



Sen. Patrick Welch

Filed: 5/13/2004

09300SB3001sam002

LRB093 14715 RCE 51043 a

1 AMENDMENT TO SENATE BILL 3001

2 AMENDMENT NO. _____. Amend Senate Bill 3001 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The General Obligation Bond Act is amended by
5 changing Sections 2 and 5 as follows:

6 (30 ILCS 330/2) (from Ch. 127, par. 652)

7 Sec. 2. Authorization for Bonds. The State of Illinois is
8 authorized to issue, sell and provide for the retirement of
9 General Obligation Bonds of the State of Illinois for the
10 categories and specific purposes expressed in Sections 2
11 through 8 of this Act, in the total amount of \$29,858,149,369
12 ~~\$27,658,149,369~~.

13 The bonds authorized in this Section 2 and in Section 16 of
14 this Act are herein called "Bonds".

15 Of the total amount of Bonds authorized in this Act, up to
16 \$2,200,000,000 in aggregate original principal amount may be
17 issued and sold in accordance with the Baccalaureate Savings
18 Act in the form of General Obligation College Savings Bonds.

19 Of the total amount of Bonds authorized in this Act, up to
20 \$300,000,000 in aggregate original principal amount may be
21 issued and sold in accordance with the Retirement Savings Act
22 in the form of General Obligation Retirement Savings Bonds.

23 Of the total amount of Bonds authorized in this Act, the
24 additional \$10,000,000,000 authorized by this amendatory Act

1 of the 93rd General Assembly shall be used solely as provided
2 in Section 7.2.

3 The issuance and sale of Bonds pursuant to the General
4 Obligation Bond Act is an economical and efficient method of
5 financing the capital and general operating needs of the State.
6 This Act will permit the issuance of a multi-purpose General
7 Obligation Bond with uniform terms and features. This will not
8 only lower the cost of registration but also reduce the overall
9 cost of issuing debt by improving the marketability of Illinois
10 General Obligation Bonds.

11 (Source: P.A. 92-13, eff. 6-22-01; 92-596, eff. 6-28-02;
12 92-598, eff. 6-28-02; 93-2, eff. 4-7-03.)

13 (30 ILCS 330/5) (from Ch. 127, par. 655)

14 Sec. 5. School Construction.

15 (a) The amount of \$58,450,000 is authorized to make grants
16 to local school districts for the acquisition, development,
17 construction, reconstruction, rehabilitation, improvement,
18 financing, architectural planning and installation of capital
19 facilities, including but not limited to those required for
20 special education building projects provided for in Article 14
21 of The School Code, consisting of buildings, structures, and
22 durable equipment, and for the acquisition and improvement of
23 real property and interests in real property required, or
24 expected to be required, in connection therewith.

25 (b) \$22,550,000, or so much thereof as may be necessary,
26 for grants to school districts for the making of principal and
27 interest payments, required to be made, on bonds issued by such
28 school districts after January 1, 1969, pursuant to any
29 indenture, ordinance, resolution, agreement or contract to
30 provide funds for the acquisition, development, construction,
31 reconstruction, rehabilitation, improvement, architectural
32 planning and installation of capital facilities consisting of
33 buildings, structures, durable equipment and land for

1 educational purposes or for lease payments required to be made
2 by a school district for principal and interest payments on
3 bonds issued by a Public Building Commission after January 1,
4 1969.

5 (c) \$10,000,000 for grants to school districts for the
6 acquisition, development, construction, reconstruction,
7 rehabilitation, improvement, architectural planning and
8 installation of capital facilities consisting of buildings
9 structures, durable equipment and land for special education
10 building projects.

11 (d) \$9,000,000 for grants to school districts for the
12 reconstruction, rehabilitation, improvement, financing and
13 architectural planning of capital facilities, including
14 construction at another location to replace such capital
15 facilities, consisting of those public school buildings and
16 temporary school facilities which, prior to January 1, 1984,
17 were condemned by the regional superintendent under Section
18 3-14.22 of The School Code or by any State official having
19 jurisdiction over building safety.

