



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2738

by Rep. Thomas Morrison

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.36

from Ch. 122, par. 10-22.36

Amends the School Code. With regard to buildings for school purposes, provides that referendum approval is required for all school construction projects begun on or after the effective date of the amendatory Act, including, but not limited to, (i) projects with funding derived from the school district's bonded indebtedness or tax levy or any other taxes, revenues, or debt instruments, (ii) projects that involve a building being leased by the school district, (iii) projects with funding derived from the sale or disposition of other property, or (iv) projects with funding received from a grant, gift, or lease payment; defines "school construction project". Requires the referendum language to include a description of the project, the estimated total cost of the project, the source of funding for the project, and any other relevant financial information about the project, as currently required by statute. Removes provisions allowing no referendum approval for the certain purchase, construction, or building of a building. Effective immediately.

LRB101 10441 AXK 55547 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 10-22.36 as follows:

6 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

7 Sec. 10-22.36. Buildings for school purposes.

8 (a) To build or purchase a building for school classroom or  
9 instructional purposes upon the approval of a majority of the  
10 voters upon the proposition at a referendum held for such  
11 purpose or in accordance with Section 17-2.11, 19-3.5, or  
12 19-3.10. The board may initiate such referendum by resolution.  
13 The board shall certify the resolution and proposition to the  
14 proper election authority for submission in accordance with the  
15 general election law.

16 The questions of building one or more new buildings for  
17 school purposes or office facilities, and issuing bonds for the  
18 purpose of borrowing money to purchase one or more buildings or  
19 sites for such buildings or office sites, to build one or more  
20 new buildings for school purposes or office facilities or to  
21 make additions and improvements to existing school buildings,  
22 may be combined into one or more propositions on the ballot.

23 Before erecting, or purchasing or remodeling such a

1 building the board shall submit the plans and specifications  
2 respecting heating, ventilating, lighting, seating, water  
3 supply, toilets and safety against fire to the regional  
4 superintendent of schools having supervision and control over  
5 the district, for approval in accordance with Section 2-3.12.

6 (b) In this subsection, "school construction project"  
7 means the acquisition, development, construction,  
8 reconstruction, rehabilitation, improvement, architectural  
9 planning, or installation of capital facilities consisting of  
10 buildings, structures, durable equipment, and land for  
11 educational purposes.

12 Notwithstanding any other provision of law to the contrary,  
13 referendum approval is required for all school construction  
14 projects begun on or after the effective date of this  
15 amendatory Act of the 101st General Assembly, including, but  
16 not limited to, (i) projects with funding derived from the  
17 school district's bonded indebtedness or tax levy or any other  
18 taxes, revenues, or debt instruments, (ii) projects that  
19 involve a building being leased by the school district, (iii)  
20 projects with funding derived from the sale or disposition of  
21 other property, or (iv) projects with funding received from a  
22 grant, gift, or lease payment. Referendum language for the  
23 school construction project must include a description of the  
24 project, the estimated total cost of the project, the source of  
25 funding for the project, and any other relevant financial  
26 information about the project, as currently required by

1 statute.

2 ~~Notwithstanding any of the foregoing, no referendum shall~~  
3 ~~be required if the purchase, construction, or building of any~~  
4 ~~such building (1) occurs while the building is being leased by~~  
5 ~~the school district or (2) is paid with (A) funds derived from~~  
6 ~~the sale or disposition of other buildings, land, or structures~~  
7 ~~of the school district or (B) funds received (i) as a grant~~  
8 ~~under the School Construction Law or (ii) as gifts or~~  
9 ~~donations, provided that no funds to purchase, construct, or~~  
10 ~~build such building, other than lease payments, are derived~~  
11 ~~from the district's bonded indebtedness or the tax levy of the~~  
12 ~~district.~~

13 ~~Notwithstanding any of the foregoing, no referendum shall~~  
14 ~~be required if the purchase, construction, or building of any~~  
15 ~~such building is paid with funds received from the County~~  
16 ~~School Facility Occupation Tax Law under Section 5-1006.7 of~~  
17 ~~the Counties Code or from the proceeds of bonds or other debt~~  
18 ~~obligations secured by revenues obtained from that Law.~~

19 (Source: P.A. 96-517, eff. 8-14-09; 97-542, eff. 8-23-11.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.