



Rep. Jay C. Hoffman

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LRB096 20135 NHT 39127 a

1 AMENDMENT TO HOUSE BILL 5515

2 AMENDMENT NO. _____. Amend House Bill 5515 by replacing
3 everything after the enacting clause with the following:

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.

11 (a) Whenever, as a result of any lawful order of any
12 agency, other than a school board, having authority to enforce
13 any school building code applicable to any facility that houses
14 students, or any law or regulation for the protection and
15 safety of the environment, pursuant to the Environmental
16 Protection Act, any school district having a population of less

1 than 500,000 inhabitants is required to alter or reconstruct
2 any school building or permanent, fixed equipment; the district
3 may, by proper resolution, levy a tax for the purpose of making
4 such alteration or reconstruction, based on a survey report by
5 an architect or engineer licensed in this State, upon all of
6 the taxable property of the district at the value as assessed
7 by the Department of Revenue and at a rate not to exceed 0.05%
8 per year for a period sufficient to finance such alteration or
9 reconstruction, upon the following conditions:

10 (1) When there are not sufficient funds available in
11 the operations and maintenance fund of the school district,
12 the school facility occupation tax fund of the district, or
13 the fire prevention and safety fund of the district, as
14 determined by the district on the basis of rules adopted by
15 the State Board of Education, to make such alteration or
16 reconstruction or to purchase and install such permanent,
17 fixed equipment so ordered or determined as necessary.
18 Appropriate school district records must be made available
19 to the State Superintendent of Education, upon request, to
20 confirm this insufficiency.

21 (2) When a certified estimate of an architect or
22 engineer licensed in this State stating the estimated
23 amount necessary to make the alteration or reconstruction
24 or to purchase and install the equipment so ordered has
25 been secured by the school district, and the estimate has
26 been approved by the regional superintendent of schools

1 having jurisdiction over the district and the State
2 Superintendent of Education. Approval must not be granted
3 for any work that has already started without the prior
4 express authorization of the State Superintendent of
5 Education. If the estimate is not approved or is denied
6 approval by the regional superintendent of schools within 3
7 months after the date on which it is submitted to him or
8 her, the school board of the district may submit the
9 estimate directly to the State Superintendent of Education
10 for approval or denial.

11 In the case of an emergency situation, where the estimated
12 cost to effectuate emergency repairs is less than the amount
13 specified in Section 10-20.21 of this Code, the school district
14 may proceed with such repairs prior to approval by the State
15 Superintendent of Education, but shall comply with the
16 provisions of subdivision (2) of this subsection (a) as soon
17 thereafter as may be as well as Section 10-20.21 of this Code.
18 If the estimated cost to effectuate emergency repairs is
19 greater than the amount specified in Section 10-20.21 of this
20 Code, then the school district shall proceed in conformity with
21 Section 10-20.21 of this Code and with rules established by the
22 State Board of Education to address such situations. The rules
23 adopted by the State Board of Education to deal with these
24 situations shall stipulate that emergency situations must be
25 expedited and given priority consideration. For purposes of
26 this paragraph, an emergency is a situation that presents an

1 imminent and continuing threat to the health and safety of
2 students or other occupants of a facility, requires complete or
3 partial evacuation of a building or part of a building, or
4 consumes one or more of the 5 emergency days built into the
5 adopted calendar of the school or schools or would otherwise be
6 expected to cause such school or schools to fall short of the
7 minimum school calendar requirements.

8 (b) Whenever any such district determines that it is
9 necessary for energy conservation purposes that any school
10 building or permanent, fixed equipment should be altered or
11 reconstructed and that such alterations or reconstruction will
12 be made with funds not necessary for the completion of approved
13 and recommended projects contained in any safety survey report
14 or amendments thereto authorized by Section 2-3.12 of this Act;
15 the district may levy a tax or issue bonds as provided in
16 subsection (a) of this Section.

