



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4831

Introduced 01/19/06, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/17-2.11

from Ch. 122, par. 17-2.11

Amends the School Code. Authorizes a school district (other than the Chicago school district) to levy a tax and issue bonds if, as a result of substantial changes in traffic patterns or similar hazardous conditions, it is necessary to design and install new site improvements, including, but not limited to, traffic control signals, underpasses, overhead walkways, or road improvements.

LRB094 18391 MKM 53702 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 17-2.11 as follows:

6 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

7 Sec. 17-2.11. School board power to levy a tax or to borrow
8 money and issue bonds for fire prevention, safety, energy
9 conservation, disabled accessibility, school security, and
10 specified repair purposes. Whenever, as a result of any lawful
11 order of any agency, other than a school board, having
12 authority to enforce any school building code applicable to any
13 facility that houses students, or any law or regulation for the
14 protection and safety of the environment, pursuant to the
15 Environmental Protection Act, any school district having a
16 population of less than 500,000 inhabitants is required to
17 alter or reconstruct any school building or permanent, fixed
18 equipment; or whenever any such district determines that it is
19 necessary for energy conservation purposes that any school
20 building or permanent, fixed equipment should be altered or
21 reconstructed and that such alterations or reconstruction will
22 be made with funds not necessary for the completion of approved
23 and recommended projects contained in any safety survey report
24 or amendments thereto authorized by Section 2-3.12 of this Act;
25 or whenever any such district determines that it is necessary
26 for disabled accessibility purposes and to comply with the
27 school building code that any school building or equipment
28 should be altered or reconstructed and that such alterations or
29 reconstruction will be made with funds not necessary for the
30 completion of approved and recommended projects contained in
31 any safety survey report or amendments thereto authorized under
32 Section 2-3.12 of this Act; or whenever any such district

1 determines that it is necessary for school security purposes
2 and the related protection and safety of pupils and school
3 personnel that any school building or property should be
4 altered or reconstructed or that security systems and equipment
5 (including but not limited to intercom, early detection and
6 warning, access control and television monitoring systems)
7 should be purchased and installed, and that such alterations,
8 reconstruction or purchase and installation of equipment will
9 be made with funds not necessary for the completion of approved
10 and recommended projects contained in any safety survey report
11 or amendment thereto authorized by Section 2-3.12 of this Act
12 and will deter and prevent unauthorized entry or activities
13 upon school property by unknown or dangerous persons, assure
14 early detection and advance warning of any such actual or
15 attempted unauthorized entry or activities and help assure the
16 continued safety of pupils and school staff if any such
17 unauthorized entry or activity is attempted or occurs; or if a
18 school district does not need funds for other fire prevention
19 and safety projects, including the completion of approved and
20 recommended projects contained in any safety survey report or
21 amendments thereto authorized by Section 2-3.12 of this Act,
22 and it is determined after a public hearing (which is preceded
23 by at least one published notice (i) occurring at least 7 days
24 prior to the hearing in a newspaper of general circulation
25 within the school district and (ii) setting forth the time,
26 date, place, and general subject matter of the hearing) that
27 there is a substantial, immediate, and otherwise unavoidable
28 threat to the health, safety, or welfare of pupils due to
29 disrepair of school sidewalks, playgrounds, parking lots, or
30 school bus turnarounds and repairs must be made; or whenever,
31 as a result of substantial changes in traffic patterns or
32 similar hazardous conditions, it is necessary to design and
33 install new site improvements, including, but not limited to,
34 traffic control signals, underpasses, overhead walkways, or
35 road improvements: then in any such event, such district may,
36 by proper resolution, levy a tax for the purpose of making such

1 alteration or reconstruction, based on a survey report by an
2 architect or engineer licensed in the State of Illinois, upon
3 all the taxable property of the district at the value as
4 assessed by the Department of Revenue at a rate not to exceed
5 .05% per year for a period sufficient to finance such
6 alterations, repairs, or reconstruction, upon the following
7 conditions:

8 (a) When there are not sufficient funds available in
9 either the operations and maintenance fund of the district
10 or the fire prevention and safety fund of the district as
11 determined by the district on the basis of regulations
12 adopted by the State Board of Education to make such
13 alterations, repairs, or reconstruction, or to purchase
14 and install such permanent fixed equipment so ordered or
15 determined as necessary. Appropriate school district
16 records shall be made available to the State Superintendent
17 of Education upon request to confirm such insufficiency.

18 (b) When a certified estimate of an architect or
19 engineer licensed in the State of Illinois stating the
20 estimated amount necessary to make the alterations or
21 repairs, or to purchase and install such equipment so
22 ordered has been secured by the district, and the estimate
23 has been approved by the regional superintendent of
24 schools, having jurisdiction of the district, and the State
25 Superintendent of Education. Approval shall not be granted
26 for any work that has already started without the prior
27 express authorization of the State Superintendent of
28 Education. If such estimate is not approved or denied
29 approval by the regional superintendent of schools within 3
30 months after the date on which it is submitted to him or
31 her, the school board of the district may submit such
32 estimate directly to the State Superintendent of Education
33 for approval or denial.

