



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4309**

Introduced 12/22/05, by Rep. Jerry L. Mitchell

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/17-2.11

from Ch. 122, par. 17-2.11

Amends the School Code. Authorizes the levy of life safety taxes and the issuance of life safety bonds to upgrade cafeteria tables to current safety standards and for other fire prevention and safety projects if there is a substantial, immediate, and otherwise unavoidable threat to the health, safety, or welfare of pupils due to the absence of equipment (such as a lightening rod) to prevent damage or destruction to a school building from a lightening strike. Effective immediately.

LRB094 15679 NHT 50888 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Section  
5 17-2.11 as follows:

6 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

7 Sec. 17-2.11. School board power to levy a tax or to borrow  
8 money and issue bonds for fire prevention, safety, energy  
9 conservation, disabled accessibility, school security, and  
10 specified repair purposes. Whenever, as a result of any lawful  
11 order of any agency, other than a school board, having  
12 authority to enforce any school building code applicable to any  
13 facility that houses students, or any law or regulation for the  
14 protection and safety of the environment, pursuant to the  
15 Environmental Protection Act, any school district having a  
16 population of less than 500,000 inhabitants is required to  
17 alter or reconstruct any school building or permanent, fixed  
18 equipment; or 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 or whenever any such district determines that it is necessary  
26 for disabled accessibility purposes and to comply with the  
27 school building code that any school building or equipment  
28 should be altered or reconstructed and that such alterations or  
29 reconstruction will be made with funds not necessary for the  
30 completion of approved and recommended projects contained in  
31 any safety survey report or amendments thereto authorized under  
32 Section 2-3.12 of this Act; or whenever any such district

1 determines that it is necessary for school security purposes  
2 and the related protection and safety of pupils and school  
3 personnel that any school building or property should be  
4 altered or reconstructed or that security systems and equipment  
5 (including but not limited to intercom, early detection and  
6 warning, access control and television monitoring systems)  
7 should be purchased and installed, and that such alterations,  
8 reconstruction or purchase and installation of equipment will  
9 be made with funds not necessary for the completion of approved  
10 and recommended projects contained in any safety survey report  
11 or amendment thereto authorized by Section 2-3.12 of this Act  
12 and will deter and prevent unauthorized entry or activities  
13 upon school property by unknown or dangerous persons, assure  
14 early detection and advance warning of any such actual or  
15 attempted unauthorized entry or activities and help assure the  
16 continued safety of pupils and school staff if any such  
17 unauthorized entry or activity is attempted or occurs; or  
18 whenever any such district determines that it is necessary to  
19 upgrade cafeteria tables to current safety standards; or if a  
20 school district does not need funds for other fire prevention  
21 and safety projects, including the completion of approved and  
22 recommended projects contained in any safety survey report or  
23 amendments thereto authorized by Section 2-3.12 of this Act,  
24 and it is determined after a public hearing (which is preceded  
25 by at least one published notice (i) occurring at least 7 days  
26 prior to the hearing in a newspaper of general circulation  
27 within the school district and (ii) setting forth the time,  
28 date, place, and general subject matter of the hearing) that  
29 there is a substantial, immediate, and otherwise unavoidable  
30 threat to the health, safety, or welfare of pupils due to  
31 disrepair of school sidewalks, playgrounds, parking lots, or  
32 school bus turnarounds and repairs must be made or that there  
33 is a substantial, immediate, and otherwise unavoidable threat  
34 to the health, safety, or welfare of pupils due to the absence  
35 of equipment (such as a lightning rod) to prevent damage or  
36 destruction or both to a school building from a lightning

1 strike: then in any such event, such district may, by proper  
2 resolution, levy a tax for the purpose of making such  
3 alteration or reconstruction, based on a survey report by an  
4 architect or engineer licensed in the State of Illinois, upon  
5 all the taxable property of the district at the value as  
6 assessed by the Department of Revenue at a rate not to exceed  
7 .05% per year for a period sufficient to finance such  
8 alterations, repairs, or reconstruction, upon the following  
9 conditions:

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

20 (b) When a certified estimate of an architect or  
21 engineer licensed in the State of Illinois stating the  
22 estimated amount necessary to make the alterations or  
23 repairs, or to purchase and install such equipment so  
24 ordered has been secured by the district, and the estimate  
25 has been approved by the regional superintendent of  
26 schools, having jurisdiction of the district, and the State  
27 Superintendent of Education. Approval shall not be granted  
28 for any work that has already started without the prior  
29 express authorization of the State Superintendent of  
30 Education. If such estimate is not approved or denied  
31 approval by the regional superintendent of schools within 3  
32 months after the date on which it is submitted to him or  
33 her, the school board of the district may submit such  
34 estimate directly to the State Superintendent of Education  
35 for approval or denial.

