



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2036

Introduced 2/25/2005, by Sen. Chris Lauzen

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the School Land and Capital Facilities Assessment Act. Provides for the assessment of land and capital facilities assessment fees by a school district against the owners of dwelling units that are constructed within new developments that are constructed in the school district. Provides that the assessment, imposition, and collection of these fees pursuant to the Act shall be the sole and exclusive means by which units of local government and school districts may assess, impose, and collect fees against new development for purposes of satisfying and financing the costs of acquiring and improving school lands and of constructing school capital facilities to meet the demands and needs of new development. Provides for the undertaking of a land and capital facilities needs assessment by a school district, a school district's adoption of a land and capital facilities plan, and the right of a fee payer to contest the school district's adoption of a land and capital facilities plan or the school district's assessment, collection, or use of land and capital facilities assessment fees. Provides that only school districts situated in whole or in part in counties having a population in excess of 250,000 have the authority to adopt a land and capital facilities plan and assess and collect land and capital facilities assessment fees. Provides that the Act does not apply to the Chicago school district. Provides that no unit of local government other than these school districts has the authority to adopt a land and capital facilities plan and assess land and capital facilities assessment fees. Provides that any unit of local government that has adopted an ordinance that provides for the assessment and payment of fees to satisfy land acquisition and improvement costs or capital facilities costs for school districts operating within its boundaries shall repeal the ordinance to the extent such school districts adopt a land and capital facilities plan and establish a land and capital facilities assessment fee. Limits the concurrent exercise of home rule powers. Amends the Property Tax Code, the Counties Code, and the Illinois Municipal Code to provide that certain provisions are subject to the Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 10991 NHT 41594 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Article 1. General Provisions

5 Section 1-1. Short title. This Act may be cited as the  
6 School Land and Capital Facilities Assessment Act.

7 Section 1-5. Statement of purpose and intent.

8 (a) The General Assembly declares that the purposes of this  
9 Act are to establish a mechanism for Illinois school districts  
10 to pay or finance costs they anticipate incurring in acquiring  
11 and improving school lands and in constructing school  
12 facilities to serve new development, to ensure that the burden  
13 of paying for needed school lands and school facilities is  
14 determined and allocated in a fair and equitable manner among  
15 the owners of newly constructed homes so that such owners carry  
16 no more than their fair share of the burden of providing such  
17 lands and facilities, and to maintain the affordability of  
18 housing opportunities in the State.

19 (b) The General Assembly further finds that it is the  
20 General Assembly's intent:

21 (1) to promote orderly economic growth and development  
22 throughout the State while ensuring that owners of newly  
23 constructed homes pay their fair share, but no more than  
24 their fair share, of the cost of acquiring and improving  
25 needed school lands and of constructing needed school  
26 facilities;

27 (2) to ensure that the owners of newly constructed  
28 homes who pay their fair share of the costs are able to pay  
29 such costs over time so that the cost of constructing their  
30 homes remains affordable;

31 (3) to ensure that adequate school lands and school

1 facilities are available to serve the student populations  
2 that will be generated by the construction of new homes;

3 (4) to establish fair and equitable procedures and  
4 standards for school districts to employ in creating and  
5 implementing school land and capital facilities plans and  
6 in assessing and expending school land and capital  
7 facilities assessment fees; and

8 (5) to prevent the assessment of unfair and  
9 inconsistent fees for the acquisition and improvement of  
10 school lands and the construction of new school facilities.

11 Section 1-10. Definitions.

12 "Assessment period" means a 10-year period that is to  
13 commence not later than 12 months following the date of  
14 adoption of a land and capital facilities plan. A school  
15 district that adopts a land and capital facilities plan shall  
16 have the right to extend an assessment period for an additional  
17 10-year period if the school district makes specific findings  
18 of fact, after public hearing, to the effect that market  
19 conditions have precluded the school district from achieving  
20 the objectives of the plan within the initial 10-year period.