20 (e) \$5,250,000,000 ~~\$3,050,000,000~~ for grants to school
21 districts for school improvement projects authorized by the
22 School Construction Law. The bonds shall be sold in amounts not
23 to exceed the following schedule, except any bonds not sold
24 during one year shall be added to the bonds to be sold during
25 the remainder of the schedule:

26	First year	\$200,000,000
27	Second year	\$450,000,000
28	Third year	\$500,000,000
29	Fourth year	\$500,000,000
30	Fifth year	\$800,000,000
31	Sixth year and thereafter	\$600,000,000
32	<u>Seventh year</u>	<u>\$550,000,000</u>
33	<u>Eighth year</u>	<u>\$550,000,000</u>
34	<u>Ninth year</u>	<u>\$550,000,000</u>

1 Tenth year and thereafter\$550,000,000
 2 (Source: P.A. 91-39, eff. 6-15-99; 92-598, eff. 6-28-02.)

3 Section 10. The Illinois Procurement Code is amended by
 4 changing Section 1-10 as follows:

5 (30 ILCS 500/1-10)
 6 Sec. 1-10. Application.

7 (a) This Code applies only to procurements for which
 8 contractors were first solicited on or after July 1, 1998. This
 9 Code shall not be construed to affect or impair any contract,
 10 or any provision of a contract, entered into based on a
 11 solicitation prior to the implementation date of this Code as
 12 described in Article 99, including but not limited to any
 13 covenant entered into with respect to any revenue bonds or
 14 similar instruments. All procurements for which contracts are
 15 solicited between the effective date of Articles 50 and 99 and
 16 July 1, 1998 shall be substantially in accordance with this
 17 Code and its intent.

18 (b) This Code shall apply regardless of the source of the
 19 funds with which the contracts are paid, including federal
 20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political
 22 subdivisions or other governments, or between State
 23 governmental bodies except as specifically provided in
 24 this Code.

25 (2) Grants, except for the filing requirements of
 26 Section 20-80.

27 (3) Purchase of care.

28 (4) Hiring of an individual as employee and not as an
 29 independent contractor, whether pursuant to an employment
 30 code or policy or by contract directly with that
 31 individual.

32 (5) Collective bargaining contracts.

1 (6) Purchase of real estate.

2 (7) Contracts necessary to prepare for anticipated
3 litigation, enforcement actions, or investigations,
4 provided that the chief legal counsel to the Governor shall
5 give his or her prior approval when the procuring agency is
6 one subject to the jurisdiction of the Governor, and
7 provided that the chief legal counsel of any other
8 procuring entity subject to this Code shall give his or her
9 prior approval when the procuring entity is not one subject
10 to the jurisdiction of the Governor.

11 (8) Contracts for services to Northern Illinois
12 University by a person, acting as an independent
13 contractor, who is qualified by education, experience, and
14 technical ability and is selected by negotiation for the
15 purpose of providing non-credit educational service
16 activities or products by means of specialized programs
17 offered by the university.

18 (9) Procurement expenditures by the Illinois
19 Conservation Foundation when only private funds are used.

20 (10) Procurement by the Capital Development Board when
21 exercising general supervision under the School
22 Construction Law.

23 (Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00;
24 92-797, eff. 8-15-02.)