36 For purposes of this Section a school district may replace

1 a school building or build additions to replace portions of a  
2 building when it is determined that the effectuation of the  
3 recommendations for the existing building will cost more than  
4 the replacement costs. Such determination shall be based on a  
5 comparison of estimated costs made by an architect or engineer  
6 licensed in the State of Illinois. The new building or addition  
7 shall be equivalent in area (square feet) and comparable in  
8 purpose and grades served and may be on the same site or  
9 another site. Such replacement may only be done upon order of  
10 the regional superintendent of schools and the approval of the  
11 State Superintendent of Education.

12 The filing of a certified copy of the resolution levying  
13 the tax when accompanied by the certificates of the regional  
14 superintendent of schools and State Superintendent of  
15 Education shall be the authority of the county clerk to extend  
16 such tax.

17 The county clerk of the county in which any school district  
18 levying a tax under the authority of this Section is located,  
19 in reducing raised levies, shall not consider any such tax as a  
20 part of the general levy for school purposes and shall not  
21 include the same in the limitation of any other tax rate which  
22 may be extended.

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

26 The tax rate limit specified in this Section may be  
27 increased to .10% upon the approval of a proposition to effect  
28 such increase by a majority of the electors voting on that  
29 proposition at a regular scheduled election. Such proposition  
30 may be initiated by resolution of the school board and shall be  
31 certified by the secretary to the proper election authorities  
32 for submission in accordance with the general election law.

33 When taxes are levied by any school district for fire  
34 prevention, safety, energy conservation, and school security  
35 purposes as specified in this Section, and the purposes for  
36 which the taxes have been levied are accomplished and paid in

1 full, and there remain funds on hand in the Fire Prevention and  
2 Safety Fund from the proceeds of the taxes levied, including  
3 interest earnings thereon, the school board by resolution shall  
4 use such excess and other board restricted funds excluding bond  
5 proceeds and earnings from such proceeds (1) for other  
6 authorized fire prevention, safety, energy conservation, and  
7 school security purposes or (2) for transfer to the Operations  
8 and Maintenance Fund for the purpose of abating an equal amount  
9 of operations and maintenance purposes taxes. If any transfer  
10 is made to the Operation and Maintenance Fund, the secretary of  
11 the school board shall within 30 days notify the county clerk  
12 of the amount of that transfer and direct the clerk to abate  
13 the taxes to be extended for the purposes of operations and  
14 maintenance authorized under Section 17-2 of this Act by an  
15 amount equal to such transfer.

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

23 Such bonds shall bear interest at a rate not to exceed the  
24 maximum rate authorized by law at the time of the making of the  
25 contract, shall mature within 20 years from date, and shall be  
26 signed by the president of the school board and the treasurer  
27 of the school district.

28 In order to authorize and issue such bonds, the school  
29 board shall adopt a resolution fixing the amount of bonds, the  
30 date thereof, the maturities thereof, rates of interest  
31 thereof, place of payment and denomination, which shall be in  
32 denominations of not less than \$100 and not more than \$5,000,  
33 and provide for the levy and collection of a direct annual tax  
34 upon all the taxable property in the school district sufficient  
35 to pay the principal and interest on such bonds to maturity.  
36 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 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 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 With respect to instruments for the payment of money issued  
17 under this Section either before, on, or after the effective  
18 date of Public Act 86-004 (June 6, 1989), it is, and always has  
19 been, the intention of the General Assembly (i) that the  
20 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  
27 Section within the supplementary authority granted by the  
28 Omnibus Bond Acts are not invalid because of any provision of  
29 this Act that may appear to be or to have been more restrictive  
30 than those Acts.

31 When the purposes for which the bonds are issued have been  
32 accomplished and paid for in full and there remain funds on  
33 hand from the proceeds of the bond sale and interest earnings  
34 therefrom, the board shall, by resolution, use such excess  
35 funds in accordance with the provisions of Section 10-22.14 of  
36 this Act.

1           Whenever any tax is levied or bonds issued for fire  
2 prevention, safety, energy conservation, and school security  
3 purposes, such proceeds shall be deposited and accounted for  
4 separately within the Fire Prevention and Safety Fund.

5           (Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670, eff.  
6 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

7           Section 99. Effective date. This Act takes effect upon  
8 becoming law.