17 (c) Whenever any such district determines that it is
18 necessary for disabled accessibility purposes and to comply
19 with the school building code that any school building or
20 equipment should be altered or reconstructed and that such
21 alterations or reconstruction will be made with funds not
22 necessary for the completion of approved and recommended
23 projects contained in any safety survey report or amendments
24 thereto authorized under Section 2-3.12 of this Act, the
25 district may levy a tax or issue bonds as provided in
26 subsection (a) of this Section.

1 (d) Whenever any such district determines that it is
2 necessary for school security purposes and the related
3 protection and safety of pupils and school personnel that any
4 school building or property should be altered or reconstructed
5 or that security systems and equipment (including but not
6 limited to intercom, early detection and warning, access
7 control and television monitoring systems) should be purchased
8 and installed, and that such alterations, reconstruction or
9 purchase and installation of equipment will be made with funds
10 not necessary for the completion of approved and recommended
11 projects contained in any safety survey report or amendment
12 thereto authorized by Section 2-3.12 of this Act and will deter
13 and prevent unauthorized entry or activities upon school
14 property by unknown or dangerous persons, assure early
15 detection and advance warning of any such actual or attempted
16 unauthorized entry or activities and help assure the continued
17 safety of pupils and school staff if any such unauthorized
18 entry or activity is attempted or occurs; the district may levy
19 a tax or issue bonds as provided in subsection (a) of this
20 Section.

21 (e) If a school district does not need funds for other fire
22 prevention and safety projects, including the completion of
23 approved and recommended projects contained in any safety
24 survey report or amendments thereto authorized by Section
25 2-3.12 of this Act, and it is determined after a public hearing
26 (which is preceded by at least one published notice (i)

1 occurring at least 7 days prior to the hearing in a newspaper
2 of general circulation within the school district and (ii)
3 setting forth the time, date, place, and general subject matter
4 of the hearing) that there is a substantial, immediate, and
5 otherwise unavoidable threat to the health, safety, or welfare
6 of pupils due to disrepair of school sidewalks, playgrounds,
7 parking lots, or school bus turnarounds and repairs must be
8 made; then the district may levy a tax or issue bonds as
9 provided in subsection (a) of this Section.

10 (f) For purposes of this Section a school district may
11 replace a school building or build additions to replace
12 portions of a building when it is determined that the
13 effectuation of the recommendations for the existing building
14 will cost more than the replacement costs. Such determination
15 shall be based on a comparison of estimated costs made by an
16 architect or engineer licensed in the State of Illinois. The
17 new building or addition shall be equivalent in area (square
18 feet) and comparable in purpose and grades served and may be on
19 the same site or another site. Such replacement may only be
20 done upon order of the regional superintendent of schools and
21 the approval of the State Superintendent of Education.

22 (g) The filing of a certified copy of the resolution
23 levying the tax when accompanied by the certificates of the
24 regional superintendent of schools and State Superintendent of
25 Education shall be the authority of the county clerk to extend
26 such tax.

1 (h) The county clerk of the county in which any school
2 district levying a tax under the authority of this Section is
3 located, in reducing raised levies, shall not consider any such
4 tax as a part of the general levy for school purposes and shall
5 not include the same in the limitation of any other tax rate
6 which may be extended.

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

10 (i) The tax rate limit specified in this Section may be
11 increased to .10% upon the approval of a proposition to effect
12 such increase by a majority of the electors voting on that
13 proposition at a regular scheduled election. Such proposition
14 may be initiated by resolution of the school board and shall be
15 certified by the secretary to the proper election authorities
16 for submission in accordance with the general election law.

