

AN ACT concerning State government.

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

Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-315 as follows:

(20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

Sec. 405-315. Management of State buildings and other real properties; security force; fees.

(a) To manage, operate, maintain, and preserve from waste the State buildings, facilities, structures, grounds, or other real properties, including, without limitation, the real properties ~~property~~ transferred to the Department under Section 405-415, including, without limitation, the State buildings listed below, and to grant easements and accept easements with respect to those properties, on such terms and conditions that in the judgment of the Director are in the best interests of the State. The Department may rent portions of these and other State buildings when in the judgment of the Director those leases or subleases will be in the best interests of the State. The leases or subleases shall not exceed 5 years unless a greater term is specifically authorized.

- a. Peoria Regional Office Building
5415 North University
Peoria, Illinois 61614
- b. Springfield Regional Office Building
4500 South 6th Street
Springfield, Illinois 62703
- c. Champaign Regional Office Building
2125 South 1st Street
Champaign, Illinois 61820
- d. Illinois State Armory Building
124 East Adams
Springfield, Illinois 62706
- e. Marion Regional Office Building
2209 West Main Street
Marion, Illinois 62959
- f. Kenneth Hall Regional State Office
Building
#10 Collinsville Avenue
East St. Louis, Illinois 62201
- g. Rockford Regional Office Building
4402 North Main Street
P.O. Box 915
Rockford, Illinois 61105
- h. State of Illinois Building
160 North LaSalle
Chicago, Illinois 60601

i. Office and Laboratory Building

2121 West Taylor Street

Chicago, Illinois 60602

j. Central Computer Facility

201 West Adams

Springfield, Illinois 62706

k. Elgin Office Building

595 South State Street

Elgin, Illinois 60120

l. ~~(Blank). James R. Thompson Center~~

~~Bounded by Lake, Clark, Randolph and~~

~~LaSalle Streets~~

~~Chicago, Illinois~~

m. The following buildings located within the Chicago

Medical Center District:

1. Lawndale Day Care Center

2929 West 19th Street

2. Edwards Center

2020 Roosevelt Road

3. Illinois Center for

Rehabilitation and Education

1950 West Roosevelt Road and 1151 South Wood Street

4. Department of Children and

Family Services District Office

1026 South Damen

5. The William Heally School

1731 West Taylor

6. Administrative Office Building

1100 South Paulina Street

7. Metro Children and Adolescents Center

1601 West Taylor Street

n. E.J. "Zeke" Giorgi Center

200 Wyman Street

Rockford, Illinois

o. Suburban North Facility

9511 Harrison

Des Plaines, Illinois

p. The following buildings located within the Revenue
Center in Springfield:

1. State Property Control Warehouse

11th & Ash

2. Illinois State Museum Research & Collections
Center

1011 East Ash Street

q. Effingham Regional Office Building

401 Industrial Drive

Effingham, Illinois

r. The Communications Center

120 West Jefferson

Springfield, Illinois

s. Portions or all of the basement and
ground floor of the

State of Illinois Building

160 North LaSalle

Chicago, Illinois 60601

t. 115 South LaSalle Street, Chicago, Illinois

may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years when in the judgment of the Director those leases or subleases will be in the best interests of the State.

~~Portions or all of the commercial space, which includes the sub-basement, storage mezzanine, concourse, and ground and second floors of the~~

~~James R. Thompson Center~~

~~Bounded by Lake, Clark, Randolph and LaSalle Streets~~

~~Chicago, Illinois~~

~~may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years subject to renewals when in the judgment of the Director those leases or subleases will be in the best interests of the State.~~

The Director is authorized to rent portions of the above described facilities to persons, firms, partnerships, associations, or individuals for terms not to exceed 30 days when those leases or subleases will not interfere with State usage of the facility. This authority is meant to supplement and shall not in any way be interpreted to restrict the Director's ability to make portions of the State of Illinois Building ~~and the James R. Thompson Center~~ available for

long-term commercial leases or subleases.

