

HB3407



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3407

Introduced 2/18/2025, by Rep. Jeff Keicher

SYNOPSIS AS INTRODUCED:

See Index

Amends the Capital Development Board Act. Changes the name of the Act to the State Agency Construction Act. Repeals provisions concerning the Capital Development Board Act. Provides that State agency's shall perform the functions that were previously performed by the Capital Development Board Act. Makes conforming changes. Amends the State Finance Act to make a conforming change. Effective January 1, 2029.

LRB104 05879 SPS 15910 b

A BILL FOR

AN ACT concerning State government.

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

Section 5. The Capital Development Board Act is amended by changing the heading of Article I and Sections 1, 3, 4, 4.01, 9, 9.01, 9.05, 9.06, 9.07, 9.08a, 10, 10.02, 10.04, 10.05, 10.06, 10.07, 10.08, 10.13, 10.16, 13, 14, 15, 16, and 25 as follows:

(20 ILCS 3105/Art. I heading)

ARTICLE I. STATE AGENCY CONSTRUCTION ACT CAPITAL DEVELOPMENT BOARD ACT

(Source: P.A. 77-1995.)

(20 ILCS 3105/1) (from Ch. 127, par. 771)

Sec. 1. This Act shall be known and may be cited as the State Agency Construction Act ~~Capital Development Board Act~~, hereafter referred to as "this Act"

(Source: P.A. 77-1995.)

(20 ILCS 3105/3) (from Ch. 127, par. 773)

Sec. 3. As used in this Act, unless the context otherwise requires:

"Board" means the Capital Development Board.

"State agency" means and includes each officer, department, board, commission, institution, body politic and corporate of the State and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. Except as otherwise expressly authorized by the General Assembly, the term does not include the Department of Transportation, the Department of Natural Resources, or Environmental Protection Agency, except as respects buildings used by the Department or Agency for its officers, employees, or equipment, or any of them, and for capital improvements related to such buildings. Nor does the term include the Illinois Housing Development Authority, the Illinois Finance Authority or the St. Louis Metropolitan Area Airport Authority.

(Source: P.A. 101-369, eff. 12-15-19.)

(20 ILCS 3105/4) (from Ch. 127, par. 774)

Sec. 4. Powers of State agencies. Each State agency may exercise the powers described. ~~There is created the Capital Development Board. The purposes of the Board are as described in Sections 4.01 through 4.05.~~

(Source: P.A. 77-1995.)

(20 ILCS 3105/4.01) (from Ch. 127, par. 774.01)

Sec. 4.01. To build or otherwise provide hospital,

1 housing, penitentiary, administrative, recreational,
2 educational, laboratory, parking, environmental equipment and
3 other capital improvements for which money has been
4 appropriated to or authorized for the State agency by the
5 General Assembly.

6 (Source: P.A. 79-1098.)

7 (20 ILCS 3105/9) (from Ch. 127, par. 779)

8 Sec. 9. Each State agency ~~The Board~~ has the powers
9 enumerated in Sections 9.01 through 9.09.

10 (Source: P.A. 80-1200.)

11 (20 ILCS 3105/9.01) (from Ch. 127, par. 779.01)

12 Sec. 9.01. To provide for the acquisition, planning,
13 construction, reconstruction, improvement and installation of
14 capital facilities for which it has received an appropriation
15 of funds, consisting of buildings, structures and equipment
16 and for the acquisition and improvement of real property and
17 interest in real property required, or expected to be
18 required, in connection therewith and for the acquisition,
19 protection and development of land within the State of
20 Illinois for open spaces, recreational and conservation
21 purposes, ~~as authorized by the General Assembly by~~
22 ~~appropriations from the Capital Development Fund, the School~~
23 ~~Construction Fund, General Revenue Fund, other funds, or~~
24 ~~revenue bonds, but not including capital facilities provided~~

1 ~~entirely by local community college district or local school~~
2 ~~district funds or capital facilities at non profit, non public~~
3 ~~health service educational institutions.~~

4 (Source: P.A. 87-895.)

5 (20 ILCS 3105/9.05) (from Ch. 127, par. 779.05)

6 Sec. 9.05. To certify vouchers payable from appropriations
7 to the State agency Board.

8 (Source: P.A. 77-1995.)

9 (20 ILCS 3105/9.06) (from Ch. 127, par. 779.06)

10 Sec. 9.06. To establish rules and regulations governing
11 the acquisition, planning, construction, reconstruction,
12 improvement and installation of capital facilities as defined
13 in Section 9.01 of this Act. ~~The Board may require any State~~
14 ~~agency to submit information deemed necessary for the Board to~~
15 ~~fulfill its responsibilities under this Act, and may prescribe~~
16 ~~the form of such report.~~

17 (Source: P.A. 77-1995.)

