

HB3012



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3012

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

105 ILCS 5/17-2A

from Ch. 122, par. 17-2A

Amends the School Code. Allows a specified school district to make a one-time transfer of certain excess funds to the Operations and Maintenance Fund of the district by proper resolution and following a public hearing. Effective immediately.

LRB100 10475 MLM 20688 b

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 17-2A as follows:

6 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)
7 Sec. 17-2A. Interfund transfers.

8 (a) The school board of any district having a population of
9 less than 500,000 inhabitants may, by proper resolution
10 following a public hearing set by the school board or the
11 president of the school board (that is preceded (i) by at least
12 one published notice over the name of the clerk or secretary of
13 the board, occurring at least 7 days and not more than 30 days
14 prior to the hearing, in a newspaper of general circulation
15 within the school district and (ii) by posted notice over the
16 name of the clerk or secretary of the board, at least 48 hours
17 before the hearing, at the principal office of the school board
18 or at the building where the hearing is to be held if a
19 principal office does not exist, with both notices setting
20 forth the time, date, place, and subject matter of the
21 hearing), transfer money from (1) the Educational Fund to the
22 Operations and Maintenance Fund or the Transportation Fund, (2)
23 the Operations and Maintenance Fund to the Educational Fund or

1 the Transportation Fund, (3) the Transportation Fund to the
2 Educational Fund or the Operations and Maintenance Fund, or (4)
3 the Tort Immunity Fund to the Operations and Maintenance Fund
4 of said district, provided that, except during the period from
5 July 1, 2003 through June 30, 2019, such transfer is made
6 solely for the purpose of meeting one-time, non-recurring
7 expenses. Except during the period from July 1, 2003 through
8 June 30, 2019 and except as otherwise provided in subsection
9 (b) of this Section, any other permanent interfund transfers
10 authorized by any provision or judicial interpretation of this
11 Code for which the transferee fund is not precisely and
12 specifically set forth in the provision of this Code
13 authorizing such transfer shall be made to the fund of the
14 school district most in need of the funds being transferred, as
15 determined by resolution of the school board.

16 (b) (Blank).

17 (c) Notwithstanding subsection (a) of this Section or any
18 other provision of this Code to the contrary, the school board
19 of any school district (i) that is subject to the Property Tax
20 Extension Limitation Law, (ii) that is an elementary district
21 servicing students in grades K through 8, (iii) whose territory
22 is in one county, (iv) that is eligible for Section 7002
23 Federal Impact Aid, and (v) that has no more than \$81,000 in
24 funds remaining from refinancing bonds that were refinanced a
25 minimum of 5 years prior to January 20, 2017 (the effective
26 date of Public Act 99-926) ~~this amendatory Act of the 99th~~

1 ~~General Assembly~~ may make a one-time transfer of the funds
2 remaining from the refinancing bonds to the Operations and
3 Maintenance Fund of the district by proper resolution following
4 a public hearing set by the school board or the president of
5 the school board, with notice as provided in subsection (a) of
6 this Section, so long as the district meets the qualifications
7 set forth in this subsection (c) on January 20, 2017 (the
8 effective date of Public Act 99-926) ~~this amendatory Act of the~~
9 ~~99th General Assembly~~.

10 (d) Notwithstanding subsection (a) of this Section or any
11 other provision of this Code to the contrary, the school board
12 of any school district (i) that is subject to the Property Tax
13 Extension Limitation Law, (ii) that is a community unit school
14 district servicing students in grades K through 12, (iii) whose
15 territory is in one county, (iv) that owns property designated
16 by the United States as a Superfund site pursuant to the
17 federal Comprehensive Environmental Response, Compensation and
18 Liability Act of 1980 (42 U.S.C. 9601 et seq.), and (v) has an
19 excess accumulation of funds in its bond fund, including funds
20 accumulated prior to July 1, 2000, may make a one-time transfer
21 of those excess funds accumulated prior to July 1, 2000 to the
22 Operations and Maintenance Fund of the district by proper
23 resolution following a public hearing set by the school board
24 or the president of the school board, with notice as provided
25 in subsection (a) of this Section, so long as the district
26 meets the qualifications set forth in this subsection (d) on

1 the effective date of this amendatory Act of the 100th General
2 Assembly.

3 (Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713,
4 eff. 8-5-16; 99-922, eff. 1-17-17; 99-926, eff. 1-20-17;
5 revised 1-23-17.)

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