



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 585

2 AMENDMENT NO. _____. Amend Senate Bill 585 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1006.7 as follows:

6 (55 ILCS 5/5-1006.7)

7 Sec. 5-1006.7. School facility occupation taxes.

8 (a) In any county, a tax shall be imposed upon all persons
9 engaged in the business of selling tangible personal property,
10 other than personal property titled or registered with an
11 agency of this State's government, at retail in the county on
12 the gross receipts from the sales made in the course of
13 business to provide revenue to be used exclusively for school
14 facility purposes if a proposition for the tax has been
15 submitted to the electors of that county and approved by a
16 majority of those voting on the question as provided in

1 subsection (c). The tax under this Section shall be imposed
2 only in one-quarter percent increments and may not exceed 1%.

3 This additional tax may not be imposed on the sale of food
4 for human consumption that is to be consumed off the premises
5 where it is sold (other than alcoholic beverages, soft drinks,
6 and food that has been prepared for immediate consumption) and
7 prescription and non-prescription medicines, drugs, medical
8 appliances and insulin, urine testing materials, syringes and
9 needles used by diabetics. The Department of Revenue has full
10 power to administer and enforce this subsection, to collect all
11 taxes and penalties due under this subsection, to dispose of
12 taxes and penalties so collected in the manner provided in this
13 subsection, and to determine all rights to credit memoranda
14 arising on account of the erroneous payment of a tax or penalty
15 under this subsection. The Department shall deposit all taxes
16 and penalties collected under this subsection into a special
17 fund created for that purpose.

18 In the administration of and compliance with this
19 subsection, the Department and persons who are subject to this
20 subsection (i) have the same rights, remedies, privileges,
21 immunities, powers, and duties, (ii) are subject to the same
22 conditions, restrictions, limitations, penalties, and
23 definitions of terms, and (iii) shall employ the same modes of
24 procedure as are set forth in Sections 1 through 10, 2 through
25 2-70 (in respect to all provisions contained in those Sections
26 other than the State rate of tax), 2a through 2h, 3 (except as

1 to the disposition of taxes and penalties collected), 4, 5, 5a,
2 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
3 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
4 and all provisions of the Uniform Penalty and Interest Act as
5 if those provisions were set forth in this subsection.

6 The certificate of registration that is issued by the
7 Department to a retailer under the Retailers' Occupation Tax
8 Act permits the retailer to engage in a business that is
9 taxable without registering separately with the Department
10 under an ordinance or resolution under this subsection.

11 Persons subject to any tax imposed under the authority
12 granted in this subsection may reimburse themselves for their
13 seller's tax liability by separately stating that tax as an
14 additional charge, which may be stated in combination, in a
15 single amount, with State tax that sellers are required to
16 collect under the Use Tax Act, pursuant to any bracketed
17 schedules set forth by the Department.

18 (b) If a tax has been imposed under subsection (a), then a
19 service occupation tax must also be imposed at the same rate
20 upon all persons engaged, in the county, in the business of
21 making sales of service, who, as an incident to making those
22 sales of service, transfer tangible personal property within
23 the county as an incident to a sale of service.

24 This tax may not be imposed on sales of food for human
25 consumption that is to be consumed off the premises where it is
26 sold (other than alcoholic beverages, soft drinks, and food

1 prepared for immediate consumption) and prescription and
2 non-prescription medicines, drugs, medical appliances and
3 insulin, urine testing materials, syringes, and needles used by
4 diabetics.

5 The tax imposed under this subsection and all civil
6 penalties that may be assessed as an incident thereof shall be
7 collected and enforced by the Department and deposited into a
8 special fund created for that purpose. The Department has full
9 power to administer and enforce this subsection, to collect all
10 taxes and penalties due under this subsection, to dispose of
11 taxes and penalties so collected in the manner provided in this
12 subsection, and to determine all rights to credit memoranda
13 arising on account of the erroneous payment of a tax or penalty
14 under this subsection.

