



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### SB3544

Introduced 2/10/2010, by Sen. M. Maggie Crotty

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/17-2A	from Ch. 122, par. 17-2A
105 ILCS 5/20-1	from Ch. 122, par. 20-1
105 ILCS 5/20-2	from Ch. 122, par. 20-2
105 ILCS 5/20-3	from Ch. 122, par. 20-3
105 ILCS 5/20-4	from Ch. 122, par. 20-4
105 ILCS 5/20-5	from Ch. 122, par. 20-5
105 ILCS 5/20-7	from Ch. 122, par. 20-7
105 ILCS 5/20-8	from Ch. 122, par. 20-8
105 ILCS 5/20-9	from Ch. 122, par. 20-9
105 ILCS 5/20-10 new	

Amends the School Code. Deletes a provision applicable to school districts with a population of less than 500,000 requiring that permanent interfund transfers not otherwise authorized by law must be made to the fund of the school district most in need of the funds being transferred. Allows school districts to increase, abate, maintain, abolish, and re-create working cash funds. Provides that moneys in the working cash fund may be used by the school board for any and all school purposes. Makes other changes. Effective immediately.

LRB096 20716 MJR 36445 b

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 Sections  
5 17-2A, 20-1, 20-2, 20-3, 20-4, 20-5, 20-7, 20-8, and 20-9 and  
6 by adding Section 20-10 as follows:

7 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

8 Sec. 17-2A. Interfund Transfers. The school board of any  
9 district having a population of less than 500,000 inhabitants  
10 may, by proper resolution following a public hearing set by the  
11 school board or the president of the school board (that is  
12 preceded (i) by at least one published notice over the name of  
13 the clerk or secretary of the board, occurring at least 7 days  
14 and not more than 30 days prior to the hearing, in a newspaper  
15 of general circulation within the school district and (ii) by  
16 posted notice over the name of the clerk or secretary of the  
17 board, at least 48 hours before the hearing, at the principal  
18 office of the school board or at the building where the hearing  
19 is to be held if a principal office does not exist, with both  
20 notices setting forth the time, date, place, and subject matter  
21 of the hearing), transfer money from (1) the Educational Fund  
22 to the Operations and Maintenance Fund or the Transportation  
23 Fund, (2) the Operations and Maintenance Fund to the

1 Educational Fund or the Transportation Fund, or (3) the  
2 Transportation Fund to the Educational Fund or the Operations  
3 and Maintenance Fund of said district, provided that, except  
4 during the period from July 1, 2003 through June 30, 2010, such  
5 transfer is made solely for the purpose of meeting one-time,  
6 non-recurring expenses. ~~Except during the period from July 1,~~  
7 ~~2003 through June 30, 2010, any other permanent interfund~~  
8 ~~transfers authorized by any provision or judicial~~  
9 ~~interpretation of this Code for which the transferee fund is~~  
10 ~~not precisely and specifically set forth in the provision of~~  
11 ~~this Code authorizing such transfer shall be made to the fund~~  
12 ~~of the school district most in need of the funds being~~  
13 ~~transferred, as determined by resolution of the school board.~~

14 (Source: P.A. 94-176, eff. 7-12-05; 95-53, eff. 8-10-07.)

15 (105 ILCS 5/20-1) (from Ch. 122, par. 20-1)

16 Sec. 20-1. Authority to create working cash fund. In each  
17 school district, whether organized under general law or special  
18 charter, having a population of less than 500,000 inhabitants,  
19 a fund to be known as a "Working Cash Fund" may be created,  
20 increased, abated, maintained maintained, ~~and~~ administered  
21 abolished, and re-created in the manner prescribed in this  
22 Article, for the purpose of enabling the district to have in  
23 its treasury at all time sufficient money to meet demands  
24 thereon for ~~ordinary and necessary~~ expenditures for corporate  
25 purposes.

1 (Source: P.A. 80-272.)