25 Section 20. The School Construction Law is amended by
26 changing Sections 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, 5-35,
27 5-40, 5-50, 5-60, and 5-100 as follows:

28 (105 ILCS 230/5-5)

29 Sec. 5-5. Definitions. As used in this Article:

30 ~~"Approved school construction bonds" mean bonds that were~~
31 ~~approved by referendum after January 1, 1996 but prior to~~
32 ~~January 1, 1998 as provided in Sections 19-2 through 19-7 of~~

1 ~~the School Code to provide funds for the acquisition,~~
2 ~~development, construction, reconstruction, rehabilitation,~~
3 ~~improvement, architectural planning, and installation of~~
4 ~~capital facilities consisting of buildings, structures,~~
5 ~~durable equipment, and land for educational purposes.~~

6 "Grant index" means a figure for each school district equal
7 to one minus the ratio of the district's equalized assessed
8 valuation per pupil in average daily attendance to the
9 equalized assessed valuation per pupil in average daily
10 attendance of the district located at the 90th percentile for
11 all districts of the same category. For the purpose of
12 calculating the grant index, school districts are grouped into
13 2 categories, Category I and Category II. Category I consists
14 of elementary and unit school districts. The equalized assessed
15 valuation per pupil in average daily attendance of each school
16 district in Category I shall be computed using its grades
17 kindergarten through 8 average daily attendance figure. A unit
18 school district's Category I grant index shall be used for
19 projects or portions of projects constructed for elementary
20 school pupils. Category II consists of high school and unit
21 school districts. The equalized assessed valuation per pupil in
22 average daily attendance of each school district in Category II
23 shall be computed using its grades 9 through 12 average daily
24 attendance figure. A unit school district's Category II grant
25 index shall be used for projects or portions of projects
26 constructed for high school pupils. The changes made by Public
27 ~~this amendatory Act 92-168 (effective July 26, 2001) of the~~
28 ~~92nd General Assembly~~ apply to all grants made on or after July
29 26, 2001 ~~the effective date of this amendatory Act~~, provided
30 that for grants not yet made on July 26, 2001 ~~the effective~~
31 ~~date of this amendatory Act~~ but made in fiscal year 2001 and
32 for grants made in fiscal year 2002, the grant index for a
33 school district shall be the greater of (i) the grant index as
34 calculated under this Law on or after July 26, 2001 ~~the~~

1 ~~effective date of this amendatory Act~~ or (ii) the grant index
2 as calculated under this Law before July 26, 2001 ~~the effective~~
3 ~~date of this amendatory Act~~. The grant index shall be no less
4 than 0.35 and no greater than 0.75 for each district; provided
5 that the grant index for districts whose equalized assessed
6 valuation per pupil in average daily attendance is at the 99th
7 percentile and above for all districts of the same type shall
8 be 0.00. Grant indexes shall be calculated by the Capital
9 Development Board. In making its calculations, the Capital
10 Development Board shall receive full cooperation and
11 assistance from the State Board of Education.

12 "School construction project" means the acquisition,
13 development, construction, reconstruction, rehabilitation,
14 improvement, architectural planning, and installation of
15 capital facilities consisting of buildings, structures,
16 durable equipment, and land for educational purposes.

17 "School maintenance project" means a project, other than a
18 school construction project, intended to provide for the
19 maintenance or upkeep of buildings or structures for
20 educational purposes, but does not include ongoing operational
21 costs.

22 (Source: P.A. 91-38, eff. 6-15-99; 92-168, eff. 7-26-01.)

23 (105 ILCS 230/5-10)

24 Sec. 5-10. Grant awards. The Capital Development Board is
25 authorized to make grants to school districts for school
26 construction projects with funds appropriated by the General
27 Assembly from the School Infrastructure Fund pursuant to the
28 provisions of this Article. ~~The State Board of Education is~~
29 ~~authorized to make grants to school districts for debt service~~
30 ~~with funds appropriated by the General Assembly from the School~~
31 ~~Infrastructure Fund pursuant to the provisions of this Article.~~

32 (Source: P.A. 90-548, eff. 1-1-98.)

1 (105 ILCS 230/5-15)

2 Sec. 5-15. Grant entitlements. The Capital Development
3 ~~State Board of Education~~ is authorized to issue grant
4 entitlements for school construction projects. The Capital
5 Development Board ~~and debt service~~ and shall determine the
6 priority order for school construction project grants to be
7 made by the Capital Development Board. When issuing a grant
8 entitlement for a school construction project, the Capital
9 Development Board, as a part of that entitlement, shall certify
10 to the district receiving the entitlement the dollar amount of
11 the school construction project's cost that the district will
12 be required to finance with non-grant funds in order to qualify
13 to receive a school construction project grant under this
14 Article from the Capital Development Board.