15 In the administration of and compliance with this
16 subsection, the Department and persons who are subject to this
17 subsection shall (i) have the same rights, remedies,
18 privileges, immunities, powers and duties, (ii) be subject to
19 the same conditions, restrictions, limitations, penalties and
20 definition of terms, and (iii) employ the same modes of
21 procedure as are set forth in Sections 2 (except that that
22 reference to State in the definition of supplier maintaining a
23 place of business in this State means the county), 2a through
24 2d, 3 through 3-50 (in respect to all provisions contained in
25 those Sections other than the State rate of tax), 4 (except
26 that the reference to the State shall be to the county), 5, 7,

1 8 (except that the jurisdiction to which the tax is a debt to
2 the extent indicated in that Section 8 is the county), 9
3 (except as to the disposition of taxes and penalties
4 collected), 10, 11, 12 (except the reference therein to Section
5 2b of the Retailers' Occupation Tax Act), 13 (except that any
6 reference to the State means the county), Section 15, 16, 17,
7 18, 19, and 20 of the Service Occupation Tax Act and all
8 provisions of the Uniform Penalty and Interest Act, as fully as
9 if those provisions were set forth herein.

10 Persons subject to any tax imposed under the authority
11 granted in this subsection may reimburse themselves for their
12 serviceman's tax liability by separately stating the tax as an
13 additional charge, which may be stated in combination, in a
14 single amount, with State tax that servicemen are authorized to
15 collect under the Service Use Tax Act, pursuant to any
16 bracketed schedules set forth by the Department.

17 (c) The tax under this Section may not be imposed until the
18 question of imposing the tax has been submitted to the electors
19 of the county at a regular election and approved by a majority
20 of the electors voting on the question. For all regular
21 elections held prior to the effective date of this amendatory
22 Act of the 97th General Assembly, upon a resolution by the
23 county board or a resolution by school district boards that
24 represent at least 51% of the student enrollment within the
25 county, the county board must certify the question to the
26 proper election authority in accordance with the Election Code.

1 For all regular elections held prior to the effective date
2 of this amendatory Act of the 97th General Assembly, the
3 election authority must submit the question in substantially
4 the following form:

5 Shall (name of county) be authorized to impose a
6 retailers' occupation tax and a service occupation tax
7 (commonly referred to as a "sales tax") at a rate of
8 (insert rate) to be used exclusively for school facility
9 purposes?

10 The election authority must record the votes as "Yes" or "No".

11 If a majority of the electors voting on the question vote
12 in the affirmative, then the county may, thereafter, impose the
13 tax.

14 For all regular elections held on or after the effective
15 date of this amendatory Act of the 97th General Assembly, the
16 regional superintendent of schools for the county must, upon
17 receipt of a resolution or resolutions of school district
18 boards that represent more than 50% of the student enrollment
19 within the county, certify the question to the proper election
20 authority for submission to the electors of the county at the
21 next regular election at which the question lawfully may be
22 submitted to the electors, all in accordance with the Election
23 Code.

24 For all regular elections held on or after the effective
25 date of this amendatory Act of the 97th General Assembly, the
26 election authority must submit the question in substantially

1 the following form:

2 Shall a retailers' occupation tax and a service
3 occupation tax (commonly referred to as a "sales tax") be
4 imposed in (name of county) at a rate of (insert rate) to
5 be used exclusively for school facility purposes?

6 The election authority must record the votes as "Yes" or "No".

7 If a majority of the electors voting on the question vote
8 in the affirmative, then the tax shall be imposed at the rate
9 set forth in the question.

10 For the purposes of this subsection (c), "enrollment" means
11 the head count of the students residing in the county on the
12 last school day of September of each year, which must be
13 reported on the Illinois State Board of Education Public School
14 Fall Enrollment/Housing Report.

15 (d) The Department shall immediately pay over to the State
16 Treasurer, ex officio, as trustee, all taxes and penalties
17 collected under this Section to be deposited into the School
18 Facility Occupation Tax Fund, which shall be an unappropriated
19 trust fund held outside the State treasury.

