of the Illinois Highway Code) to be  
9 taken is owned, leased, controlled, or operated and used by,  
10 or necessary for the actual operation of, any interstate  
11 common carrier or other public utility subject to the  
12 jurisdiction of the Illinois Commerce Commission, a statement  
13 to the effect that the approval of the proposed taking has been  
14 secured from the Commission, and attaching to the motion a  
15 certified copy of the order of the Illinois Commerce  
16 Commission granting approval. If the schedule or plan of  
17 operation is not set forth fully in the motion, a copy of the  
18 schedule or plan shall be attached to the motion.

19 (Source: P.A. 94-1055, eff. 1-1-07.)

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