21 "Bonds or other evidence of indebtedness" means bonds or  
22 other evidence of indebtedness as defined in Section 1 of the  
23 Bond Authorization Act.

24 "Capital facilities costs" means the reasonable costs  
25 incurred by a school district in constructing school capital  
26 facilities and in acquiring buildings that are to be devoted to  
27 use as school buildings. Capital facilities costs may include  
28 the reasonable planning, design, engineering, architectural,  
29 and legal costs incurred by a school district in connection  
30 with the preparation and consideration of a capital facilities  
31 needs assessment, the formulation and adoption of a land and  
32 capital facilities plan, and the construction of school capital  
33 facilities, except that not more than 10% of the total costs  
34 anticipated to be incurred in constructing the school capital  
35 facilities shall be used to pay such planning, design,

1 engineering, architectural, and legal costs and further that,  
2 if the construction or acquisition of the school capital  
3 facilities for which architectural, engineering, and legal  
4 costs were incurred is not commenced or consummated within 6  
5 years after the date those costs were incurred, the school  
6 district shall reimburse the applicable assessment fee fund for  
7 the costs so incurred from other revenue sources. "Capital  
8 facilities costs" does not include any costs that are incurred  
9 or to be incurred as land acquisition and improvement costs.

10 "Capital facilities needs assessment" means an assessment  
11 of a school district's need for new school capital facilities  
12 as described in Section 5-10 of this Act.

13 "Dwelling unit" means an attached or detached  
14 single-family or multiple-family residence, apartment, or  
15 condominium. Residences within new developments that are  
16 nursing homes, congregate care facilities, assisted living  
17 facilities, housing that is intended for and solely occupied by  
18 persons 62 years of age or older under 42 U.S.C. 3607  
19 (b) (2) (B), and housing intended for and occupied by persons 55  
20 years of age and older under 42 U.S.C. 3607 (b) (2) (C) shall not  
21 be deemed dwelling units under this Act.

22 "Encumber" means to use or commit to use collected land and  
23 capital facilities assessment fees by legal obligation,  
24 appropriation, or other official action by a school district.

25 "Fee payer" means an owner of a dwelling unit that is  
26 required to pay or that does pay a land and capital facilities  
27 assessment fee.

28 "Land and capital facilities plan" means a plan adopted by  
29 a school district pursuant to Article 10 of this Act.

30 "Land acquisition and improvement costs" means the  
31 reasonable costs a school district incurs in acquiring or  
32 improving needed school lands. "Land acquisition and  
33 improvement costs" may include the reasonable planning,  
34 design, title, survey, brokerage, environmental investigation,  
35 and legal costs incurred or to be incurred by a school district  
36 in preparing and considering a land needs assessment, in

1 formulating and adopting a land and capital facilities plan,  
2 and in acquiring and improving school lands, except that not  
3 more than 10% of the total costs anticipated to be incurred in  
4 preparing and considering a land needs assessment, in  
5 formulating and adopting a land and capital facilities plan,  
6 and in acquiring and improving school lands shall be used to  
7 pay such planning, design, engineering, architectural, title,  
8 survey, brokerage, environmental investigation, and legal  
9 costs and further that, if the school lands for which  
10 architectural, engineering, title, survey, brokerage,  
11 environmental investigation, and legal costs were incurred are  
12 not acquired or improved within 6 years after the date adoption  
13 of the land and capital facilities plan for which such costs  
14 were incurred, the school district shall reimburse the  
15 applicable assessment fee fund for the costs so incurred from  
16 other revenue sources. For purposes of this definition, the  
17 word "improving" or "improvement" means the reasonable costs a  
18 school district incurs or anticipates it will incur: (i) in  
19 constructing sanitary sewer, storm sewer, water, sidewalk, and  
20 roadway improvements to school lands or on lands that are  
21 adjacent to school lands to meet the demands of new  
22 development; (ii) in undertaking grading and landscaping  
23 improvements on school lands and adjacent ways; (iii) in  
24 constructing parking lot improvements on school lands; (iv) in  
25 constructing athletic fields and tennis courts in conjunction  
26 with the construction of new school buildings or permanent  
27 additions to existing school buildings; (v) in furnishing and  
28 installing for the first time fixed playground apparatus; and  
29 (vi) in undertaking required demolition work. Land acquisition  
30 and improvement costs shall not include any costs that are  
31 incurred or to be incurred as capital facilities costs.