18 (20 ILCS 3105/9.07) (from Ch. 127, par. 779.07)

19 Sec. 9.07. To accept assignment of contracts entered into
20 by other State agencies for construction services on projects
21 over which the State agency Board shall have jurisdiction,
22 whether or not such contracts shall have been awarded in
23 accordance with the terms of the Illinois Procurement Code.

1 (Source: P.A. 101-369, eff. 12-15-19.)

2 (20 ILCS 3105/9.08a) (from Ch. 127, par. 779.08a)

3 Sec. 9.08a. Each State agency ~~The Capital Development~~
4 ~~Board~~ is authorized, with the consent in writing of the
5 Director of Central Management Services and of the Governor,
6 to acquire by condemnation in the manner provided for the
7 exercise of the power of eminent domain under the Eminent
8 Domain Act, all lands, buildings and grounds for which an
9 appropriation may be made by the General Assembly, other than
10 those acquired by those agencies specified under Section 5-675
11 of the Departments of State Government Law (20 ILCS 5/5-675).

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

13 (20 ILCS 3105/10) (from Ch. 127, par. 780)

14 Sec. 10. Each State agency ~~also~~ ~~The Board~~ has the duties
15 and responsibilities enumerated in Sections 10.01 through
16 10.20.

17 (Source: P.A. 80-380; 80-381; 80-1130; 80-1364.)

18 (20 ILCS 3105/10.02) (from Ch. 127, par. 780.02)

19 Sec. 10.02. To prepare, or cause to be prepared, general
20 plans, drawings and estimates for public buildings and
21 improvements to be erected for any State agency.

22 (Source: P.A. 101-369, eff. 12-15-19.)

1 (20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)

2 Sec. 10.04. Construction and repair of buildings; green
3 building.

4 (a) To construct and repair, or contract for and supervise
5 the construction and repair of, buildings under the control of
6 or for the use of any State agency, as authorized by the
7 General Assembly. To the maximum extent feasible, any
8 construction or repair work shall utilize the best available
9 technologies for minimizing building energy costs as
10 determined through consultation with the Department of
11 Commerce and Economic Opportunity.

12 (b) (Repealed by Public Act 94-573).

13 (Source: P.A. 96-1000, eff. 7-2-10.)

14 (20 ILCS 3105/10.05) (from Ch. 127, par. 780.05)

15 Sec. 10.05. To inspect, or cause to be inspected,
16 materials to be incorporated into any building constructed or
17 repaired by or under the supervision of the State agency
18 Board.

19 (Source: P.A. 101-369, eff. 12-15-19.)

20 (20 ILCS 3105/10.06) (from Ch. 127, par. 780.06)

21 Sec. 10.06. To enter into contracts for construction
22 management or supervision on all projects constructed by or
23 under the supervision of the State agency Board.

24 (Source: P.A. 77-1995.)

1 (20 ILCS 3105/10.07) (from Ch. 127, par. 780.07)

2 Sec. 10.07. To enter into contracts for professional
3 services for planning, testing, design or consulting on all
4 projects constructed by or under the supervision of the State
5 agency Board.

6 (Source: P.A. 77-1995.)

7 (20 ILCS 3105/10.08) (from Ch. 127, par. 780.08)

8 Sec. 10.08. To prepare, or cause to be prepared,
9 comprehensive plans for the development of real property
10 involving any project to be constructed by or to be supervised
11 by the State agency Board.

12 (Source: P.A. 79-1098.)

13 (20 ILCS 3105/10.13) (from Ch. 127, par. 780.13)

14 Sec. 10.13. To defend, indemnify and keep and hold
15 harmless the State agency members of the Board and its
16 employees against suits, claims, damages, losses and expenses
17 arising out of any act or failure to act for which they may be
18 liable while acting within the scope of employment. The State
19 agency Board may obtain insurance, if available, affording
20 coverage for such suits, claims, damages, losses and expenses
21 and the defense thereof. Such insurance shall be carried in a
22 company licensed to write such coverage in this State.

23 Such protection shall extend to the State agency persons

1 ~~who were members of the Board~~ or its employees at the time of
2 the incident giving rise to the suit, claim, damage, loss or
3 expense if that incident occurred on or after July 10, 1972.
4 (Source: P.A. 79-1479.)