Notwithstanding the provisions above, the Department of Children and Family Services and the Department of Human Services (as successor to the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall determine the allocation of space for direct recipient care in their respective facilities. The Department of Central Management Services shall consult with the affected agency in the allocation and lease of surplus space in these facilities. Potential lease arrangements shall not endanger the direct recipient care responsibilities in these facilities.

(b) To appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the security force shall be peace officers when performing duties pursuant to this Section and as such shall have all of the powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or issue citations for violations of State statutes or city or county ordinances, except that in counties of more than 1,000,000 population, any powers created by this subsection shall be exercised only (i) when necessary to protect the property, personnel, or interests of the Department or any State agency for whom the Department manages, operates, or maintains property or (ii) when specifically requested by appropriate State or local law enforcement officials, and except that within counties of

1,000,000 or less population, these powers shall be exercised only when necessary to protect the property, personnel, or interests of the State of Illinois and only while on property managed, operated, or maintained by the Department.

Nothing in this subsection shall be construed so as to make it conflict with any provisions of, or rules promulgated under, the Personnel Code.

(c) To charge reasonable fees for the lease, rental, use, or occupancy of State facilities managed, operated, or maintained by the Department. All moneys collected under this Section shall be deposited in a revolving fund in the State treasury known as the Facilities Management Revolving Fund.

(d) (Blank). ~~Provisions of this Section relating to the James R. Thompson Center are subject to the provisions of Section 7.4 of the State Property Control Act.~~

(Source: P.A. 93-19, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05.)

Section 10. The State Property Control Act is amended by changing Section 7.1 as follows:

(30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

Sec. 7.1. (a) Except as otherwise provided by law, all surplus real property held by the State of Illinois shall be disposed of by the administrator as provided in this Section. "Surplus real property," as used in this Section, means any

real property to which the State holds fee simple title or lesser interest, and is vacant and determined by the head of the owning agency to no longer be required for the State agency's needs and responsibilities and has no foreseeable use by the owning agency. Title to the surplus real property may remain with the owning agency throughout the disposition process if approved by the Administrator; however, the Administrator and the Department of Central Management Services shall have sole responsibility and authority for disposing of the property as set out in this Section.

(b) All responsible officers shall submit an Annual Real Property Utilization Report to the Administrator, or annual update of such report, on forms required by the Administrator, by August ~~July~~ 31 of each year. The Administrator may require such documentation as he deems reasonably necessary in connection with this Report, and shall require that such Report include the following information:

(1) A legal description of all real property owned by the State under the control of the responsible officer.

(2) A description of the use of the real property listed under (1).

(3) A list of any improvements made to such real property during the previous year.

(4) The dates on which the State first acquired its interest in such real property, and the purchase price and source of the funds used to acquire the property.

(5) Plans for the future use of currently unused real property.

(6) A declaration of any surplus real property. On or before October 31 of each year the Administrator shall furnish copies of each responsible officer's report along with a list of surplus property indexed by legislative district to the General Assembly.

This report shall be filed with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and shall be duplicated and made available to the members of the General Assembly for evaluation by such members for possible liquidation of unused public property at public sale.

(c) Following receipt of the Annual Real Property Utilization Report required under paragraph (b), the Administrator shall notify all State agencies by October 31 of all declared surplus real property.

(d) Any surplus real property shall be disposed of by the Administrator. No appraisal is required if during his initial survey of surplus real property the Administrator determines such property has a fair market value of less than \$5,000. If the value of such property is determined by the Administrator in his initial survey to be \$5,000 or more, then the Administrator shall obtain 2 appraisals of such real property, which shall include known liabilities, including, but not limited to, environmental costs. The average of these 2

appraisals shall represent the fair market value of the surplus real property.

