

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
24 the county in which the Commission is organized, or within the
25 territorial limits of the county if the site is to be used for
26 county purposes, or (in the case of a county having a
27 population of at least 20,000 but not more than 21,000 as
28 determined by the 1980 federal census) within the territorial
29 limits of the county if the site is to be used for municipal
30 purposes, as the site or sites to be acquired for the erection,
31 alteration or improvement of a building or buildings, public
32 improvement or other facilities for the purposes set forth in

1 this Section. The site or sites selected shall be conveniently
2 located within such county, municipality or county seat and of
3 an area in size sufficiently large to accomplish and effectuate
4 the purpose of this Act and sufficient to provide for proper
5 architectural setting and adequate landscaping for such
6 building or buildings, public improvement or other facilities.

7 (1) Where the governing body of the county seat or the
8 governing body of any municipality with 3,000 or more
9 inhabitants has adopted the original resolution for the
10 creation of the Commission, the site or sites selected, and in
11 the case of a project for an Airport Authority, the site or
12 sites selected, the project and any lease agreements, are
13 subject to approval by a majority of the members of the
14 governing body of the county seat or by a majority of the
15 members of the governing body of the municipality. However,
16 where the site is for a county project and is outside the
17 limits of a municipality, the approval of the site shall be by
18 the county board.

19 (2) Where the original resolution for the creation of the
20 Commission has been adopted by the governing body of the
21 county, the site or sites selected, and in the case of a
22 project for an Airport Authority, the site or sites selected,
23 the project and any lease agreements, are subject to approval
24 by a majority of the members of the governing body of the
25 county and to approval by 3/4 of the members of the governing
26 body of the county seat, except that approval of 3/4 of the
27 members of the governing body of the county seat is not
28 required where the site is for a county or (in the case of a
29 county having a population of at least 20,000 but not more than
30 21,000 as determined by the 1980 federal census) a municipal
31 project and is outside the limits of the county seat, in which
32 case approval by 3/4 of the members of the governing body of
33 any municipality where the site or sites will be located is
34 required; and, if such site or sites so selected, and in the
35 case of a project for an Airport Authority, the site or sites
36 selected, the project and any lease agreements, are not

1 approved by 3/4 of the members of the governing body of the
 2 county seat the Commission may by resolution request that the
 3 approval of the site or sites so selected, and in the case of a
 4 project for an Airport Authority, the site or sites selected,
 5 the project and any lease agreements, be submitted to a
 6 referendum at the next general election in accordance with the
 7 general election law, and shall present such resolution to the
 8 county clerk. Upon receipt of such resolution the county clerk
 9 shall immediately notify the board of election commissioners,
 10 if any; however, referenda pursuant to such resolution shall
 11 not be called more frequently than once in 4 years. The
 12 proposition shall be in substantially the following form:

13 -----

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

26 -----

27 If a majority of the electors voting on the proposition
 28 vote in favor of the proposition, the site or sites so
 29 selected, and in the case of a project for an Airport
 30 Authority, the site or sites selected, the project and any
 31 lease agreements, shall be approved. Except where approval of
 32 the site or sites has been obtained by referendum, the area or
 33 areas may be enlarged by the Board of Commissioners, from time
 34 to time, as the need therefor arises. The selection, location
 35 and designation of more than one area may, but need not, be
 36 made at one time but may be made from time to time.

1 (b) To acquire the fee simple title to or any lesser
2 interest in the real property located within such area or
3 areas, including easements and reversionary interests in the
4 streets, alleys and other public places and personal property
5 required for its purposes, by purchase, gift, legacy, or by the
6 exercise of the power of eminent domain, and title thereto
7 shall be taken in the corporate name of the Commission. Eminent
8 domain proceedings shall be in all respects in the manner
9 provided for the exercise of the right of eminent domain under
10 Article VII of the Code of Civil Procedure, approved August 19,
11 1981, as amended. All land and appurtenances thereto, acquired
12 or owned by the Commission are to be deemed acquired or owned
13 for a public use or public purpose.

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

24 (c) To demolish, repair, alter or improve any building or
25 buildings within the area or areas and to erect a new building
26 or buildings, improvement and other facilities within the area
27 or areas to provide space for the conduct of the executive,
28 legislative and judicial functions of government, its various
29 branches, departments and agencies thereof and to provide
30 buildings, improvements and other facilities for use by local
31 government in the furnishing of essential governmental,
32 health, safety and welfare services to its citizens; to furnish
33 and equip such building or buildings, improvements and other
34 facilities, and maintain and operate them so as to effectuate
35 the purposes of this Act.