20 On or before the 25th day of each calendar month, the
21 Department shall prepare and certify to the Comptroller the
22 disbursement of stated sums of money to the regional
23 superintendents of schools in counties from which retailers or
24 servicemen have paid taxes or penalties to the Department
25 during the second preceding calendar month. The amount to be
26 paid to each regional superintendent of schools and disbursed

1 to him or her in accordance with Section 3-14.31 of the School
2 Code, is equal to the amount (not including credit memoranda)
3 collected from the county under this Section during the second
4 preceding calendar month by the Department, (i) less 2% of that
5 amount, which shall be deposited into the Tax Compliance and
6 Administration Fund and shall be used by the Department,
7 subject to appropriation, to cover the costs of the Department
8 in administering and enforcing the provisions of this Section,
9 on behalf of the county, (ii) plus an amount that the
10 Department determines is necessary to offset any amounts that
11 were erroneously paid to a different taxing body; (iii) less an
12 amount equal to the amount of refunds made during the second
13 preceding calendar month by the Department on behalf of the
14 county; and (iv) less any amount that the Department determines
15 is necessary to offset any amounts that were payable to a
16 different taxing body but were erroneously paid to the county.
17 When certifying the amount of a monthly disbursement to a
18 regional superintendent of schools under this Section, the
19 Department shall increase or decrease the amounts by an amount
20 necessary to offset any miscalculation of previous
21 disbursements within the previous 6 months from the time a
22 miscalculation is discovered.

23 Within 10 days after receipt by the Comptroller from the
24 Department of the disbursement certification to the regional
25 superintendents of the schools provided for in this Section,
26 the Comptroller shall cause the orders to be drawn for the

1 respective amounts in accordance with directions contained in
2 the certification.

3 If the Department determines that a refund should be made
4 under this Section to a claimant instead of issuing a credit
5 memorandum, then the Department shall notify the Comptroller,
6 who shall cause the order to be drawn for the amount specified
7 and to the person named in the notification from the
8 Department. The refund shall be paid by the Treasurer out of
9 the School Facility Occupation Tax Fund.

10 (e) For the purposes of determining the local governmental
11 unit whose tax is applicable, a retail sale by a producer of
12 coal or another mineral mined in Illinois is a sale at retail
13 at the place where the coal or other mineral mined in Illinois
14 is extracted from the earth. This subsection does not apply to
15 coal or another mineral when it is delivered or shipped by the
16 seller to the purchaser at a point outside Illinois so that the
17 sale is exempt under the United States Constitution as a sale
18 in interstate or foreign commerce.

19 (f) Nothing in this Section may be construed to authorize a
20 tax to be imposed upon the privilege of engaging in any
21 business that under the Constitution of the United States may
22 not be made the subject of taxation by this State.

23 (g) If a county board imposes a tax under this Section
24 pursuant to a referendum held before the effective date of this
25 amendatory Act of the 97th General Assembly at a rate below the
26 rate set forth in the question approved by a majority of

1 electors of that county voting on the question as provided in
2 subsection (c), then the county board may, by ordinance,
3 increase the rate of the tax up to the rate set forth in the
4 question approved by a majority of electors of that county
5 voting on the question as provided in subsection (c). If a
6 county board imposes a tax under this Section pursuant to a
7 referendum held before the effective date of this amendatory
8 Act of the 97th General Assembly, then the board may, by
9 ordinance, discontinue or reduce the rate of the tax. If a tax
10 is imposed under this Section pursuant to a referendum held on
11 or after the effective date of this amendatory Act of the 97th
12 General Assembly, then the county board may reduce or
13 discontinue the tax, but only in accordance with subsection
14 (h-5) of this Section. If, however, a school board issues bonds
15 that are secured by the proceeds of the tax under this Section,
16 then the county board may not reduce the tax rate or
17 discontinue the tax if that rate reduction or discontinuance
18 would adversely affect the school board's ability to pay the
19 principal and interest on those bonds as they become due or
20 necessitate the extension of additional property taxes to pay
21 the principal and interest on those bonds. If the county board
22 reduces the tax rate or discontinues the tax, then a referendum
23 must be held in accordance with subsection (c) of this Section
24 in order to increase the rate of the tax or to reimpose the
25 discontinued tax.

