



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1453

Introduced 2/9/2007, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

50 ILCS 20/14	from Ch. 85, par. 1044
50 ILCS 20/14.2	from Ch. 85, par. 1044.2
50 ILCS 20/20	from Ch. 85, par. 1050

Amends the Public Building Commission Act. Provides that the Commission may acquire fee simple title or a lesser interest in real property located within the District (now, fee simple only). Provides that the Commission may rent all or part of its buildings to certain entities for any period of time (now, for a period not to exceed 30 years). Increases the maximum moving allowance and the maximum optional fixed relocation payment for displaced persons. Increases to \$10,000 (now, \$5,000) the minimum dollar amount of contracts that must be let for open competitive bidding. Requires public advertisement of contracts let for open competitive bidding at least once (now, at least once in each week for 3 consecutive weeks prior to the opening of bids) in a daily newspaper of general circulation in the county where the commission is located. Provides an emergency situation exception to the publication requirement for contracts subject to open competitive bidding. Requires all bids to be open to public inspection after an award or final selection has been made (now, for a period of at least 48 hours before an award is made). Deletes a requirement that a copy of every contract entered into by the public building commission shall be executed in duplicate. Effective immediately.

LRB095 04812 HLH 24872 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 14, 14.2, and 20 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, legal  
26 and financial experts and such other employees as may be

1 necessary in its judgment to carry out the purposes of this Act  
2 and to fix compensation for such employees, and enter into  
3 contracts for the employment of any person, firm, or  
4 corporation, and for professional services necessary or  
5 desirable for the accomplishment of the objects and purposes of  
6 the Commission and the proper administration, management,  
7 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, ~~not to exceed 30 years.~~

24 (i) To rent such space in such building or buildings as  
25 from time to time may not be needed by any governmental agency  
26 for such other purposes as the Board of Commissioners may



1 determine will best serve the comfort and convenience of the  
2 occupants of such building or buildings, and upon such terms  
3 and in such manner as the Board of Commissioners may determine.

4 (j) To execute written leases evidencing the rental  
5 agreements authorized in paragraphs (h) and (i) of this  
6 Section.

7 (k) To procure and enter into contracts for any type of  
8 insurance or indemnity against loss or damage to property from  
9 any cause, including loss of use and occupancy, against death  
10 or injury of any person, against employer's liability, against  
11 any act of any member, officer or employee of the Public  
12 Building Commission in the performance of the duties of his  
13 office or employment or any other insurable risk, as the Board  
14 of Commissioners in its discretion may deem necessary.

15 (l) To accept donations, contributions, capital grants or  
16 gifts from any individuals, associations, municipal and  
17 private corporations and the United States of America, or any  
18 agency or instrumentality thereof, for or in aid of any of the  
19 purposes of this Act and to enter into agreements in connection  
20 therewith.

21 (m) To borrow money from time to time and in evidence  
22 thereof to issue and sell revenue bonds in such amount or  
23 amounts as the Board of Commissioners may determine to provide  
24 funds for the purpose of acquiring, erecting, demolishing,  
25 improving, altering, equipping, repairing, maintaining and  
26 operating buildings and other facilities and to acquire sites

1 necessary and convenient therefor and to pay all costs and  
2 expenses incident thereto, including, but without in any way  
3 limiting the generality of the foregoing, architectural,  
4 engineering, legal and financing expense, which may include an  
5 amount sufficient to meet the interest charges on such revenue  
6 bonds during such period or periods as may elapse prior to the  
7 time when the project or projects may become revenue producing  
8 and for one year in addition thereto; and to refund and  
9 refinance, from time to time, revenue bonds so issued and sold,  
10 as often as may be deemed to be advantageous by the Board of  
11 Commissioners.

12 (n) To enter into any agreement or contract with any  
13 lessee, who, pursuant to the terms of this Act, is renting or  
14 is about to rent from the Commission all or part of any  
15 building or buildings or facilities, whereby under such  
16 agreement or contract such lessee obligates itself to pay all  
17 or part of the cost of maintaining and operating the premises  
18 so leased. Such agreement may be included as a provision of any  
19 lease entered into pursuant to the terms of this Act or may be  
20 made the subject of a separate agreement or contract between  
21 the Commission and such lessee.