36 (d) To pave and improve streets within such area or areas,

1 and to construct, repair and install sidewalks, sewers,
2 waterpipes and other similar facilities and site improvements
3 within such area or areas and to provide for adequate
4 landscaping essential to the preparation of such site or sites
5 in accordance with the purposes of this Act.

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

7 (f) To operate, maintain, manage and to make and enter into
8 contracts for the operation, maintenance and management of such
9 buildings and other facilities and to provide rules and
10 regulations for the operation, maintenance and management
11 thereof.

12 (g) To employ and discharge without regard to any Civil
13 Services Act, engineering, architectural, construction, legal
14 and financial experts and such other employees as may be
15 necessary in its judgment to carry out the purposes of this Act
16 and to fix compensation for such employees, and enter into
17 contracts for the employment of any person, firm, or
18 corporation, and for professional services necessary or
19 desirable for the accomplishment of the objects and purposes of
20 the Commission and the proper administration, management,
21 protection and control of its property.

22 (h) To rent all or any part or parts of such building,
23 buildings, or other facilities to any municipal corporation
24 that organized or joined in the organization of the Public
25 Building Commission or to any branch, department, or agency
26 thereof, or to any branch, department, or agency of the State
27 or Federal government, or to any other state or any agency or
28 political subdivision of another state with which the
29 Commission has entered into an intergovernmental agreement or
30 contract under the Intergovernmental Cooperation Act, or to any
31 municipal corporation with which the Commission has entered
32 into an intergovernmental agreement or contract under the
33 Intergovernmental Cooperation Act, or to any other municipal
34 corporation, quasi municipal corporation, political
35 subdivision or body politic, or agency thereof, doing business,
36 maintaining an office, or rendering a public service in such

1 county for any period of time, ~~not to exceed 30 years.~~

2 (i) To rent such space in such building or buildings as
3 from time to time may not be needed by any governmental agency
4 for such other purposes as the Board of Commissioners may
5 determine will best serve the comfort and convenience of the
6 occupants of such building or buildings, and upon such terms
7 and in such manner as the Board of Commissioners may determine.

8 (j) To execute written leases evidencing the rental
9 agreements authorized in paragraphs (h) and (i) of this
10 Section.

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

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

25 (m) To borrow money from time to time and in evidence
26 thereof to issue and sell revenue bonds in such amount or
27 amounts as the Board of Commissioners may determine to provide
28 funds for the purpose of acquiring, erecting, demolishing,
29 improving, altering, equipping, repairing, maintaining and
30 operating buildings and other facilities and to acquire sites
31 necessary and convenient therefor and to pay all costs and
32 expenses incident thereto, including, but without in any way
33 limiting the generality of the foregoing, architectural,
34 engineering, legal and financing expense, which may include an
35 amount sufficient to meet the interest charges on such revenue
36 bonds during such period or periods as may elapse prior to the

1 time when the project or projects may become revenue producing
2 and for one year in addition thereto; and to refund and
3 refinance, from time to time, revenue bonds so issued and sold,
4 as often as may be deemed to be advantageous by the Board of
5 Commissioners.

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

16 (Source: P.A. 86-325; 86-1215; 87-1208.)

17 (50 ILCS 20/14.2) (from Ch. 85, par. 1044.2)

18 Sec. 14.2. Relocation assistance payment. In addition to
19 all other powers authorized under this Act, a public building
20 commission shall have the power to make the following
21 relocation assistance payments where such relocation
22 assistance payments are not available from Federal funds or
23 otherwise:

24 (a) A public building commission is authorized to pay, as
25 part of the cost of acquisition of any site, to a person
26 displaced by a public building commission project, the actual
27 reasonable expenses in moving said person, his family, his
28 business, or his farm operation, including the moving of
29 personal property. The allowable expenses for transportation
30 shall not exceed the cost of moving 50 miles from the point
31 from which such person, family, business or farm is being
32 displaced.

33 A public building commission is authorized to adopt rules
34 and regulations as may be determined necessary to implement the
35 payments as authorized by this section.

1 (b) In lieu of the actual moving expenses heretofore
2 authorized to be paid, a public building commission may pay any
3 person displaced from a dwelling, who elects to accept such
4 payment, a moving expense allowance determined according to a
5 schedule to be established by a public building commission, not
6 to exceed \$1,000 ~~\$200~~, and a further dislocation allowance of
7 \$500 ~~\$100~~.