15 (Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

16 (105 ILCS 230/5-20)

17 Sec. 5-20. Grant application; district facilities plan.
18 School districts shall apply to the Capital Development State
19 ~~Board of Education~~ for school construction project grants ~~and~~
20 ~~debt service grants~~. Districts filing grant applications shall
21 submit to the Capital Development State Board a district
22 facilities plan that shall include, but not be limited to, an
23 assessment of present and future district facility needs as
24 required by present and anticipated educational programming,
25 the availability of local financial resources including
26 current revenues, fund balances, and unused bonding capacity,
27 the impact on the educational fund such as additional teachers
28 or other staff, a fiscal plan for meeting present and
29 anticipated debt service obligations, and a maintenance plan
30 and schedule that contain necessary assurances that new,
31 renovated, and existing facilities are being or will be
32 properly maintained. If a district that applies for a school
33 construction project grant has no unused bonding capacity or if

1 its unused bonding capacity may be less than the portion of the
2 cost of the proposed school construction project that the
3 district would be required to finance with non-grant funds, the
4 application and facilities plan submitted by the district shall
5 set forth the estimated amount of the project's cost that the
6 district proposes to finance by the issuance of bonds under
7 subsection (n) of Section 19-1 of the School Code. The Capital
8 Development ~~State Board of Education~~ shall review and approve
9 district facilities plans prior to issuing grant entitlements.
10 Each district that receives a grant entitlement shall annually
11 update its district facilities plan and submit the revised plan
12 to the Capital Development ~~State~~ Board for approval.

13 (Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

14 (105 ILCS 230/5-25)

15 Sec. 5-25. Eligibility and project standards.

16 (a) The Capital Development ~~State Board of Education~~ shall
17 establish eligibility standards for school construction
18 project grants ~~and debt service grants~~. These standards shall
19 include minimum enrollment requirements for eligibility for
20 school construction project grants of 200 students for
21 elementary districts, 200 students for high school districts,
22 and 400 students for unit districts. The Capital Development
23 ~~State Board of Education~~ shall approve a district's eligibility
24 for a school construction project grant ~~or a debt service grant~~
25 pursuant to the established standards.

26 (b) The Capital Development Board shall establish project
27 standards for all school construction project grants provided
28 pursuant to this Article. These standards shall include space
29 and capacity standards as well as the determination of
30 recognized project costs that shall be eligible for State
31 financial assistance and enrichment costs that shall not be
32 eligible for State financial assistance. The Capital
33 Development Board shall establish guidelines for energy

1 conservation and cost effective, sustainable design, and shall
2 require all projects to be designed to demonstrate the benefits
3 of energy efficient high performance schools through (i)
4 eligibility for a rating of silver or higher under the
5 standards set forth from time to time in the Leadership in
6 Energy and Environmental Design Green Building Rating System
7 established by the U.S. Green Building Council, or (ii)
8 conformance with the Energy Design Guidelines for High
9 Performance Schools issued by the U.S. Department of Energy
10 (October 2002).

11 (c) ~~The State Board of Education and the~~ Capital
12 Development Board shall not establish standards that
13 disapprove or otherwise establish limitations that restrict
14 the eligibility of a school district with a population
15 exceeding 500,000 for a school construction project grant based
16 on the fact that any or all of the school construction project
17 grant will be used to pay debt service or to make lease
18 payments, as authorized by subsection (b) of Section 5-35 of
19 this Law.

