



Rep. Donald L. Moffitt

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09800SB3113ham005

LRB098 19695 NHT 59985 a

1 AMENDMENT TO SENATE BILL 3113

2 AMENDMENT NO. _____. Amend Senate Bill 3113, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 11E-105 as follows:

7 (105 ILCS 5/11E-105)

8 Sec. 11E-105. Assets, liabilities and bonded indebtedness;
9 tax rate.

10 (a) Subject to the terms and provisions of subsections (b)
11 and (c) of this Section, whenever a new district is created
12 under any of the provisions of this Article, the outstanding
13 bonded indebtedness shall be treated as provided in this
14 subsection (a) and in Section 19-29 of this Code. The tax rate
15 for bonded indebtedness shall be determined in the manner
16 provided in Section 19-7 of this Code, and, notwithstanding the

1 creation of any such district, the county clerk or clerks shall
2 annually extend taxes, for each outstanding bond issue against
3 all of the taxable property that was situated within the
4 boundaries of the district, as those boundaries existed at the
5 time of the issuance of the bond issue, regardless of whether
6 the property is still contained in that same district at the
7 time of the extension of the taxes by the county clerk or
8 clerks; provided that, notwithstanding the provisions of
9 Section 19-18 of this Code, upon resolution of the school
10 board, the county clerk must extend taxes to pay the principal
11 of and interest on any general obligation bonds issued by the
12 new district exclusively to refund any bonded indebtedness of a
13 district organized into the new district against all of the
14 taxable property that was situated within the boundaries of the
15 previously existing district as the boundaries existed at the
16 time of the issuance of the bonded indebtedness being refunded;
17 however, (i) the net interest rate on the refunding bonds may
18 not exceed the net interest rate on the refunded bonds, (ii)
19 the final maturity date of the refunding bonds may not extend
20 beyond the final maturity date of the refunded bonds, and (iii)
21 the tax levy to pay the refunding bonds in any levy year may
22 not exceed the tax levy that would have been required to pay
23 the refunded bonds for that levy year. The terms of the proviso
24 are applicable to districts that were created pursuant to a
25 referendum held in November of 2008. The terms of the proviso,
26 other than this sentence, are inoperative after June 30, 2016.

1 (b) For a unit district formation, whenever a part of a
2 district is included within the boundaries of a newly created
3 unit district, the regional superintendent of schools shall
4 cause an accounting to be had between the districts affected by
5 the change in boundaries as provided for in Article 11C of this
6 Code. Whenever the entire territory of 2 or more school
7 districts is organized into a unit district pursuant to a
8 petition filed under this Article, the petition may provide
9 that the entire territory of the new unit district shall assume
10 the bonded indebtedness of the previously existing school
11 districts. In that case, the tax rate for bonded indebtedness
12 shall be determined in the manner provided in Section 19-7 of
13 this Code, except that the county clerk shall annually extend
14 taxes for each outstanding bond issue against all the taxable
15 property situated in the new unit district as it exists after
16 the organization.

17 (c) (1) For a high school-unit conversion, unit to dual
18 conversion, or multi-unit conversion, upon the effective date
19 of the change as provided in Section 11E-70 of this Code and
20 subject to the provisions of paragraph (2) of this subsection
21 (c), each newly created elementary district shall receive all
22 of the assets and assume all of the liabilities and obligations
23 of the dissolved unit district forming the boundary of the
24 newly created elementary district.

25 (2) Notwithstanding the provisions of paragraph (1) of this
26 subsection (c), upon the stipulation of the school board of the

1 school district serving a newly created elementary district for
2 high school purposes and either (i) the school board of the
3 unit district prior to the effective date of its dissolution or
4 (ii) thereafter the school board of the newly created
5 elementary district and with the approval in either case of the
6 regional superintendent of schools of the educational service
7 region in which the territory described in the petition filed
8 under this Article or the greater percentage of equalized
9 assessed valuation of the territory is situated, the assets,
10 liabilities, and obligations of the dissolved unit district may
11 be divided and assumed between and by the newly created
12 elementary district and the school district serving the newly
13 created elementary district for high school purposes, in
14 accordance with the terms and provisions of the stipulation and
15 approval. In this event, the provisions of Section 19-29 shall
16 be applied to determine the debt incurring power of the newly
17 created elementary district and of the school district serving
18 the newly created elementary district for high school purposes.

19 (3) Without regard to whether the receipt of assets and the
20 assumption of liabilities and obligations of the dissolved unit
21 district is determined pursuant to paragraph (1) or (2) of this
22 subsection (c), the tax rate for bonded indebtedness shall be
23 determined in the manner provided in Section 19-7, and,
24 notwithstanding the creation of this new elementary district,
25 the county clerk or clerks shall annually extend taxes for each
26 outstanding bond issue against all of the taxable property that

1 was situated within the boundaries of the dissolved unit
2 district as those boundaries existed at the time of the
3 issuance of the bond issue, regardless of whether the property
4 was still contained in that unit district at the time of its
5 dissolution and regardless of whether the property is contained
6 in the newly created elementary district at the time of the
7 extension of the taxes by the county clerk or clerks.

8 (Source: P.A. 94-1019, eff. 7-10-06.)".