2 (105 ILCS 5/20-2) (from Ch. 122, par. 20-2)

3 Sec. 20-2. Indebtedness and bonds. For the purpose of  
4 creating re-creating, or increasing a working cash fund, the  
5 school board of any such district may incur an indebtedness and  
6 issue bonds as evidence thereof in an amount or amounts not  
7 exceeding in the aggregate 85% of the taxes permitted to be  
8 levied for educational purposes for the then current year to be  
9 determined by multiplying the maximum educational tax rate or  
10 rates applicable to such school district by the last assessed  
11 valuation or assessed valuations as determined at the time of  
12 the issue of said bonds plus 85% of the last known entitlement  
13 of such district to taxes as by law now or hereafter enacted or  
14 amended, imposed by the General Assembly of the State of  
15 Illinois to replace revenue lost by units of local government  
16 and school districts as a result of the abolition of ad valorem  
17 personal property taxes, pursuant to Article IX, Section 5,  
18 paragraph (c) of the Constitution of the State of Illinois. The  
19 bonds shall bear interest at not more than the maximum rate  
20 authorized by law ~~the Bond Authorization Act, as amended at the~~  
21 ~~time of the making of the contract, if issued before January 1,~~  
22 ~~1972 and not more than the maximum rate authorized by the Bond~~  
23 ~~Authorization Act, as amended at the time of the making of the~~  
24 ~~contract, if issued after January 1, 1972~~ and shall mature  
25 within 20 years from the date thereof. Subject to the foregoing

1 limitations as to amount, the bonds may be issued in an amount  
2 including existing indebtedness which will not exceed the  
3 constitutional limitation as to debt, notwithstanding any  
4 statutory debt limitation to the contrary. The school board  
5 shall before or at the time of issuing the bonds provide for  
6 the collection of a direct annual tax upon all the taxable  
7 property within the district sufficient to pay the principal  
8 thereof at maturity and to pay the interest thereon as it falls  
9 due, which tax shall be in addition to the maximum amount of  
10 all other taxes, either educational; transportation;  
11 operations and maintenance; or fire prevention and safety fund  
12 taxes, now or hereafter authorized and in addition to any  
13 limitations upon the levy of taxes as provided by Sections 17-2  
14 through 17-9. ~~The bonds may be issued redeemable at the option~~  
15 ~~of the school board of the district issuing them on any~~  
16 ~~interest payment date on or after 5 years from date of issue.~~

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

1 (iii) that instruments issued under this Section within the  
2 supplementary authority granted by the Omnibus Bond Acts are  
3 not invalid because of any provision of this Act that may  
4 appear to be or to have been more restrictive than those Acts.

5 (Source: P.A. 94-234, eff. 7-1-06; 94-1019, eff. 7-10-06.)

6 (105 ILCS 5/20-3) (from Ch. 122, par. 20-3)

7 Sec. 20-3. Tax levy. For the purpose of providing moneys  
8 for a working cash fund, the school board of any such school  
9 district may also levy annually upon all the taxable property  
10 of their district a tax, known as the "working cash fund tax,"  
11 not to exceed 0.05% of value, as equalized or assessed by the  
12 Department of Revenue; provided that no such tax shall be  
13 levied if bonds are issued in amount or amounts equal in the  
14 aggregate to the limitation set forth in Section 20-2 for the  
15 creation re-creation, or increase of a working cash fund. The  
16 collection of the tax shall not be anticipated by the issuance  
17 of any warrants drawn against it. The tax shall be levied and  
18 collected, except as otherwise provided in this Section, in  
19 like manner as the general taxes of the district, and shall be  
20 in addition to the maximum of all other taxes, either  
21 educational; transportation; operations and maintenance; or  
22 fire prevention and safety fund taxes, now or hereafter to be  
23 levied for school purposes. It may be levied by separate  
24 resolution by the last Tuesday in December ~~September~~ in each  
25 year or it may be included in the certificate of tax levy filed

1 under Section 17-11.