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

23 (50 ILCS 20/14.2) (from Ch. 85, par. 1044.2)

24 Sec. 14.2. Relocation assistance payment. In addition to  
25 all other powers authorized under this Act, a public building

1 commission shall have the power to make the following  
2 relocation assistance payments where such relocation  
3 assistance payments are not available from Federal funds or  
4 otherwise:

5 (a) A public building commission is authorized to pay, as  
6 part of the cost of acquisition of any site, to a person  
7 displaced by a public building commission project, the actual  
8 reasonable expenses in moving said person, his family, his  
9 business, or his farm operation, including the moving of  
10 personal property. The allowable expenses for transportation  
11 shall not exceed the cost of moving 50 miles from the point  
12 from which such person, family, business or farm is being  
13 displaced.

14 A public building commission is authorized to adopt rules  
15 and regulations as may be determined necessary to implement the  
16 payments as authorized by this section.

17 (b) In lieu of the actual moving expenses heretofore  
18 authorized to be paid, a public building commission may pay any  
19 person displaced from a dwelling, who elects to accept such  
20 payment, a moving expense allowance determined according to a  
21 schedule to be established by a public building commission, not  
22 to exceed \$1,000 ~~\$200~~, and a further dislocation allowance of  
23 \$500 ~~\$100~~.

24 (c) In lieu of the actual moving expenses heretofore  
25 authorized to be paid, a public building commission may pay any  
26 person who moves or discontinues his business or farm

1 operation, who elects to accept such payment, a fixed  
2 relocation payment in an amount equal to the average annual net  
3 earnings of the business or the farm operation, or \$10,000  
4 ~~\$5,000~~, whichever is the lesser. In the case of a business, no  
5 payment shall be made unless the public building commission is  
6 satisfied that the business (1) cannot be relocated without a  
7 substantial loss of its existing patronage, and (2) is not part  
8 of a commercial enterprise having at least one other  
9 establishment not being acquired for a project by a public  
10 building commission which is engaged in the same or similar  
11 business. The term "average annual net earnings" means one-half  
12 of any net earnings of the business or farm operation before  
13 Federal, State and local income taxes, during the two taxable  
14 years immediately preceding the taxable year in which such  
15 business or farm operation moves from the real property being  
16 acquired for such project, and includes any compensation paid  
17 by the business or farm operation to the owner, his spouse or  
18 his dependents during such two-year period.

19 (d) In addition to the amounts heretofore authorized to be  
20 paid by a public building commission, a public building  
21 commission may, as part of the cost of acquisition of any site,  
22 make a payment to the owner of real property acquired for a  
23 public building commission project which is improved by a  
24 single, two or three-family dwelling actually owned and  
25 occupied by the owner for not less than one year prior to the  
26 initiation of negotiations for the acquisition of such

1 property, an amount which, when added to the acquisition  
2 payment, equals the average price required for a comparable  
3 dwelling determined in accordance with standards established  
4 by the city, village or town in which the dwelling is located,  
5 to be a decent, safe and sanitary dwelling adequate to  
6 accommodate the displaced owner, reasonably accessible to  
7 public services and places of employment and available on the  
8 private market. Such payment shall not exceed the sum of  
9 \$25,000 ~~\$5,000~~, and shall be made only to a displaced owner who  
10 purchases and occupies a dwelling that meets the standards  
11 established by the city, village or town in which the dwelling  
12 is located, within one year subsequent to the date on which he  
13 is required to move from the dwelling acquired for the public  
14 building commission project. Any individual or family not  
15 eligible to receive such payment, who is displaced from any  
16 dwelling, which dwelling was actually and lawfully occupied by  
17 such individual and family for not less than ninety days prior  
18 to the initiation of negotiations for acquisition of such  
19 property, may be paid by a public building commission an amount  
20 necessary to enable such individual or family to lease or rent  
21 for a period not to exceed two years, or to make the down  
22 payment on the purchase of a decent, safe and sanitary dwelling  
23 of standards adequate to accommodate such individual or family  
24 in areas not generally less desirable in regard to public  
25 utilities and public and commercial facilities. Such payment  
26 shall not exceed the sum of \$2,000 ~~\$1,500~~.