26 Until January 1, 2014, the results of any election that

1 imposes, reduces, or discontinues a tax under this Section must
2 be certified by the election authority, and any ordinance that
3 increases or lowers the rate or discontinues the tax must be
4 certified by the county clerk and, in each case, filed with the
5 Illinois Department of Revenue either (i) on or before the
6 first day of April, whereupon the Department shall proceed to
7 administer and enforce the tax or change in the rate as of the
8 first day of July next following the filing; or (ii) on or
9 before the first day of October, whereupon the Department shall
10 proceed to administer and enforce the tax or change in the rate
11 as of the first day of January next following the filing.

12 Beginning January 1, 2014, the results of any election that
13 imposes, reduces, or discontinues a tax under this Section must
14 be certified by the election authority, and any ordinance that
15 increases or lowers the rate or discontinues the tax must be
16 certified by the county clerk and, in each case, filed with the
17 Illinois Department of Revenue either (i) on or before the
18 first day of May, whereupon the Department shall proceed to
19 administer and enforce the tax or change in the rate as of the
20 first day of July next following the filing; or (ii) on or
21 before the first day of October, whereupon the Department shall
22 proceed to administer and enforce the tax or change in the rate
23 as of the first day of January next following the filing.

24 (h) For purposes of this Section, "school facility
25 purposes" means (i) the acquisition, development,
26 construction, reconstruction, rehabilitation, improvement,

1 financing, architectural planning, and installation of capital
2 facilities consisting of buildings, structures, and durable
3 equipment and for the acquisition and improvement of real
4 property and interest in real property required, or expected to
5 be required, in connection with the capital facilities and (ii)
6 the payment of bonds or other obligations heretofore or
7 hereafter issued, including bonds or other obligations
8 heretofore or hereafter issued to refund or to continue to
9 refund bonds or other obligations issued, for school facility
10 purposes, provided that the taxes levied to pay those bonds are
11 abated by the amount of the taxes imposed under this Section
12 that are used to pay those bonds. "School-facility purposes"
13 also includes fire prevention, safety, energy conservation,
14 disabled accessibility, school security, water, and specified
15 repair purposes set forth under Section 17-2.11 of the School
16 Code.

17 (h-5) A county board in a county where a tax has been
18 imposed under this Section pursuant to a referendum held on or
19 after the effective date of this amendatory Act of the 97th
20 General Assembly may, by ordinance or resolution, submit to the
21 voters of the county the question of reducing or discontinuing
22 the tax. In the ordinance or resolution, the county board shall
23 certify the question to the proper election authority in
24 accordance with the Election Code. The election authority must
25 submit the question in substantially the following form:

26 Shall the school facility retailers' occupation tax

1 and service occupation tax (commonly referred to as the
2 "school facility sales tax") currently imposed in (name of
3 county) at a rate of (insert rate) be (reduced to (insert
4 rate)) (discontinued)?

5 If a majority of the electors voting on the question vote in
6 the affirmative, then, subject to the provisions of subsection
7 (g) of this Section, the tax shall be reduced or discontinued
8 as set forth in the question.

9 (i) This Section does not apply to Cook County.

10 (j) This Section may be cited as the County School Facility
11 Occupation Tax Law.

12 (Source: P.A. 97-542, eff. 8-23-11; 97-813, eff. 7-13-12;
13 98-584, eff. 8-27-13.)

14 Section 10. The School Code is amended by changing Sections
15 10-22.14, 10-22.44, and 17-2.11 as follows:

16 (105 ILCS 5/10-22.14) (from Ch. 122, par. 10-22.14)

17 Sec. 10-22.14. Borrowing money and issuing bonds. To borrow
18 money, and issue bonds for the purposes and in the manner
19 provided by this Act.

20 When bond proceeds from the sale of bonds include a
21 premium, or when the proceeds of bonds issued for fire
22 prevention, safety, energy conservation, ~~and~~ school security,
23 and water purposes as specified in Section 17-2.11 are invested
24 as authorized by law, the board shall determine by resolution

1 whether the interest earned on the investment of bond proceeds
2 authorized under Section 17-2.11 or the premium realized in the
3 sale of bonds, as the case may be, is to be used for the
4 purposes for which the bonds were issued or, instead, for
5 payment of the principal indebtedness and interest on those
6 bonds.