2 (Source: P.A. 94-234, eff. 7-1-06.)

3 (105 ILCS 5/20-4) (from Ch. 122, par. 20-4)

4 Sec. 20-4. Use and reimbursement of fund. This Section  
5 shall not apply in any school district which does not operate a  
6 working cash fund.

7 Moneys derived from the issuance of bonds as authorized by  
8 Section 20-2, or from any tax levied pursuant to Section 20-3,  
9 shall be used only for the purposes and in the manner  
10 ~~hereinafter~~ provided in this Article. Moneys in the fund shall  
11 not be regarded as current assets available for school  
12 purposes. The school board may appropriate moneys to the  
13 working cash fund up to the maximum amount allowable in the  
14 fund, and the working cash fund may receive such appropriations  
15 and any other contributions. Moneys in the fund may ~~shall not~~  
16 be used by the school board for any and all ~~in any manner other~~  
17 ~~than to provide moneys with which to meet ordinary and~~  
18 ~~necessary disbursements for salaries and other~~ school purposes  
19 and may be transferred in whole or in part to the general funds  
20 or both of the school district and disbursed therefrom in  
21 anticipation of the collection of taxes lawfully levied for any  
22 or all purposes, or in anticipation of such taxes as by law now  
23 or hereafter enacted or amended are imposed by the General  
24 Assembly of the State of Illinois to replace revenue lost by  
25 units of local government and school districts as a result of

1 the abolition of ad valorem personal property taxes, pursuant  
2 to Article IX, Section 5(c) of the Constitution of the State of  
3 Illinois. Moneys so transferred to any other fund shall be  
4 deemed to be transferred in anticipation of the collection of  
5 that part of the taxes so levied or to be received which is in  
6 excess of the amount thereof required to pay any warrants or  
7 notes and the interest thereon theretofore and thereafter  
8 issued in anticipation of the collection thereof and such taxes  
9 when collected shall be applied to the payment of any such  
10 warrants and the interest thereon, the amount estimated to be  
11 required to satisfy debt service and pension or retirement  
12 obligations, as set forth in Section 12 of the State Revenue  
13 Sharing Act and then to the reimbursement of such working cash  
14 fund as hereinafter provided.

15       Upon receipt by the school district of any taxes in  
16 anticipation of the collection whereof moneys of the working  
17 cash fund have been so transferred for disbursement, the fund  
18 shall immediately be reimbursed therefrom until the full amount  
19 so transferred has been retransferred to the fund. Unless the  
20 taxes so received and applied to the reimbursement of the  
21 working cash fund prior to the first day of the eighth month  
22 following the month in which due and unpaid real property taxes  
23 begin to bear interest are sufficient to effect a complete  
24 reimbursement of such fund for any moneys transferred therefrom  
25 in anticipation of the collection of such taxes, the working  
26 cash fund shall be reimbursed for the amount of the deficiency



1 therein from any other revenues accruing to the educational  
2 fund, and the school board shall make provisions for the  
3 immediate reimbursement of the amount of any such deficiency in  
4 its next annual tax levy.

5 (Source: P.A. 87-984; 87-1168; 88-45.)

6 (105 ILCS 5/20-5) (from Ch. 122, par. 20-5)

7 Sec. 20-5. Transfer to other fund. This Section shall not  
8 apply in any school district which does not operate a working  
9 cash fund.

10 Moneys ~~in, including interest earned from investment of~~ the  
11 working cash fund ~~as in this Section provided,~~ shall be  
12 transferred from the working cash fund to another fund of the  
13 district only upon the authority of the school board which  
14 shall from time to time by separate resolution direct the  
15 school treasurer to make transfers of such sums as may be  
16 required for the purposes herein authorized.

