



Sen. Bill Cunningham

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LRB100 04889 MLM 24761 a

1 AMENDMENT TO SENATE BILL 447

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 447 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 34-21.1 as follows:

6 (105 ILCS 5/34-21.1) (from Ch. 122, par. 34-21.1)

7 Sec. 34-21.1. Additional powers. In addition to other  
8 powers and authority now possessed by it, the board shall have  
9 power:

10 (1) To lease from any public building commission  
11 created pursuant to the provisions of the Public Building  
12 Commission Act, approved July 5, 1955, as heretofore or  
13 hereafter amended or from any individuals, partnerships or  
14 corporations, any real or personal property for the purpose  
15 of securing space for its school purposes or office or  
16 other space for its administrative functions for a period

1 of time not exceeding 40 years.

2 (2) To pay for the use of this leased property in  
3 accordance with the terms of the lease and with the  
4 provisions of the Public Building Commission Act, approved  
5 July 5, 1955, as heretofore or hereafter amended.

6 (3) Such lease may be entered into without making a  
7 previous appropriation for the expense thereby incurred;  
8 provided, however, that if the board undertakes to pay all  
9 or any part of the costs of operating and maintaining the  
10 property of a public building commission as authorized in  
11 subparagraph (4) of this Section, such expenses of  
12 operation and maintenance shall be included in the annual  
13 budget of such board annually during the term of such  
14 undertaking.

15 (4) In addition, the board may undertake, either in the  
16 lease with a public building commission or by separate  
17 agreement or contract with a public building commission, to  
18 pay all or any part of the costs of maintaining and  
19 operating the property of a public building commission for  
20 any period of time not exceeding 40 years.

21 (5) To enter into agreements, including lease and lease  
22 purchase agreements having a term not longer than 40 years  
23 from the date on which such agreements are entered into,  
24 with private sector individuals, partnerships, or  
25 corporations for the construction of school buildings,  
26 school administrative offices, site development, and

1 school support facilities. The board shall maintain  
2 exclusive possession of all schools, school administrative  
3 offices, and school facilities which it is occupying or  
4 acquiring pursuant to any such lease or lease purchase  
5 agreement, and in addition shall have and exercise complete  
6 control over the education program conducted at such  
7 schools, offices and facilities. The board's contribution  
8 under any such agreement shall be limited to the use of the  
9 real estate and existing improvements on a rental basis  
10 which shall be exempt from any form of leasehold tax or  
11 assessment, but the interests of the board may be  
12 subordinated to the interests of a mortgage holder or  
13 holders acquired as security for additional improvements  
14 made on the property.

15 (6) To make payments on a lease or lease purchase  
16 agreement entered into pursuant to subparagraph (5) of this  
17 Section with an individual, partnership, or a corporation  
18 for school buildings, school administrative offices, and  
19 school support facilities constructed by such individual,  
20 partnership, or corporation.

21 (7) To purchase the interests of an individual,  
22 partnership, or corporation pursuant to any lease or lease  
23 purchase agreement entered into by the board pursuant to  
24 subparagraph (5) of this Section, and to assume or retire  
25 any outstanding debt or obligation relating to such lease  
26 or lease purchase agreement for any school building, school

1 administrative office, or school support facility.

2 (8) Subject to the provisions of subparagraph (9) of  
3 this Section, to enter into agreements, including lease and  
4 lease purchase agreements, having a term not longer than 40  
5 years from the date on which such agreements are entered  
6 into for the provision of school buildings and related  
7 property and facilities for an agricultural science  
8 school. The enrollment in such school shall be limited to  
9 720 students, and no less than 50% of the total number of  
10 enrollment positions in each incoming class must be  
11 reserved for students who live within proximity to the  
12 school. "Proximity to the school" means all areas within  
13 the existing city limits of Chicago located south of 87th  
14 Street (8700 South) and west of Wood Street (1800 West). In  
15 addition to the other authorizations in this paragraph (8),  
16 a maximum of 80 additional students may be enrolled in the  
17 agricultural science school's significantly modified  
18 curriculum for diverse learners, commonly known as the  
19 special education cluster program. Under such agreements  
20 the board shall have exclusive possession of all such  
21 school buildings and related property and facilities which  
22 it is occupying or acquiring pursuant to any such  
23 agreements, and in addition shall have and exercise  
24 complete control over the educational program conducted at  
25 such school. Under such agreements the board also may lease  
26 to another party to such agreement real estate and existing