34 For purposes of this Section a school district may replace
35 a school building or build additions to replace portions of a
36 building when it is determined that the effectuation of the

1 recommendations for the existing building will cost more than
2 the replacement costs. Such determination shall be based on a
3 comparison of estimated costs made by an architect or engineer
4 licensed in the State of Illinois. The new building or addition
5 shall be equivalent in area (square feet) and comparable in
6 purpose and grades served and may be on the same site or
7 another site. Such replacement may only be done upon order of
8 the regional superintendent of schools and the approval of the
9 State Superintendent of Education.

10 The filing of a certified copy of the resolution levying
11 the tax when accompanied by the certificates of the regional
12 superintendent of schools and State Superintendent of
13 Education shall be the authority of the county clerk to extend
14 such tax.

15 The county clerk of the county in which any school district
16 levying a tax under the authority of this Section is located,
17 in reducing raised levies, shall not consider any such tax as a
18 part of the general levy for school purposes and shall not
19 include the same in the limitation of any other tax rate which
20 may be extended.

21 Such tax shall be levied and collected in like manner as
22 all other taxes of school districts, subject to the provisions
23 contained in this Section.

24 The tax rate limit specified in this Section may be
25 increased to .10% upon the approval of a proposition to effect
26 such increase by a majority of the electors voting on that
27 proposition at a regular scheduled election. Such proposition
28 may be initiated by resolution of the school board and shall be
29 certified by the secretary to the proper election authorities
30 for submission in accordance with the general election law.

31 When taxes are levied by any school district for fire
32 prevention, safety, energy conservation, and school security
33 purposes as specified in this Section, and the purposes for
34 which the taxes have been levied are accomplished and paid in
35 full, and there remain funds on hand in the Fire Prevention and
36 Safety Fund from the proceeds of the taxes levied, including

1 interest earnings thereon, the school board by resolution shall
2 use such excess and other board restricted funds excluding bond
3 proceeds and earnings from such proceeds (1) for other
4 authorized fire prevention, safety, energy conservation, and
5 school security purposes or (2) for transfer to the Operations
6 and Maintenance Fund for the purpose of abating an equal amount
7 of operations and maintenance purposes taxes. If any transfer
8 is made to the Operation and Maintenance Fund, the secretary of
9 the school board shall within 30 days notify the county clerk
10 of the amount of that transfer and direct the clerk to abate
11 the taxes to be extended for the purposes of operations and
12 maintenance authorized under Section 17-2 of this Act by an
13 amount equal to such transfer.

14 If the proceeds from the tax levy authorized by this
15 Section are insufficient to complete the work approved under
16 this Section, the school board is authorized to sell bonds
17 without referendum under the provisions of this Section in an
18 amount that, when added to the proceeds of the tax levy
19 authorized by this Section, will allow completion of the
20 approved work.

21 Such bonds shall bear interest at a rate not to exceed the
22 maximum rate authorized by law at the time of the making of the
23 contract, shall mature within 20 years from date, and shall be
24 signed by the president of the school board and the treasurer
25 of the school district.

26 In order to authorize and issue such bonds, the school
27 board shall adopt a resolution fixing the amount of bonds, the
28 date thereof, the maturities thereof, rates of interest
29 thereof, place of payment and denomination, which shall be in
30 denominations of not less than \$100 and not more than \$5,000,
31 and provide for the levy and collection of a direct annual tax
32 upon all the taxable property in the school district sufficient
33 to pay the principal and interest on such bonds to maturity.
34 Upon the filing in the office of the county clerk of the county
35 in which the school district is located of a certified copy of
36 the resolution, it is the duty of the county clerk to extend

1 the tax therefor in addition to and in excess of all other
2 taxes heretofore or hereafter authorized to be levied by such
3 school district.

4 After the time such bonds are issued as provided for by
5 this Section, if additional alterations or reconstructions are
6 required to be made because of surveys conducted by an
7 architect or engineer licensed in the State of Illinois, the
8 district may levy a tax at a rate not to exceed .05% per year
9 upon all the taxable property of the district or issue
10 additional bonds, whichever action shall be the most feasible.

11 This Section is cumulative and constitutes complete
12 authority for the issuance of bonds as provided in this Section
13 notwithstanding any other statute or law to the contrary.

14 With respect to instruments for the payment of money issued
15 under this Section either before, on, or after the effective
16 date of Public Act 86-004 (June 6, 1989), it is, and always has
17 been, the intention of the General Assembly (i) that the
18 Omnibus Bond Acts are, and always have been, supplementary
19 grants of power to issue instruments in accordance with the
20 Omnibus Bond Acts, regardless of any provision of this Act that
21 may appear to be or to have been more restrictive than those
22 Acts, (ii) that the provisions of this Section are not a
23 limitation on the supplementary authority granted by the
24 Omnibus Bond Acts, and (iii) that instruments issued under this
25 Section within the supplementary authority granted by the
26 Omnibus Bond Acts are not invalid because of any provision of
27 this Act that may appear to be or to have been more restrictive
28 than those Acts.

29 When the purposes for which the bonds are issued have been
30 accomplished and paid for in full and there remain funds on
31 hand from the proceeds of the bond sale and interest earnings
32 therefrom, the board shall, by resolution, use such excess
33 funds in accordance with the provisions of Section 10-22.14 of
34 this Act.

35 Whenever any tax is levied or bonds issued for fire
36 prevention, safety, energy conservation, and school security

1 purposes, such proceeds shall be deposited and accounted for
2 separately within the Fire Prevention and Safety Fund.

3 (Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670, eff.
4 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)