7 When bonds, other than bonds issued for fire prevention,
8 safety, energy conservation, ~~and~~ school security, and water
9 purposes as specified in Section 17-2.11 are issued by any
10 school district, and the purposes for which the bonds have been
11 issued are accomplished and paid for in full, and there remain
12 funds on hand from the proceeds of the bonds so issued, the
13 board by resolution may transfer those excess funds to the
14 operations and maintenance fund.

15 When bonds are issued by any school district for fire
16 prevention, safety, energy conservation, ~~and~~ school security,
17 and water purposes as specified in Section 17-2.11, and the
18 purposes for which the bonds have been issued are accomplished
19 and paid in full, and there remain funds on hand from the
20 proceeds of the bonds issued, the board by resolution shall use
21 those excess funds (1) for other authorized fire prevention,
22 safety, energy conservation, ~~and~~ school security, and water
23 purposes as specified in Section 17-2.11 or (2) for transfer to
24 the Bond and Interest Fund for payment of principal and
25 interest on those bonds. If any transfer is made to the Bond
26 and Interest Fund, the secretary of the school board shall

1 within 30 days notify the county clerk of the amount of that
2 transfer and direct the clerk to abate the taxes to be extended
3 for the purposes of principal and interest payments on the
4 respective bonds issued under Section 17-2.11 by an amount
5 equal to such transfer.

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

7 (105 ILCS 5/10-22.44) (from Ch. 122, par. 10-22.44)

8 Sec. 10-22.44. To transfer the interest earned from any
9 moneys of the district in the respective fund of the district
10 that is most in need of such interest income, as determined by
11 the board. This Section does not apply to any interest earned
12 which has been earmarked or restricted by the board for a
13 designated purpose. This Section does not apply to any interest
14 earned on any funds for purposes of Illinois Municipal
15 Retirement under the Pension Code, Tort Immunity under the
16 Local Governmental and Governmental Employees Tort Immunity
17 Act, Fire Prevention, Safety, Energy Conservation, ~~and~~ School
18 Security, and Water Purposes under Section 17-2.11, and Capital
19 Improvements under Section 17-2.3. Interest earned on these
20 exempted funds shall be used only for the purposes authorized
21 for the respective exempted funds from which the interest
22 earnings were derived.

23 (Source: P.A. 87-984.)

24 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

1 Sec. 17-2.11. School board power to levy a tax or to borrow
2 money and issue bonds for fire prevention, safety, energy
3 conservation, disabled accessibility, school security, water,
4 and specified repair purposes.

5 (a) Whenever, as a result of any lawful order of any
6 agency, other than a school board, having authority to enforce
7 any school building code applicable to any facility that houses
8 students, or any law or regulation for the protection and
9 safety of the environment, pursuant to the Environmental
10 Protection Act, any school district having a population of less
11 than 500,000 inhabitants is required to alter or reconstruct
12 any school building or permanent, fixed equipment; the district
13 may, by proper resolution, levy a tax for the purpose of making
14 such alteration or reconstruction, based on a survey report by
15 an architect or engineer licensed in this State, upon all of
16 the taxable property of the district at the value as assessed
17 by the Department of Revenue and at a rate not to exceed 0.05%
18 per year for a period sufficient to finance such alteration or
19 reconstruction, upon the following conditions:

20 (1) When there are not sufficient funds available in
21 the operations and maintenance fund of the school district,
22 the school facility occupation tax fund of the district, or
23 the fire prevention and safety fund of the district, as
24 determined by the district on the basis of rules adopted by
25 the State Board of Education, to make such alteration or
26 reconstruction or to purchase and install such permanent,

1 fixed equipment so ordered or determined as necessary.
2 Appropriate school district records must be made available
3 to the State Superintendent of Education, upon request, to
4 confirm this insufficiency.

