



Sen. Don Harmon

Filed: 4/7/2005

09400SB2049sam001

LRB094 09144 AJ0 43957 a

1 AMENDMENT TO SENATE BILL 2049

2 AMENDMENT NO. _____. Amend Senate Bill 2049 on page 1, by
3 replacing lines 5 through 11 with the following:

4 "changing Sections 14, 14.2, and 20 as follows:

5 (50 ILCS 20/14) (from Ch. 85, par. 1044)

6 Sec. 14. A Public Building Commission is a municipal
7 corporation and constitutes a body both corporate and politic
8 separate and apart from any other municipal corporation or any
9 other public or governmental agency. It may sue and be sued,
10 plead and be impleaded, and have a seal and alter such at
11 pleasure, have perpetual succession, make and execute
12 contracts, leases, deeds and other instruments necessary or
13 convenient to the exercise of its powers, and make and from
14 time to time amend and repeal its by-laws, rules and
15 regulations not inconsistent with this Act. In addition, it has
16 and shall exercise the following public and essential
17 governmental powers and functions and all other powers
18 incidental or necessary, to carry out and effectuate such
19 express powers:

20 (a) To select, locate and designate, at any time and from
21 time to time, one or more areas lying wholly within the
22 territorial limits of the municipality or of the county seat of
23 the county in which the Commission is organized, or within the
24 territorial limits of the county if the site is to be used for
25 county purposes, or (in the case of a county having a

1 population of at least 20,000 but not more than 21,000 as
2 determined by the 1980 federal census) within the territorial
3 limits of the county if the site is to be used for municipal
4 purposes, as the site or sites to be acquired for the erection,
5 alteration or improvement of a building or buildings, public
6 improvement or other facilities for the purposes set forth in
7 this Section. The site or sites selected shall be conveniently
8 located within such county, municipality or county seat and of
9 an area in size sufficiently large to accomplish and effectuate
10 the purpose of this Act and sufficient to provide for proper
11 architectural setting and adequate landscaping for such
12 building or buildings, public improvement or other facilities.

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

25 (2) Where the original resolution for the creation of the
26 Commission has been adopted by the governing body of the
27 county, the site or sites selected, and in the case of a
28 project for an Airport Authority, the site or sites selected,
29 the project and any lease agreements, are subject to approval
30 by a majority of the members of the governing body of the
31 county and to approval by 3/4 of the members of the governing
32 body of the county seat, except that approval of 3/4 of the
33 members of the governing body of the county seat is not
34 required where the site is for a county or (in the case of a

1 county having a population of at least 20,000 but not more than
 2 21,000 as determined by the 1980 federal census) a municipal
 3 project and is outside the limits of the county seat, in which
 4 case approval by 3/4 of the members of the governing body of
 5 any municipality where the site or sites will be located is
 6 required; and, if such site or sites so selected, and in the
 7 case of a project for an Airport Authority, the site or sites
 8 selected, the project and any lease agreements, are not
 9 approved by 3/4 of the members of the governing body of the
 10 county seat the Commission may by resolution request that the
 11 approval of the site or sites so selected, and in the case of a
 12 project for an Airport Authority, the site or sites selected,
 13 the project and any lease agreements, be submitted to a
 14 referendum at the next general election in accordance with the
 15 general election law, and shall present such resolution to the
 16 county clerk. Upon receipt of such resolution the county clerk
 17 shall immediately notify the board of election commissioners,
 18 if any; however, referenda pursuant to such resolution shall
 19 not be called more frequently than once in 4 years. The
 20 proposition shall be in substantially the following form:

21 -----
 22 Shall be acquired for the
 23 erection, alteration or improvement of
 24 a building or buildings pursuant to YES
 25 the Public Building Commission Act,
 26 approved July 5, 1955, which project
 27 it is estimated will cost \$....., -----
 28 including the cost of the site
 29 acquisition and for the payment of which
 30 revenue bonds in the amount of \$....., NO
 31 maturing and bearing interest at
 32 the rate of% per annum, may be
 33 issued?
 34 -----

1 If a majority of the electors voting on the proposition
2 vote in favor of the proposition, the site or sites so
3 selected, and in the case of a project for an Airport
4 Authority, the site or sites selected, the project and any
5 lease agreements, shall be approved. Except where approval of
6 the site or sites has been obtained by referendum, the area or
7 areas may be enlarged by the Board of Commissioners, from time
8 to time, as the need therefor arises. The selection, location
9 and designation of more than one area may, but need not, be
10 made at one time but may be made from time to time.