1 improvements which are appropriate and available for use as  
2 part of the necessary school buildings and related property  
3 and facilities for an agricultural science school. Any  
4 interest created by such a lease shall be exempt from any  
5 form of leasehold tax or assessment, and the interests of  
6 the board as owner or lessor of property covered by such a  
7 lease may be subordinated to the interests of a mortgage  
8 holder or holders acquired as security for additional  
9 improvements made on the property. In addition, but subject  
10 to the provisions of subparagraph (9) of this Section, the  
11 board is authorized: (i) to pay for the use of school  
12 buildings and related property and facilities for an  
13 agricultural science school as provided for in an agreement  
14 entered into pursuant to this subparagraph (8) and to enter  
15 into any such agreement without making a previous  
16 appropriation for the expense thereby incurred; and (ii) to  
17 enter into agreements to purchase any ownership interests  
18 in any school buildings and related property and facilities  
19 subject to any agreement entered into by the board pursuant  
20 to this subparagraph (8) and to assume or retire any  
21 outstanding debt or obligation relating to such school  
22 buildings and related property and facilities.

23 (9) Notwithstanding the provisions of subparagraph (8)  
24 of this Section or any other law, the board shall not at  
25 any time on or after the effective date of this amendatory  
26 Act of 1991 enter into any new lease or lease purchase

1 agreement, or amend or modify any existing lease, lease  
2 purchase or other agreement entered into pursuant to  
3 subparagraph (8), covering all or any part of the property  
4 or facilities, consisting of 78.85 acres more or less,  
5 heretofore purchased or otherwise acquired by the board for  
6 an agricultural science school; nor shall the board enter  
7 into any agreement on or after the effective date of this  
8 amendatory Act of 1991 to sell, lease, transfer or  
9 otherwise convey all or any part of the property so  
10 purchased or acquired, nor any of the school buildings or  
11 related facilities thereon, but the same shall be held,  
12 used, occupied and maintained by the board solely for the  
13 purpose of conducting and operating an agricultural  
14 science school. The board shall not, on or after the  
15 effective date of this amendatory Act of 1991, enter into  
16 any contracts or agreements for the construction,  
17 alteration or modification of any new or existing school  
18 buildings or related facilities or structural improvements  
19 on any part of the 78.85 acres purchased or otherwise  
20 acquired by the board for agricultural science school  
21 purposes, excepting only those contracts or agreements  
22 that are entered into by the board for the construction,  
23 alteration or modification of such school buildings,  
24 related facilities or structural improvements that on the  
25 effective date of this amendatory Act of 1991 are either  
26 located upon, under construction upon or scheduled under

1 existing plans and specifications to be constructed upon a  
2 parcel of land, consisting of 17.45 acres more or less and  
3 measuring approximately 880 feet along its northerly and  
4 southerly boundaries and 864 feet along its easterly and  
5 westerly boundaries, located in the northeast part of the  
6 78.85 acres. Nothing in this subparagraph (9) shall be  
7 deemed or construed to alter, modify, impair or otherwise  
8 affect the terms and provisions of, nor the rights and  
9 obligations of the parties under any agreement or contract  
10 made and entered into by the board prior to the effective  
11 date of this amendatory Act (i) for the acquisition, lease  
12 or lease purchase of, or for the construction, alteration  
13 or modification of any school buildings, related  
14 facilities or structural improvements upon all or any part  
15 of the 78.85 acres purchased or acquired by the board for  
16 agricultural science school purposes, or (ii) for the lease  
17 by the board of an irregularly shaped parcel, consisting of  
18 23.19 acres more or less, of that 78.85 acres for park  
19 board purposes.

20 (Source: P.A. 97-648, eff. 12-30-11.)".