5 (2) When a certified estimate of an architect or
6 engineer licensed in this State stating the estimated
7 amount necessary to make the alteration or reconstruction
8 or to purchase and install the equipment so ordered has
9 been secured by the school district, and the estimate has
10 been approved by the regional superintendent of schools
11 having jurisdiction over the district and the State
12 Superintendent of Education. Approval must not be granted
13 for any work that has already started without the prior
14 express authorization of the State Superintendent of
15 Education. If the estimate is not approved or is denied
16 approval by the regional superintendent of schools within 3
17 months after the date on which it is submitted to him or
18 her, the school board of the district may submit the
19 estimate directly to the State Superintendent of Education
20 for approval or denial.

21 In the case of an emergency situation, where the estimated
22 cost to effectuate emergency repairs is less than the amount
23 specified in Section 10-20.21 of this Code, the school district
24 may proceed with such repairs prior to approval by the State
25 Superintendent of Education, but shall comply with the
26 provisions of subdivision (2) of this subsection (a) as soon

1 thereafter as may be as well as Section 10-20.21 of this Code.
2 If the estimated cost to effectuate emergency repairs is
3 greater than the amount specified in Section 10-20.21 of this
4 Code, then the school district shall proceed in conformity with
5 Section 10-20.21 of this Code and with rules established by the
6 State Board of Education to address such situations. The rules
7 adopted by the State Board of Education to deal with these
8 situations shall stipulate that emergency situations must be
9 expedited and given priority consideration. For purposes of
10 this paragraph, an emergency is a situation that presents an
11 imminent and continuing threat to the health and safety of
12 students or other occupants of a facility, requires complete or
13 partial evacuation of a building or part of a building, or
14 consumes one or more of the 5 emergency days built into the
15 adopted calendar of the school or schools or would otherwise be
16 expected to cause such school or schools to fall short of the
17 minimum school calendar requirements.

18 (b) 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 the district may levy a tax or issue bonds as provided in
26 subsection (a) of this Section.

1 (c) Whenever any such district determines that it is
2 necessary for disabled accessibility purposes and to comply
3 with the school building code that any school building or
4 equipment should be altered or reconstructed and that such
5 alterations or reconstruction will be made with funds not
6 necessary for the completion of approved and recommended
7 projects contained in any safety survey report or amendments
8 thereto authorized under Section 2-3.12 of this Act, the
9 district may levy a tax or issue bonds as provided in
10 subsection (a) of this Section.

11 (d) Whenever any such district determines that it is
12 necessary for school security purposes and the related
13 protection and safety of pupils and school personnel that any
14 school building or property should be altered or reconstructed
15 or that security systems and equipment (including but not
16 limited to intercom, early detection and warning, access
17 control and television monitoring systems) should be purchased
18 and installed, and that such alterations, reconstruction or
19 purchase and installation of equipment will be made with funds
20 not necessary for the completion of approved and recommended
21 projects contained in any safety survey report or amendment
22 thereto authorized by Section 2-3.12 of this Act and will deter
23 and prevent unauthorized entry or activities upon school
24 property by unknown or dangerous persons, assure early
25 detection and advance warning of any such actual or attempted
26 unauthorized entry or activities and help assure the continued

1 safety of pupils and school staff if any such unauthorized
2 entry or activity is attempted or occurs; the district may levy
3 a tax or issue bonds as provided in subsection (a) of this
4 Section.

5 (d-5) Whenever any such district determines that it is
6 necessary for the improvement of potable water quality or the
7 fire protection system water supply that any such related water
8 system be altered, reconstructed, or extended from an existing
9 semi-private or private water system to a nearby public water
10 system and that such alterations, reconstruction, or extension
11 will be made with funds not necessary for the completion of
12 approved and recommended projects contained in any safety
13 survey report or amendment thereto authorized by Section 2-3.12
14 of this Code and will improve potable water quality or the fire
15 protection system water supply, and it is determined after a
16 public hearing (which is preceded by at least one published
17 notice (i) occurring at least 7 days prior to the hearing in a
18 newspaper of general circulation within the school district and
19 (ii) setting forth the time, date, place, and general subject
20 matter of the hearing) that there is a need for improvement of
21 potable water quality or the fire protection system water
22 supply; the district may levy a tax or issue bonds as provided
23 in this Section.