11 (b) To acquire the fee simple title to or any lesser
12 interest in the real property located within such area or
13 areas, including easements and reversionary interests in the
14 streets, alleys and other public places and personal property
15 required for its purposes, by purchase, gift, legacy, or by the
16 exercise of the power of eminent domain, and title thereto
17 shall be taken in the corporate name of the Commission. Eminent
18 domain proceedings shall be in all respects in the manner
19 provided for the exercise of the right of eminent domain under
20 Article VII of the Code of Civil Procedure, approved August 19,
21 1981, as amended. All land and appurtenances thereto, acquired
22 or owned by the Commission are to be deemed acquired or owned
23 for a public use or public purpose.

24 Any municipal corporation which owns fee simple title to or
25 any lesser interest in real property located within such an
26 area, may convey such real property, or any part thereof or
27 interest therein, to the Commission with a provision in such
28 conveyance for the reverter of such real property or interest
29 therein to the transferor municipal corporation at such time as
30 all revenue bonds and other obligations of the Commission
31 incident to the real property or interest therein so conveyed,
32 have been paid in full, and such Commission is hereby
33 authorized to accept such a conveyance.

34 (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
27 necessary in its judgment to carry out the purposes of this Act
28 and to fix compensation for such employees, and enter into
29 contracts for the employment of any person, firm, or
30 corporation, and for professional services necessary or
31 desirable for the accomplishment of the objects and purposes of
32 the Commission and the proper administration, management,
33 protection and control of its property.

34 (h) To rent all or any part or parts of such building,

1 buildings, or other facilities to any municipal corporation
2 that organized or joined in the organization of the Public
3 Building Commission or to any branch, department, or agency
4 thereof, or to any branch, department, or agency of the State
5 or Federal government, or to any other state or any agency or
6 political subdivision of another state with which the
7 Commission has entered into an intergovernmental agreement or
8 contract under the Intergovernmental Cooperation Act, or to any
9 municipal corporation with which the Commission has entered
10 into an intergovernmental agreement or contract under the
11 Intergovernmental Cooperation Act, or to any other municipal
12 corporation, quasi municipal corporation, political
13 subdivision or body politic, or agency thereof, doing business,
14 maintaining an office, or rendering a public service in such
15 county for any period of time, ~~not to exceed 30 years.~~

16 (i) To rent such space in such building or buildings as
17 from time to time may not be needed by any governmental agency
18 for such other purposes as the Board of Commissioners may
19 determine will best serve the comfort and convenience of the
20 occupants of such building or buildings, and upon such terms
21 and in such manner as the Board of Commissioners may determine.

22 (j) To execute written leases evidencing the rental
23 agreements authorized in paragraphs (h) and (i) of this
24 Section.

25 (k) To procure and enter into contracts for any type of
26 insurance or indemnity against loss or damage to property from
27 any cause, including loss of use and occupancy, against death
28 or injury of any person, against employer's liability, against
29 any act of any member, officer or employee of the Public
30 Building Commission in the performance of the duties of his
31 office or employment or any other insurable risk, as the Board
32 of Commissioners in its discretion may deem necessary.

33 (l) To accept donations, contributions, capital grants or
34 gifts from any individuals, associations, municipal and

1 private corporations and the United States of America, or any
2 agency or instrumentality thereof, for or in aid of any of the
3 purposes of this Act and to enter into agreements in connection
4 therewith.

5 (m) To borrow money from time to time and in evidence
6 thereof to issue and sell revenue bonds in such amount or
7 amounts as the Board of Commissioners may determine to provide
8 funds for the purpose of acquiring, erecting, demolishing,
9 improving, altering, equipping, repairing, maintaining and
10 operating buildings and other facilities and to acquire sites
11 necessary and convenient therefor and to pay all costs and
12 expenses incident thereto, including, but without in any way
13 limiting the generality of the foregoing, architectural,
14 engineering, legal and financing expense, which may include an
15 amount sufficient to meet the interest charges on such revenue
16 bonds during such period or periods as may elapse prior to the
17 time when the project or projects may become revenue producing
18 and for one year in addition thereto; and to refund and
19 refinance, from time to time, revenue bonds so issued and sold,
20 as often as may be deemed to be advantageous by the Board of
21 Commissioners.

22 (n) To enter into any agreement or contract with any
23 lessee, who, pursuant to the terms of this Act, is renting or
24 is about to rent from the Commission all or part of any
25 building or buildings or facilities, whereby under such
26 agreement or contract such lessee obligates itself to pay all
27 or part of the cost of maintaining and operating the premises
28 so leased. Such agreement may be included as a provision of any
29 lease entered into pursuant to the terms of this Act or may be
30 made the subject of a separate agreement or contract between
31 the Commission and such lessee.

32 (Source: P.A. 86-325; 86-1215; 87-1208.)"; and

33 on page 6, immediately below line 1, by inserting the

1 following:

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