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

29 (d) In addition to the amounts heretofore authorized to be
30 paid by a public building commission, a public building
31 commission may, as part of the cost of acquisition of any site,
32 make a payment to the owner of real property acquired for a
33 public building commission project which is improved by a
34 single, two or three-family dwelling actually owned and
35 occupied by the owner for not less than one year prior to the
36 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~~.

27 (e) In addition to the amounts heretofore authorized to be
28 paid, a public building commission may reimburse the owner of
29 real property acquired for a public building commission project
30 the reasonable and necessary expenses incurred for (1)
31 recording fees, transfer taxes, and similar expenses
32 incidental to conveying such property; and (2) penalty costs
33 for prepayment of any mortgages entered into in good faith
34 encumbering such real property, if such mortgage is on record
35 or has been filed for record under applicable State law on the
36 date of the selection, location and designation of the site by

1 a public building commission for such project.

2 (f) Nothing contained in this amendatory Act creates in any
3 proceedings brought under the power of eminent domain any
4 element of damages not in existence as of the date of enactment
5 of this amendatory Act.

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

7 (50 ILCS 20/20) (from Ch. 85, par. 1050)

8 Sec. 20. All contracts to be let for the construction,
9 alteration, improvement, repair, enlargement, demolition or
10 removal of any buildings or other facilities, or for materials
11 or supplies to be furnished, where the amount thereof is in
12 excess of \$10,000 ~~\$5,000~~, shall be let to the lowest
13 responsible bidder, or bidders, on open competitive bidding
14 after public advertisement published at least once ~~in each week~~
15 ~~for three consecutive weeks prior to the opening of bids~~, in a
16 daily newspaper of general circulation in the county where the
17 commission is located, except in the case of an emergency
18 situation, as determined by the chief executive officer. If a
19 contract is awarded in an emergency situation, (i) the contract
20 accepted must be based on the lowest responsible bid after the
21 commission has made a diligent effort to solicit multiple bids
22 by telephone, facsimile, or other efficient means and (ii) the
23 chief executive officer must submit a report at the next
24 regular meeting of the Board, to be ratified by the Board and
25 entered into the official record, that states the chief
26 executive officer's reason for declaring an emergency
27 situation, the names of all parties solicited for bids, and
28 their bids and that includes a copy of the contract awarded.
29 Nothing contained in this Section shall be construed to
30 prohibit the Board of Commissioners from placing additional
31 advertisements in recognized trade journals. Advertisements
32 for bids shall describe the character of the proposed contract
33 in sufficient detail to enable the bidders thereon to know what
34 their obligation will be, either in the advertisement itself,
35 or by reference to detailed plans and specifications on file in

1 the office of the Public Building Commission at the time of the
2 publication of the first announcement. Such advertisement
3 shall also state the date, time, and place assigned for the
4 opening of bids and no bids shall be received at any time
5 subsequent to the time indicated in said advertisement. The
6 Board of Commissioners may reject any and all bids received and
7 readvertise for bids. All bids shall be open to public
8 inspection in the office of the Public Building Commission
9 ~~after an award or final selection has been made for a period of~~
10 ~~at least forty eight (48) hours before award is made.~~ The
11 successful bidder for such work shall enter into contracts
12 furnished and prescribed by the Board of Commissioners and in
13 addition to any other bonds required under this Act the
14 successful bidder shall execute and give bond, payable to and
15 to be approved by the Commission, with a corporate surety
16 authorized to do business under the laws of the State of
17 Illinois, in an amount to be determined by the Board of
18 Commissioners, conditioned upon the payment of all labor
19 furnished and materials supplied in the prosecution of the
20 contracted work. If the bidder whose bid has been accepted
21 shall neglect or refuse to accept the contract within five (5)
22 days after written notice that the same has been awarded to
23 him, or if he accepts but does not execute the contract and
24 give the proper security, the Commission may accept the next
25 lowest bidder, or readvertise and relet in manner above
26 provided. In case any work shall be abandoned by any contractor
27 the Commission may, if the best interests of the Commission be
28 thereby served, adopt on behalf of the Commission all
29 subcontracts made by such contractor for such work and all such
30 sub-contractors shall be bound by such adoption if made; and
31 the Commission shall, in the manner provided herein,
32 readvertise and relet the work specified in the original
33 contract exclusive of so much thereof as shall be accepted.
34 Every contract when made and entered into, as herein provided
35 for, shall be executed, ~~in duplicate, one copy of which shall~~
36 ~~be~~ held by the Commission, and filed in its records, and one

1 copy of which shall be given to the contractor.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.