20 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

21 (105 ILCS 230/5-30)

22 Sec. 5-30. Priority of school construction projects.

23 (a) The Capital Development Board ~~State Board of Education~~
24 shall develop standards for the determination of priority needs
25 concerning school construction projects based upon approved
26 district facilities plans. Such standards shall call for
27 prioritization based on the degree of need and Project type in
28 the following order:

29 (1) Replacement or reconstruction of school buildings
30 destroyed or damaged by flood, tornado, fire, earthquake, or
31 other disasters, either man-made or produced by nature;

32 (2) Projects designed to construct school and preschool
33 buildings to alleviate a shortage of classrooms due to

1 population growth or to replace aging preschool and school
2 buildings upon review by the Illinois Historic Preservation
3 Agency;

4 (3) Projects resulting from interdistrict reorganization
5 of school districts contingent on local referenda;

6 (4) Replacement, rehabilitation, or reconstruction of
7 school facilities determined to be severe and continuing health
8 or life safety hazards or modernizing or upgrading educational
9 facilities and alterations necessary to provide accessibility
10 for qualified individuals with disabilities.†

11 ~~(5) Alterations necessary to provide accessibility for~~
12 ~~qualified individuals with disabilities; and~~

13 ~~(6) Other unique solutions to facility needs.~~

14 (b) In developing standards for the determination of
15 priority needs for projects under items (1), (2), and (4) of
16 subsection (a), the Capital Development Board may adopt
17 standards that encourage reorganization under appropriate
18 circumstances.

19 (Source: P.A. 90-548, eff. 1-1-98.)

20 (105 ILCS 230/5-35)

21 Sec. 5-35. School construction project grant amounts;
22 permitted use; prohibited use.

23 (a) The product of the district's grant index and the
24 recognized project cost, as determined by the Capital
25 Development Board, for an approved school construction project
26 shall equal the amount of the grant the Capital Development
27 Board shall provide to the eligible district. The grant index
28 shall not be used in cases where the General Assembly and the
29 Governor approve appropriations designated for specifically
30 identified school district construction projects.

31 (b) In each fiscal year in which school construction
32 project grants are awarded, 20% of the total amount awarded
33 statewide shall be awarded to a school district with a

1 population exceeding 500,000, provided such district complies
2 with the provisions of this Article. For grants awarded
3 beginning in Fiscal Year 2005, 20% of the 20% of the total
4 amount statewide awarded to a district with a population
5 exceeding 500,000 shall be awarded for construction projects at
6 Gwendolyn Brooks College Preparatory Academy, until such time
7 as an amount not to exceed \$20 million has been awarded to the
8 Academy.

9 In addition to the uses otherwise authorized by this Law,
10 any school district with a population exceeding 500,000 is
11 authorized to use any or all of the school construction project
12 grants (i) to pay debt service, as defined in the Local
13 Government Debt Reform Act, on bonds, as defined in the Local
14 Government Debt Reform Act, issued to finance one or more
15 school construction projects and (ii) to the extent that any
16 such bond is a lease or other installment or financing contract
17 between the school district and a public building commission
18 that has issued bonds to finance one or more qualifying school
19 construction projects, to make lease payments under the lease.

20 (c) No portion of a school construction project grant
21 awarded by the Capital Development Board shall be used by a
22 school district for any on-going operational costs.

23 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

24 (105 ILCS 230/5-40)

25 Sec. 5-40. Supervision of school construction projects.

26 (a) The Capital Development Board shall exercise general
27 supervision over school construction projects financed
28 pursuant to this Article. In exercising general supervision,
29 the Capital Development Board may (i) review design and
30 construction documents prior to any competitive bidding, (ii)
31 participate in negotiations for design and construction
32 administration contracts, (iii) review all change orders prior
33 to approval, and (iv) participate in negotiations for

1 modifications to the original contract. All contracts, change
2 orders, and contract amendments shall be subject to approval by
3 the Capital Development Board or its designee. Nothing in this
4 subsection shall be construed as a limitation on the
5 supervisory power of the Capital Development Board or any other
6 power granted to the Capital Development Board under this or
7 any other Act.