17 The resolution shall set forth (a) the taxes in  
18 anticipation of which such transfer is to be made and from  
19 which the working cash fund is to be reimbursed; (b) the entire  
20 amount of taxes extended, or which the school board estimates  
21 will be extended or received, for any year in anticipation of  
22 the collection of all or part of which such transfer is to be  
23 made; (c) the aggregate amount of warrants or notes theretofore  
24 issued in anticipation of the collection of such taxes together  
25 with the amount of interest accrued and which the school board

1 estimates will accrue thereon; (d) the aggregate amount of  
2 receipts from taxes imposed to replace revenue lost by units of  
3 local government and school districts as a result of the  
4 abolition of ad valorem personal property taxes, pursuant to  
5 Article IX, Section 5(c) of the Constitution of the State of  
6 Illinois, which the corporate authorities estimate will be set  
7 aside for the payment of the proportionate amount of debt  
8 service and pension or retirement obligations, as required by  
9 Section 12 of the State Revenue Sharing Act; and (e) the  
10 aggregate amount of money theretofore transferred from the  
11 working cash fund to the other fund in anticipation of the  
12 collection of such taxes. The amount which any such resolution  
13 shall direct the treasurer so to transfer, in anticipation of  
14 the collection of taxes levied or to be received for any year,  
15 together with the aggregate amount of such anticipation tax  
16 warrants or notes theretofore drawn against such taxes and the  
17 amount of interest accrued and estimated to accrue thereon and  
18 the aggregate amount of such transfers to be made in  
19 anticipation of the collection of such taxes and the amount  
20 estimated to be required to satisfy debt service and pension or  
21 retirement obligations, as set forth in Section 12 of the State  
22 Revenue Sharing Act, shall not exceed 85% of the actual or  
23 estimated amount of such taxes extended or to be extended or to  
24 be received as set forth in such resolution. At any time moneys  
25 are available in the working cash fund they shall be  
26 transferred to such other funds of the district ~~the educational~~

1 ~~fund and used for any and all disbursed for the payment of~~  
2 ~~salaries and other school purposes expenses~~ so as to avoid,  
3 whenever possible, the issuance of anticipation tax warrants or  
4 notes.

5 Moneys earned as interest from the investment of the  
6 working cash fund, or any portion thereof, may be transferred  
7 from the working cash fund to another fund of the district that  
8 is most in need of the interest without any requirement of  
9 repayment to the working cash fund, upon the authority of the  
10 school board by separate resolution directing the school  
11 treasurer to make such transfer and stating the purpose in  
12 accordance with Section 9(c) of the Local Government Debt  
13 Reform Act ~~therefore as one herein authorized.~~

14 (Source: P.A. 94-234, eff. 7-1-06.)

15 (105 ILCS 5/20-7) (from Ch. 122, par. 20-7)

16 Sec. 20-7. Resolution for issuance of bonds - Submission to  
17 voters - Ballot. No school district may issue bonds under this  
18 Article unless it adopts a resolution declaring its intention  
19 to issue bonds for the purpose therein provided and directs  
20 that notice of such intention be published at least once in a  
21 newspaper ~~published and having a general circulation in the~~  
22 ~~district, if there be one, but if there is no newspaper~~  
23 ~~published in such district then by publishing such notice in a~~  
24 ~~newspaper~~ having a general circulation in the district. The  
25 notice shall set forth (1) the intention of the district to

1 issue bonds in accordance with this Article; (2) the time  
 2 within which a petition may be filed requesting the submission  
 3 of the proposition to issue the bonds; (3) the specific number  
 4 of voters required to sign the petition; and (4) the date of  
 5 the prospective referendum. At the time of publication of the  
 6 notice and for 30 days thereafter, the recording officer of the  
 7 district shall provide a petition form to any individual  
 8 requesting one. If within 30 days after the publication a  
 9 petition is filed with the recording officer of the district,  
 10 signed by the voters of the district equal to 10% or more of  
 11 the registered voters of the district requesting that the  
 12 proposition to issue bonds as authorized by this Article be  
 13 submitted to the voters thereof, then the district shall not be  
 14 authorized to issue such bonds until the proposition has been  
 15 certified to the proper election authorities and has been  
 16 submitted to and approved by a majority of the voters voting on  
 17 the proposition at a regular scheduled election in accordance  
 18 with the general election law. If no such petition is so filed,  
 19 or if any and all petitions filed are invalid, the district may  
 20 issue the bonds. In addition to the requirements of the general  
 21 election law the notice of the election shall set forth the  
 22 intention of the district to issue bonds under this Article.  
 23 The proposition shall be in substantially the following form:

24 OFFICIAL BALLOT

25 -----

26 Shall the Board ~~board~~ of....

1 of School District ~~district~~ number.... YES  
 2 County, Illinois, be authorized  
 3 to issue bonds for a working -----  
 4 cash fund as provided for  
 5 by Article 20 of the NO  
 6 School Code?  
 7 -----

8 (Source: P.A. 87-767.)

9 (105 ILCS 5/20-8) (from Ch. 122, par. 20-8)

10 Sec. 20-8. Abolishment of working cash fund. Any school  
 11 district may abolish its working cash fund, upon the adoption  
 12 of a resolution so providing, and direct the transfer of any  
 13 balance in such fund to the educational fund at the close of  
 14 the then current school year. Any outstanding loans to other  
 15 funds of the district ~~the transportation, operations and~~  
 16 ~~maintenance, or fire prevention and safety fund~~ shall be paid  
 17 or become payable to the educational fund at the close of the  
 18 then current school year. Thereafter, all outstanding taxes of  
 19 such school district levied pursuant to Section 20-3 shall be  
 20 collected and paid into the educational fund.

21 Any balance in any working cash fund that is created in any  
 22 school district on or after the effective date of this  
 23 amendatory Act of 1991 (including all outstanding loans from  
 24 any such working cash fund to other funds of the district ~~the~~  
 25 ~~educational, transportation, operations and maintenance, or~~

1 ~~fire prevention and safety fund~~ of the district and all  
2 outstanding taxes levied by the district under Section 20-3 to  
3 provide moneys for any such working cash fund) may, when such  
4 working cash fund is abolished, be used and applied for the  
5 purpose of reducing, by the balance in that working cash fund  
6 at the close of the school year in which the fund so created is  
7 abolished, the amount of the taxes that the school board of the  
8 school district otherwise would be authorized or required to  
9 levy for educational purposes for the immediately succeeding  
10 school year.

11 Any obligation incurred by any school district pursuant to  
12 Section 20-2 shall be discharged as therein provided.

13 (Source: P.A. 86-970; 87-643; 87-984.)

14 (105 ILCS 5/20-9) (from Ch. 122, par. 20-9)

15 Sec. 20-9. A ~~Nothing in this Article prevents a~~ school  
16 district which has abolished or abated its working cash fund  
17 has the authority to again create ~~from again creating~~ a working  
18 cash fund at any time in the manner provided in this Article.

19 (Source: Laws 1967, p. 642.)

20 (105 ILCS 5/20-10 new)

21 Sec. 20-10. Abatement of working cash fund. Any school  
22 district may abate its working cash fund at any time, upon the  
23 adoption of a resolution so providing, and direct the transfer  
24 at any time of moneys in that fund to any fund or funds of the

1 district most in need of the money, providing that the district  
2 maintains an amount to the credit of the working cash fund,  
3 including taxes levied pursuant to Section 20-3 and not yet  
4 collected and amounts transferred pursuant to Section 20-4 and  
5 to be reimbursed to the working cash fund, at least equal to  
6 0.05% of the then current value, as equalized or assessed by  
7 the Department of Revenue, of the taxable property in the  
8 district. If necessary to effectuate the abatement, any  
9 outstanding loans to other funds of the district may be paid or  
10 become payable to the fund or funds to which the abatement is  
11 made. Any abatement of a school district's working cash fund  
12 prior to the effective date of this amendatory Act of the 96th  
13 General Assembly that would have complied with the provisions  
14 of this Section is hereby validated.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.