24 (e) If a school district does not need funds for other fire
25 prevention and safety projects, including the completion of
26 approved and recommended projects contained in any safety

1 survey report or amendments thereto authorized by Section
2 2-3.12 of this Act, and it is determined after a public hearing
3 (which is preceded by at least one published notice (i)
4 occurring at least 7 days prior to the hearing in a newspaper
5 of general circulation within the school district and (ii)
6 setting forth the time, date, place, and general subject matter
7 of the hearing) that there is a substantial, immediate, and
8 otherwise unavoidable threat to the health, safety, or welfare
9 of pupils due to disrepair of school sidewalks, playgrounds,
10 parking lots, or school bus turnarounds and repairs must be
11 made; then the district may levy a tax or issue bonds as
12 provided in subsection (a) of this Section.

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

25 (g) The filing of a certified copy of the resolution
26 levying the tax when accompanied by the certificates of the

1 regional superintendent of schools and State Superintendent of
2 Education shall be the authority of the county clerk to extend
3 such tax.

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

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

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

20 (j) When taxes are levied by any school district for fire
21 prevention, safety, energy conservation, ~~and~~ school security,
22 and water purposes as specified in this Section, and the
23 purposes for which the taxes have been levied are accomplished
24 and paid in full, and there remain funds on hand in the Fire
25 Prevention and Safety Fund from the proceeds of the taxes
26 levied, including interest earnings thereon, the school board

1 by resolution shall use such excess and other board restricted
2 funds, excluding bond proceeds and earnings from such proceeds,
3 as follows:

4 (1) for other authorized fire prevention, safety,
5 energy conservation, ~~and~~ school security, and water
6 purposes; or

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

10 Notwithstanding subdivision (2) of this subsection (j) and
11 subsection (k) of this Section, through June 30, 2016, the
12 school board may, by proper resolution following a public
13 hearing set by the school board or the president of the school
14 board (that is preceded (i) by at least one published notice
15 over the name of the clerk or secretary of the board, occurring
16 at least 7 days and not more than 30 days prior to the hearing,
17 in a newspaper of general circulation within the school
18 district and (ii) by posted notice over the name of the clerk
19 or secretary of the board, at least 48 hours before the
20 hearing, at the principal office of the school board or at the
21 building where the hearing is to be held if a principal office
22 does not exist, with both notices setting forth the time, date,
23 place, and subject matter of the hearing), transfer surplus
24 life safety taxes and interest earnings thereon to the
25 Operations and Maintenance Fund for building repair work.

26 (k) If any transfer is made to the Operation and

1 Maintenance Fund, the secretary of the school board shall
2 within 30 days notify the county clerk of the amount of that
3 transfer and direct the clerk to abate the taxes to be extended
4 for the purposes of operations and maintenance authorized under
5 Section 17-2 of this Act by an amount equal to such transfer.

6 (l) If the proceeds from the tax levy authorized by this
7 Section are insufficient to complete the work approved under
8 this Section, the school board is authorized to sell bonds
9 without referendum under the provisions of this Section in an
10 amount that, when added to the proceeds of the tax levy
11 authorized by this Section, will allow completion of the
12 approved work.

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

18 (n) In order to authorize and issue such bonds, the school
19 board shall adopt a resolution fixing the amount of bonds, the
20 date thereof, the maturities thereof, rates of interest
21 thereof, place of payment and denomination, which shall be in
22 denominations of not less than \$100 and not more than \$5,000,
23 and provide for the levy and collection of a direct annual tax
24 upon all the taxable property in the school district sufficient
25 to pay the principal and interest on such bonds to maturity.
26 Upon the filing in the office of the county clerk of the county

1 in which the school district is located of a certified copy of
2 the resolution, it is the duty of the county clerk to extend
3 the tax therefor in addition to and in excess of all other
4 taxes heretofore or hereafter authorized to be levied by such
5 school district.

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

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

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

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

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

11 (s) Whenever any tax is levied or bonds issued for fire
12 prevention, safety, energy conservation, ~~and~~ school security,
13 and water purposes, such proceeds shall be deposited and
14 accounted for separately within the Fire Prevention and Safety
15 Fund.

16 (Source: P.A. 98-26, eff. 6-21-13.)".