No surplus real property may be conveyed by the Administrator for less than the fair market value, unless the Administrator makes a written determination that it is in the best interests of the State to establish a different value. That written determination shall be published in the Illinois Procurement Bulletin. Such written determination, along with an affidavit setting forth the conditions and circumstances that make the use of a different value in the best interests of the State, shall also be filed with the Executive Ethics Commission. The Executive Ethics Commission shall have 30 days to review the written determination. The Executive Ethics Commission may order an additional 30 days to review the written determination. The Administrator shall provide the Executive Ethics Commission with any information requested by the Executive Ethics Commission related to the Administrator's determination of the value of the surplus real property. If the Executive Ethics Commission objects in writing to the value determined by the Administrator, then the Administrator shall not convey the surplus real property for less than either the fair market value as determined by the average of appraisals or an amount agreed upon by the Executive Ethics Commission and the Administrator. Circumstances in which it is in the best interests of the State to establish a different value may include, but are not limited to, the following: (i)

an auction did not yield any bids at the established fair market value; (ii) a unit of local government is interested in acquiring the surplus real property; or (iii) the costs to the State of maintaining such surplus real property are sufficiently high that it would be reasonable to a prudent person to sell such surplus real property for less than the fair market value established by the average of the appraisals. In no event shall the Administrator sell surplus real property for less than 75% of fair market value and before such property has been offered to an interested unit of local government or made available at public auction.

Prior to offering the surplus real property for sale to the public the Administrator shall give notice in writing of the existence of the surplus real property to each State agency and to the governing bodies of the county and of all cities, villages and incorporated towns in the county in which such real property is located. Any such State agency or governing body may notify the Administrator of its interest in acquiring the surplus real property within a notice period set by the Administrator of at least 30 days. If any State agency notifies the Administrator of its interest in acquiring the surplus property, the Administrator may deny any such requests by such agency if the Administrator determines that it is more advantageous to the State to dispose of the surplus real property to a governing body or the public. If a governing body notifies the Administrator of its interest in acquiring the

property, then the Administrator shall wait a minimum of 30 additional days during which the Administrator may engage in negotiations with such governing body for the sale of the surplus real property. After the notice period set by the Administrator of at least 30 days has passed, the Administrator may sell the surplus real property by public auction, which may include an electronic auction or the use of sealed bids, following notice of such sale by publication on 3 separate days not less than 15 nor more than 30 days prior to the sale in the State newspaper and in a newspaper having general circulation in the county in which the surplus real property is located. The Administrator shall post "For Sale" signs of a conspicuous nature on such surplus real property offered for sale to the public. If no acceptable offers for the surplus real property are received, the Administrator may have new appraisals of such property made. The Administrator shall have all power necessary to convey surplus real property under this Section. All moneys received for the sale of surplus real property shall be deposited in the General Revenue Fund, except that:

(1) Where moneys expended for the acquisition of such real property were from a special fund which is still a special fund in the State treasury, this special fund shall be reimbursed in the amount of the original expenditure and any amount in excess thereof shall be deposited in the General Revenue Fund.

(2) Whenever a State mental health facility operated by the Department of Human Services is closed and the real estate on which the facility is located is sold by the State, the net proceeds of the sale of the real estate shall be deposited into the Community Mental Health Medicaid Trust Fund.

(3) Whenever a State developmental disabilities facility operated by the Department of Human Services is closed and the real estate on which the facility is located is sold by the State, the net proceeds of the sale of the real estate shall be deposited into the Community Developmental Disability Services Medicaid Trust Fund.

The Administrator shall have authority to order such surveys, abstracts of title, or commitments for title insurance as may, in his reasonable discretion, be deemed necessary to demonstrate to prospective purchasers or bidders good and marketable title in any property offered for sale pursuant to this Section. Unless otherwise specifically authorized by the General Assembly, all conveyances of property made by the Administrator shall be by quit claim deed.

(e) The Administrator shall submit an annual report on or before February 1 to the Governor and the General Assembly containing a detailed statement of surplus real property either transferred or conveyed under this Section.

(Source: P.A. 102-280, eff. 8-6-21.)