



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0437

Introduced 2/4/2009, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-20.3.01

from Ch. 122, par. 103-20.3.01

Amends the Public Community College Act. Makes changes in a Section allowing a community college district to levy a tax or issue bonds for alteration or repair of physical facilities for certain health, safety, energy conservation, environmental protection, and handicapped accessibility purposes. Allows the tax to be levied or bonds issued for alterations or repairs necessary for resource efficiency or sustainability. Provides that the district may levy the tax if, among other conditions, a certified estimate of a licensed architect or engineer stating the estimated amount (instead of stating the estimated amount of not less than \$25,000) that is necessary to make alterations or repairs has been secured by the district. Removes a provision allowing the district to borrow money not in excess of \$4,500,000 in the aggregate at any one time. Provides that the district may borrow money if, among other conditions, a certified estimate of a licensed architect or engineer stating the estimated amount (instead of stating the estimated amount of not less than \$25,000) has been secured by the district.

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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 Public Community College Act is amended by  
5 changing Section 3-20.3.01 as follows:

6 (110 ILCS 805/3-20.3.01) (from Ch. 122, par. 103-20.3.01)

7 Sec. 3-20.3.01. Whenever, as a result of any lawful order  
8 of any agency, other than a local community college board,  
9 having authority to enforce any law or regulation designed for  
10 the protection, health or safety of community college students,  
11 employees or visitors, or any law or regulation for the  
12 protection and safety of the environment, pursuant to the  
13 "Environmental Protection Act", any local community college  
14 district, including any district to which Article VII of this  
15 Act applies, is required to alter or repair any physical  
16 facilities, or whenever any district determines that it is  
17 necessary for energy conservation, health or safety,  
18 environmental protection or handicapped accessibility purposes  
19 that any physical facilities should be altered or repaired and  
20 that such alterations or repairs will be made with funds not  
21 necessary for the completion of approved and recommended  
22 projects for fire prevention and safety, or whenever after the  
23 effective date of this amendatory Act of 1984 any district,

1 including any district to which Article VII applies, provides  
2 for alterations or repairs determined by the local community  
3 college board to be necessary for health and safety,  
4 environmental protection, resource efficiency or  
5 sustainability, handicapped accessibility or energy  
6 conservation purposes, such district may, by proper resolution  
7 which specifically identifies the project and which is adopted  
8 pursuant to the provisions of the Open Meetings Act, levy a tax  
9 for the purpose of paying for such alterations or repairs, or  
10 survey by a licensed architect or engineer, upon the equalized  
11 assessed value of all the taxable property of the district at a  
12 rate not to exceed .05% per year for a period sufficient to  
13 finance such alterations or repairs, upon the following  
14 conditions:

15 (a) When in the judgment of the local community college  
16 board of trustees there are not sufficient funds available in  
17 the operations and maintenance fund of the district to  
18 permanently pay for such alterations or repairs so ordered,  
19 determined as necessary.

20 (b) When a certified estimate of a licensed architect or  
21 engineer stating the estimated amount ~~of not less than \$25,000~~  
22 that is necessary to make the alterations or repairs so ordered  
23 or determined as necessary has been secured by the local  
24 community college district and the project and estimated amount  
25 have been approved by the Executive Director of the State  
26 Board.

1           The filing of a certified copy of the resolution or  
2 ordinance levying the tax when accompanied by the certificate  
3 of approval of the Executive Director of the State Board shall  
4 be the authority of the county clerk or clerks to extend such  
5 tax; provided, however, that in no event shall the extension  
6 for the current and preceding years, if any, under this Section  
7 be greater than the amount so approved, and interest on bonds  
8 issued pursuant to this Section and in the event such current  
9 extension and preceding extensions exceed such approval and  
10 interest, it shall be reduced proportionately.

11           The county clerk of each of the counties in which any  
12 community college district levying a tax under the authority of  
13 this Section is located, in reducing raised levies, shall not  
14 consider any such tax as a part of the general levy for  
15 community college purposes and shall not include the same in  
16 the limitation of any other tax rate which may be extended.  
17 Such tax shall be levied and collected in like manner as all  
18 other taxes of community college districts.

19           The tax rate limit hereinabove specified in this Section  
20 may be increased to .10% upon the approval of a proposition to  
21 effect such increase by a majority of the electors voting on  
22 that proposition at a regular scheduled election. Such  
23 proposition may be initiated by resolution of the local  
24 community college board and shall be certified by the secretary  
25 of the local community college board to the proper election  
26 authorities for submission in accordance with the general

1 election law.

2 Each local community college district authorized to levy  
3 any tax pursuant to this Section may also or in the alternative  
4 by proper resolution or ordinance borrow money for such  
5 specifically identified purposes ~~not in excess of \$4,500,000 in~~  
6 ~~the aggregate at any one time~~ when in the judgment of the local  
7 community college board of trustees there are not sufficient  
8 funds available in the operations and maintenance fund of the  
9 district to permanently pay for such alterations or repairs so  
10 ordered or determined as necessary and a certified estimate of  
11 a licensed architect or engineer stating the estimated amount  
12 ~~of not less than \$25,000~~ has been secured by the local  
13 community college district and the project and the estimated  
14 amount have been approved by the State Board, and as evidence  
15 of such indebtedness may issue bonds without referendum. Such  
16 bonds shall bear interest at a rate or rates authorized by "An  
17 Act to authorize public corporations to issue bonds, other  
18 evidences of indebtedness and tax anticipation warrants  
19 subject to interest rate limitations set forth therein",  
20 approved May 26, 1970, as now or hereafter amended, shall  
21 mature within 20 years from date, and shall be signed by the  
22 chairman, secretary and treasurer of the local community  
23 college board.

24 In order to authorize and issue such bonds the local  
25 community college board shall adopt a resolution fixing the  
26 amount of bonds, the date thereof, the maturities thereof and

1 rates of interest thereof, and the board by such resolution, or  
2 in a district to which Article VII applies the city council  
3 upon demand and under the direction of the board by ordinance,  
4 shall provide for the levy and collection of a direct annual  
5 tax upon all the taxable property in the local community  
6 college district sufficient to pay the principal and interest  
7 on such bonds to maturity. Upon the filing in the office of the  
8 county clerk of each of the counties in which the community  
9 college district is located of a certified copy of such  
10 resolution or ordinance it is the duty of the county clerk or  
11 clerks to extend the tax therefor without limit as to rate or  
12 amount and in addition to and in excess of all other taxes  
13 heretofore or hereafter authorized to be levied by such  
14 community college district.

15 The State Board shall prepare and enforce regulations and  
16 specifications for minimum requirements for the construction,  
17 remodeling or rehabilitation of heating, ventilating, air  
18 conditioning, lighting, seating, water supply, toilet,  
19 handicapped accessibility, fire safety and any other matter  
20 that will conserve, preserve or provide for the protection and  
21 the health or safety of individuals in or on community college  
22 property and will conserve the integrity of the physical  
23 facilities of the district.

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

1 (Source: P.A. 90-468, eff. 8-17-97.)