5 (20 ILCS 3105/10.16) (from Ch. 127, par. 780.16)

6 Sec. 10.16. In the case of capital facilities for
7 community colleges, the board of the community college
8 district shall select the site, subject to the approval of the
9 Illinois Community College Board; and the board of the local
10 common school district shall select the site in the case of
11 capital facilities for local common schools. ~~The Capital~~
12 ~~Development Board may, however, disapprove any site selected~~
13 ~~either by the board of the community college district or the~~
14 ~~board of the common school district if the Capital Development~~
15 ~~Board determines that the site does not meet its minimum~~
16 ~~engineering and construction standards.~~

17 (Source: P.A. 80-1364.)

18 (20 ILCS 3105/13) (from Ch. 127, par. 783)

19 Sec. 13. The Department of Transportation Board may
20 provide cargo handling facilities and facilities designed for
21 the movement of cargo to or from cargo handling facilities for
22 the use of regional port districts. Pursuant to appropriations
23 setting forth specific projects and regional port districts,
24 the Department of Transportation Board shall contract with the

1 regional port district named in the Act making the
2 appropriation for cargo handling facilities. Such contract
3 shall provide that the regional port district shall remit to
4 the State of Illinois an amount equal to not more than 20% of
5 the gross receipts attributable to those facilities, and not
6 less than 20% of the profit attributable to those facilities,
7 whether collected by the regional port district or through an
8 operator or other intermediary, until the full amount
9 appropriated and expended by the State of Illinois has been
10 remitted to the State. The exact amount of, the manner of, the
11 method of and the time for such remittances shall be agreed
12 upon by the particular port district and the Department of
13 Transportation Board acting through its Secretary Executive
14 Director, and such agreement may, from time to time, be
15 amended by the parties so as to alter or modify the amount of,
16 manner of, method of and time for the remittance, including,
17 but not limited to, the temporary forgiveness, suspension or
18 delay of the remittances not to exceed 24 months for any single
19 suspension or delay. The payback is subordinate solely to any
20 outstanding public bond agreements existing at the time of the
21 contract and solely for the period of time of the running of
22 those bond agreements. For any contract entered into under
23 this Section, if, for a period of 25 years, a regional port
24 district has not been required to remit any amount because the
25 regional port district has failed to achieve the required
26 level of profit, then the regional port district shall not be

required to remit any amount under the contract.

This Section shall apply to all regional port district facilities to be constructed by the Department of Transportation Board, including projects for which appropriations or reappropriations have been made prior to June 30, 1976, and to all contracts existing prior to the effective date of this amendatory Act of 1985 as well as contracts entered into on or after such date.

(Source: P.A. 100-546, eff. 11-8-17.)

(20 ILCS 3105/14) (from Ch. 127, par. 783.01)

Sec. 14. (a) It is the purpose of this Act to provide for the promotion and preservation of the arts by securing suitable works of art for the adornment of public buildings constructed or subjected to major renovation by the State or which utilize State funds, and thereby reflecting the diverse cultural heritage of Illinois, with emphasis on the works of Illinois artists.

(b) As used in this Act, "works of art" shall apply to and include paintings, prints, sculptures, graphics, mural decorations, stained glass, statues, bas reliefs, ornaments, fountains, ornamental gateways, or other creative works which reflect form, beauty and aesthetic perceptions.

(c) A State agency Beginning with the fiscal year ending June 30, 1979, and for each succeeding fiscal year thereafter, for construction projects managed by the Capital Development

1 ~~Board, the Capital Development Board~~ shall set aside 1/2 of 1
2 percent of the amount authorized and appropriated for
3 construction or reconstruction of each public building
4 financed in whole or in part by State funds and generally
5 accessible to and used by the public for purchase and
6 placement of suitable works of art in such public buildings.
7 The location and character of the work or works of art to be
8 installed in such public buildings shall be determined by the
9 Chairperson of the Illinois Arts Council, in consultation with
10 the designing architect. The work or works of art shall be in a
11 permanent and prominent location.

12 (d) There is created a Fine Arts Review Committee
13 consisting of the designing architect, the Chairperson of the
14 Illinois Arts Council or his or her designee, who shall serve
15 as the chair of the Committee, the Director of the Illinois
16 State Museum or his or her designee, and a representative of
17 the using agency. The Committee, after such study as it deems
18 necessary, shall recommend three artists or works of art in
19 order of preference. The Chairperson of the Illinois Arts
20 Council will make the final selection from among the
21 recommendations submitted. The Illinois Arts Council shall
22 provide administrative support for the Fine Arts Review
23 Committee and may promulgate rules to implement this
24 subsection.

25 (e) Subsection (c) does not apply to construction projects
26 for which the amount appropriated is less than \$1,000,000.

