



Higher Education Committee

Filed: 3/4/2009

09600HB0437ham001

LRB096 05847 NHT 22837 a

1 AMENDMENT TO HOUSE BILL 437

2 AMENDMENT NO. _____. Amend House Bill 437 by replacing
3 everything after the enacting clause with the following:

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

1 necessary for energy conservation, health or safety,
2 environmental protection or handicapped accessibility purposes
3 that any physical facilities should be altered or repaired and
4 that such alterations or repairs will be made with funds not
5 necessary for the completion of approved and recommended
6 projects for fire prevention and safety, or whenever after the
7 effective date of this amendatory Act of 1984 any district,
8 including any district to which Article VII applies, provides
9 for alterations or repairs determined by the local community
10 college board to be necessary for health and safety,
11 environmental protection, resource efficiency or
12 sustainability, handicapped accessibility or energy
13 conservation purposes, such district may, by proper resolution
14 which specifically identifies the project and which is adopted
15 pursuant to the provisions of the Open Meetings Act, levy a tax
16 for the purpose of paying for such alterations or repairs, or
17 survey by a licensed architect or engineer, upon the equalized
18 assessed value of all the taxable property of the district at a
19 rate not to exceed .05% per year for a period sufficient to
20 finance such alterations or repairs, upon the following
21 conditions:

22 (a) When in the judgment of the local community college
23 board of trustees there are not sufficient funds available in
24 the operations and maintenance fund of the district to
25 permanently pay for such alterations or repairs so ordered,
26 determined as necessary.

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

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

18 The county clerk of each of the counties in which any
19 community college district levying a tax under the authority of
20 this Section is located, in reducing raised levies, shall not
21 consider any such tax as a part of the general levy for
22 community college purposes and shall not include the same in
23 the limitation of any other tax rate which may be extended.
24 Such tax shall be levied and collected in like manner as all
25 other taxes of community college districts.

26 The tax rate limit hereinabove specified in this Section

1 may be increased to .10% upon the approval of a proposition to
2 effect such increase by a majority of the electors voting on
3 that proposition at a regular scheduled election. Such
4 proposition may be initiated by resolution of the local
5 community college board and shall be certified by the secretary
6 of the local community college board to the proper election
7 authorities for submission in accordance with the general
8 election law.

9 Each local community college district authorized to levy
10 any tax pursuant to this Section may also or in the alternative
11 by proper resolution or ordinance borrow money for such
12 specifically identified purposes not in excess of \$4,500,000 in
13 the aggregate at any one time when in the judgment of the local
14 community college board of trustees there are not sufficient
15 funds available in the operations and maintenance fund of the
16 district to permanently pay for such alterations or repairs so
17 ordered or determined as necessary and a certified estimate of
18 a licensed architect or engineer stating the estimated amount
19 ~~of not less than \$25,000~~ has been secured by the local
20 community college district and the project and the estimated
21 amount have been approved by the State Board, and as evidence
22 of such indebtedness may issue bonds without referendum.
23 However, Community College District No. 522 and Community
24 College District No. 536 may or in the alternative by proper
25 resolution or ordinance borrow money for such specifically
26 identified purposes not in excess of \$20,000,000 in the

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

18 In order to authorize and issue such bonds the local
19 community college board shall adopt a resolution fixing the
20 amount of bonds, the date thereof, the maturities thereof and
21 rates of interest thereof, and the board by such resolution, or
22 in a district to which Article VII applies the city council
23 upon demand and under the direction of the board by ordinance,
24 shall provide for the levy and collection of a direct annual
25 tax upon all the taxable property in the local community
26 college district sufficient to pay the principal and interest

1 on such bonds to maturity. Upon the filing in the office of the
2 county clerk of each of the counties in which the community
3 college district is located of a certified copy of such
4 resolution or ordinance it is the duty of the county clerk or
5 clerks to extend the tax therefor without limit as to rate or
6 amount and in addition to and in excess of all other taxes
7 heretofore or hereafter authorized to be levied by such
8 community college district.

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

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

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