1 (e) In addition to the amounts heretofore authorized to be  
2 paid, a public building commission may reimburse the owner of  
3 real property acquired for a public building commission project  
4 the reasonable and necessary expenses incurred for (1)  
5 recording fees, transfer taxes, and similar expenses  
6 incidental to conveying such property; and (2) penalty costs  
7 for prepayment of any mortgages entered into in good faith  
8 encumbering such real property, if such mortgage is on record  
9 or has been filed for record under applicable State law on the  
10 date of the selection, location and designation of the site by  
11 a public building commission for such project.

12 (f) Nothing contained in this amendatory Act creates in any  
13 proceedings brought under the power of eminent domain any  
14 element of damages not in existence as of the date of enactment  
15 of this amendatory Act.

16 (Source: P.A. 76-2560.)

17 (50 ILCS 20/20) (from Ch. 85, par. 1050)

18 Sec. 20. All contracts to be let for the construction,  
19 alteration, improvement, repair, enlargement, demolition or  
20 removal of any buildings or other facilities, or for materials  
21 or supplies to be furnished, where the amount thereof is in  
22 excess of \$10,000 ~~\$5,000~~, shall be let to the lowest  
23 responsible bidder, or bidders, on open competitive bidding  
24 after public advertisement published at least once ~~in each week~~  
25 ~~for three consecutive weeks prior to the opening of bids~~, in a

1 daily newspaper of general circulation in the county where the  
2 commission is located, except in the case of an emergency  
3 situation, as determined by the chief executive officer. If a  
4 contract is awarded in an emergency situation, (i) the contract  
5 accepted must be based on the lowest responsible bid after the  
6 commission has made a diligent effort to solicit multiple bids  
7 by telephone, facsimile, or other efficient means and (ii) the  
8 chief executive officer must submit a report at the next  
9 regular meeting of the Board, to be ratified by the Board and  
10 entered into the official record, that states the chief  
11 executive officer's reason for declaring an emergency  
12 situation, the names of all parties solicited for bids, and  
13 their bids and that includes a copy of the contract awarded.

14 Nothing contained in this Section shall be construed to  
15 prohibit the Board of Commissioners from placing additional  
16 advertisements in recognized trade journals. Advertisements  
17 for bids shall describe the character of the proposed contract  
18 in sufficient detail to enable the bidders thereon to know what  
19 their obligation will be, either in the advertisement itself,  
20 or by reference to detailed plans and specifications on file in  
21 the office of the Public Building Commission at the time of the  
22 publication of the first announcement. Such advertisement  
23 shall also state the date, time, and place assigned for the  
24 opening of bids and no bids shall be received at any time  
25 subsequent to the time indicated in said advertisement. The  
26 Board of Commissioners may reject any and all bids received and

1 readvertise for bids. All bids shall be open to public  
2 inspection in the office of the Public Building Commission  
3 after an award or final selection has been made ~~for a period of~~  
4 ~~at least forty eight (48) hours before award is made.~~ The  
5 successful bidder for such work shall enter into contracts  
6 furnished and prescribed by the Board of Commissioners and in  
7 addition to any other bonds required under this Act the  
8 successful bidder shall execute and give bond, payable to and  
9 to be approved by the Commission, with a corporate surety  
10 authorized to do business under the laws of the State of  
11 Illinois, in an amount to be determined by the Board of  
12 Commissioners, conditioned upon the payment of all labor  
13 furnished and materials supplied in the prosecution of the  
14 contracted work. If the bidder whose bid has been accepted  
15 shall neglect or refuse to accept the contract within five (5)  
16 days after written notice that the same has been awarded to  
17 him, or if he accepts but does not execute the contract and  
18 give the proper security, the Commission may accept the next  
19 lowest bidder, or readvertise and relet in manner above  
20 provided. In case any work shall be abandoned by any contractor  
21 the Commission may, if the best interests of the Commission be  
22 thereby served, adopt on behalf of the Commission all  
23 subcontracts made by such contractor for such work and all such  
24 sub-contractors shall be bound by such adoption if made; and  
25 the Commission shall, in the manner provided herein,  
26 readvertise and relet the work specified in the original



1 contract exclusive of so much thereof as shall be accepted.  
2 Every contract when made and entered into, as herein provided  
3 for, shall be executed, ~~in duplicate, one copy of which shall~~  
4 ~~be~~ held by the Commission, and filed in its records, and one  
5 copy of which shall be given to the contractor.

6 (Source: P.A. 84-249.)

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