8 (b) In anticipation of an award of a grant under this
9 Article, the Capital Development Board may provide advice and
10 assistance to a school district within the limits of the
11 Board's functions of general supervision. The purpose of
12 providing advice and assistance is to ensure that the project
13 will qualify for a grant should grant amounts become available,
14 particularly if the school district is providing its own
15 funding to commence or complete the project.

16 (c) Upon approval by the school district, the Board may (i)
17 use alternative delivery methods as provided by law and (ii)
18 may exercise all powers relating to construction that are
19 granted to school districts under the School Code. The design
20 contract and workforce hiring goals adopted by the Board under
21 the Business Enterprise for Minorities, Females, and Persons
22 with Disabilities Act apply to the Board when acting under this
23 Section.

24 (d) The Capital Development Board may charge a grant or
25 contract administration fee that does not exceed 1% of the
26 contract amount and that shall not diminish the matching grant
27 awarded to the school district.

28 (Source: P.A. 90-548, eff. 1-1-98.)

29 (105 ILCS 230/5-50)

30 Sec. 5-50. Referendum requirements. After the Capital
31 Development ~~State Board of Education~~ has approved all or part
32 of a district's application and issued a grant entitlement for
33 a school construction project grant, the district shall submit

1 the project or the financing of the project to a referendum
2 when such referendum is required by law.

3 (Source: P.A. 90-548, eff. 1-1-98.)

4 (105 ILCS 230/5-60)

5 Sec. 5-60. School capital needs assessment. The ~~State Board~~
6 ~~of Education and the~~ Capital Development Board shall file with
7 the General Assembly a comprehensive assessment report of the
8 capital needs of all school districts in this State before
9 January 1, 2005 and every 2 years thereafter. This assessment
10 shall include without limitation an analysis of the ~~6~~
11 categories of capital needs prioritized in Section 5-30 of this
12 Law.

13 (Source: P.A. 93-489, eff. 8-8-03.)

14 (105 ILCS 230/5-100)

15 Sec. 5-100. School maintenance project grants.

16 (a) The Capital Development ~~State Board of Education~~ is
17 authorized to make grants to school districts, without regard
18 to enrollment, for school maintenance projects. These grants
19 shall be paid out of moneys appropriated for that purpose from
20 the School Infrastructure Fund. No grant under this Section for
21 one fiscal year shall exceed \$50,000, but a school district may
22 receive grants for more than one project during one fiscal
23 year. A school district must provide local matching funds in an
24 amount equal to the amount of the grant under this Section. A
25 school district has no entitlement to a grant under this
26 Section.

27 (b) The Capital Development ~~State Board of Education~~ shall
28 adopt rules to implement this Section. These rules need not be
29 the same as the rules for school construction project grants or
30 debt service grants.

31 The rules may specify: (1) the manner of applying for
32 grants; (2) project eligibility requirements; (3) restrictions

1 on the use of grant moneys; (4) the manner in which school
2 districts must account for the use of grant moneys; and (5) any
3 other provision that the Capital Development ~~State~~ Board
4 determines to be necessary or useful for the administration of
5 this Section.

6 The rules shall specify the methods and standards to be
7 used by the Capital Development ~~State~~ Board to prioritize
8 applications. School maintenance projects shall be prioritized
9 in the following order:

- 10 (i) emergency projects;
11 (ii) health/life safety projects;
12 (iii) State Program priority projects;
13 (iv) permanent improvement projects; and
14 (v) other projects.

15 (c) In each school year in which school maintenance project
16 grants are awarded, 20% of the total amount awarded shall be
17 awarded to a school district with a population of more than
18 500,000, provided that the school district complies with the
19 requirements of this Section and the rules adopted under this
20 Section.

21 (Source: P.A. 91-38, eff. 6-15-99.)

22 (105 ILCS 230/5-45 rep.)

23 Section 30. The School Construction Law is amended by
24 repealing Section 5-45.

25 Section 99. Effective date. This Act takes effect July 1,
26 2004."