17 (j) When taxes are levied by any school district for fire
18 prevention, safety, energy conservation, and school security
19 purposes as specified in this Section, and the purposes for
20 which the taxes have been levied are accomplished and paid in
21 full, and there remain funds on hand in the Fire Prevention and
22 Safety Fund from the proceeds of the taxes levied, including
23 interest earnings thereon, the school board by resolution shall
24 use such excess and other board restricted funds, excluding
25 bond proceeds and earnings from such proceeds, as follows:

26 (1) for other authorized fire prevention, safety,

1 energy conservation, and school security purposes; or

2 (2) for transfer to the Operations and Maintenance Fund
3 for the purpose of abating an equal amount of operations
4 and maintenance purposes taxes.

5 Notwithstanding subdivision (2) of this subsection (j),
6 through June 30, 2013, surplus life safety taxes and interest
7 earnings thereon may be transferred to the Operations and
8 Maintenance Fund for building repair work.

9 (k) If any transfer is made to the Operation and
10 Maintenance Fund, the secretary of the school board shall
11 within 30 days notify the county clerk of the amount of that
12 transfer and direct the clerk to abate the taxes to be extended
13 for the purposes of operations and maintenance authorized under
14 Section 17-2 of this Act by an amount equal to such transfer.

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

22 (m) Any bonds issued pursuant to this Section shall bear
23 interest at a rate not to exceed the maximum rate authorized by
24 law at the time of the making of the contract, shall mature
25 within 20 years from date, and shall be signed by the president
26 of the school board and the treasurer of the school district.

1 (n) In order to authorize and issue such bonds, the school
2 board shall adopt a resolution fixing the amount of bonds, the
3 date thereof, the maturities thereof, rates of interest
4 thereof, place of payment and denomination, which shall be in
5 denominations of not less than \$100 and not more than \$5,000,
6 and provide for the levy and collection of a direct annual tax
7 upon all the taxable property in the school district sufficient
8 to pay the principal and interest on such bonds to maturity.
9 Upon the filing in the office of the county clerk of the county
10 in which the school district is located of a certified copy of
11 the resolution, it is the duty of the county clerk to extend
12 the tax therefor in addition to and in excess of all other
13 taxes heretofore or hereafter authorized to be levied by such
14 school district.

15 (o) After the time such bonds are issued as provided for by
16 this Section, if additional alterations or reconstructions are
17 required to be made because of surveys conducted by an
18 architect or engineer licensed in the State of Illinois, the
19 district may levy a tax at a rate not to exceed .05% per year
20 upon all the taxable property of the district or issue
21 additional bonds, whichever action shall be the most feasible.

22 (p) This Section is cumulative and constitutes complete
23 authority for the issuance of bonds as provided in this Section
24 notwithstanding any other statute or law to the contrary.

25 (q) With respect to instruments for the payment of money
26 issued under this Section either before, on, or after the

1 effective date of Public Act 86-004 (June 6, 1989), it is, and
2 always has been, the intention of the General Assembly (i) that
3 the Omnibus Bond Acts are, and always have been, supplementary
4 grants of power to issue instruments in accordance with the
5 Omnibus Bond Acts, regardless of any provision of this Act that
6 may appear to be or to have been more restrictive than those
7 Acts, (ii) that the provisions of this Section are not a
8 limitation on the supplementary authority granted by the
9 Omnibus Bond Acts, and (iii) that instruments issued under this
10 Section within the supplementary authority granted by the
11 Omnibus Bond Acts are not invalid because of any provision of
12 this Act that may appear to be or to have been more restrictive
13 than those Acts.

14 (r) When the purposes for which the bonds are issued have
15 been accomplished and paid for in full and there remain funds
16 on hand from the proceeds of the bond sale and interest
17 earnings therefrom, the board shall, by resolution, use such
18 excess funds in accordance with the provisions of Section
19 10-22.14 of this Act.

20 (s) Whenever any tax is levied or bonds issued for fire
21 prevention, safety, energy conservation, and school security
22 purposes, such proceeds shall be deposited and accounted for
23 separately within the Fire Prevention and Safety Fund.

24 (Source: P.A. 95-675, eff. 10-11-07; 95-793, eff. 1-1-09;
25 96-252, eff. 8-11-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".