1 (f) The State agency Capital Development Board shall enter
2 into a contract with the artist, or with the owner of the work
3 or works of art, selected by the Chairperson of the Illinois
4 Arts Council as provided in subsection (d) of this Section.
5 The total amount of the contract or contracts shall not exceed
6 the amount set aside pursuant to subsection (c) of this
7 Section. If the State agency Capital Development Board cannot
8 reach an agreement with the artist or owner of the work or
9 works of art, then the State agency Board shall notify the
10 Chairperson of the Illinois Arts Council, and the Chairperson
11 may select a different artist or work or works of art from the
12 three recommendations made by the Fine Arts Review Committee.

13 (Source: P.A. 98-572, eff. 1-1-14; 98-756, eff. 7-16-14.)

14 (20 ILCS 3105/15) (from Ch. 127, par. 783a)

15 Sec. 15. The provisions of "The Illinois Administrative
16 Procedure Act", as now or hereafter amended, are hereby
17 expressly adopted and incorporated herein as though a part of
18 this Act, and shall apply to all administrative rules and
19 procedures of each State agency ~~the Board~~ under this Act.

20 (Source: P.A. 80-961; 80-1494.)

21 (20 ILCS 3105/16) (from Ch. 127, par. 783b)

22 Sec. 16. (a) In addition to any other power granted in this
23 Act to adopt rules or regulations, each State agency ~~the Board~~
24 may adopt regulations or rules relating to the issuance or

1 renewal of the prequalification of an architect, engineer or
2 contractor or the suspension or modification of the
3 prequalification of any such person or entity including,
4 without limitation, an interim or emergency suspension or
5 modification without a hearing founded on any one or more of
6 the bases set forth in this Section.

7 (b) Among the bases for an interim or emergency suspension
8 or modification of prequalification are:

9 (1) A finding by the State agency Board that the
10 public interest, safety or welfare requires a summary
11 suspension or modification of a prequalification without
12 hearings.

13 (2) The occurrence of an event or series of events
14 which, in the State agency's Board's opinion, warrants a
15 summary suspension or modification of a prequalification
16 without a hearing including, without limitation, (i) the
17 indictment of the holder of the prequalification by a
18 State or federal agency or other branch of government for
19 a crime; (ii) the suspension or modification of a license
20 or prequalification by another State agency or federal
21 agency or other branch of government after hearings; (iii)
22 a material breach of a contract made between the State
23 agency Board and an architect, engineer or contractor; and
24 (iv) the failure to comply with State law including,
25 without limitation, the Business Enterprise for
26 Minorities, Women, and Persons with Disabilities Act, the

1 prevailing wage requirements, and the Steel Products
2 Procurement Act.

3 (c) If a prequalification is suspended or modified by the
4 State agency Board without hearings for any reason set forth
5 in this Section or in Section 10-65 of the Illinois
6 Administrative Procedure Act, as amended, the State agency
7 Board shall within 30 days of the issuance of an order of
8 suspension or modification of a prequalification initiate
9 proceedings for the suspension or modification of or other
10 action upon the prequalification.

11 (Source: P.A. 100-391, eff. 8-25-17.)

12 (20 ILCS 3105/25 new)

13 Sec. 25. Preparation of bill. The Legislative Reference
14 Bureau shall prepare for introduction in the 2026 spring
15 session of the General Assembly a bill effecting such changes
16 in the statutes as may be necessary to conform the statutes to
17 the changes in law made by this amendatory Act of the 104th
18 General Assembly.

19 (20 ILCS 3105/4.05 rep.)

20 (20 ILCS 3105/5 rep.)

21 (20 ILCS 3105/6 rep.)

22 (20 ILCS 3105/7 rep.)

23 (20 ILCS 3105/8 rep.)

24 (20 ILCS 3105/9.03 rep.)

1 (20 ILCS 3105/9.08 rep.)

2 (20 ILCS 3105/9.08b rep.)

3 (20 ILCS 3105/10.01 rep.)

4 (20 ILCS 3105/10.09 rep.)

5 (20 ILCS 3105/10.09-1 rep.)

6 (20 ILCS 3105/10.17 rep.)

7 (20 ILCS 3105/10.18 rep.)

8 (20 ILCS 3105/19 rep.)

9 (20 ILCS 3105/20 rep.)

10 Section 10. The Capital Development Board Act is amended
11 by repealing Sections 4.05, 5, 6, 7, 8, 9.03, 9.08, 9.08b,
12 10.01, 10.09, 10.09-1, 10.17, 10.18, 19, and 20.

13 (30 ILCS 105/5.07 rep.)

14 Section 15. The State Finance Act is amended by repealing
15 Section 5.07.

16 Section 99. Effective date. This Act takes effect July 1,
17 2029.

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