32 "Land and capital facilities assessment fee" means a fee  
33 established by a school district pursuant to a land and capital  
34 facilities plan.

35 "Land needs assessment" means an assessment of a school  
36 district's need for new school lands as described in Section

1 5-5 of this Act.

2 "New development" means development containing dwelling  
3 units that is being newly constructed or that is projected to  
4 be constructed.

5 "Proportionate share" means that portion of the land  
6 acquisition and improvement costs and capital facilities costs  
7 that is specifically and uniquely attributable to new  
8 development.

9 "School buildings" means roofed and walled structures  
10 built for permanent use that are: (i) leased or owned or to be  
11 leased or owned by a school district; and (ii) used or to be  
12 used for public school purposes. A classification of school  
13 buildings means elementary, junior high, or high school  
14 buildings.

15 "School capacity" means the maximum student enrollment  
16 capacity of an existing school building determined on the basis  
17 of the space and physical standards recommended by the regional  
18 superintendent of schools and taking into account the then  
19 current State and federal special education and accessibility  
20 facility mandates.

21 "School capital facilities" means and is limited to the  
22 following improvements to school lands: newly constructed  
23 school buildings; newly constructed structural improvements to  
24 school buildings and permanent additions to school buildings;  
25 systems that are being installed within newly constructed  
26 school buildings or within permanent additions to school  
27 buildings, including without limitation electrical systems,  
28 plumbing systems, fire protection systems, and heating,  
29 ventilation, and air conditioning systems; and additions to or  
30 replacements of systems within existing school buildings to the  
31 extent necessary to meet the demands of new development.

32 "School district" means any public elementary, high  
33 school, or unit school district.

34 "School lands" means lands that are: (i) leased or owned or  
35 to be leased or owned by a school district; and (ii) used, to  
36 be used, or capable of being used for school purposes.

1 "Unit of local government" means a unit of local government  
2 included in the definition of "units of local government" under  
3 Article VII, Section 1 of the Illinois Constitution, including  
4 all home rule units.

5 Section 1-15. Authorization.

6 (a) Only school districts situated in whole or in part in  
7 counties having a population in excess of 250,000 have the  
8 authority to adopt a land and capital facilities plan and  
9 assess and collect land and capital facilities assessment fees.  
10 The provisions of this Act do not apply to school districts  
11 situated in municipalities having a population in excess of  
12 1,000,000.

13 (b) Only school districts that have undertaken a land needs  
14 assessment and concluded that they will need to acquire and  
15 improve new school lands over an assessment period are  
16 authorized to include within a proposed land and capital  
17 facilities assessment fee a component for land acquisition and  
18 improvement costs.

19 (c) Only school districts that have undertaken a capital  
20 facilities needs assessment and concluded that they will need  
21 to construct new school capital facilities are authorized to  
22 include within a proposed land and capital facilities  
23 assessment fee a component for capital facilities costs.

24 Section 1-20. Limitations.

25 (a) No unit of local government other than the school  
26 districts described in subsection (a) of Section 1-15 of this  
27 Act has the authority to adopt a land and capital facilities  
28 plan and assess land and capital facilities assessment fees.

29 (b) The assessment, imposition, and collection of land and  
30 capital facilities assessment fees pursuant to this Act shall  
31 be the sole and exclusive means by which units of local  
32 government and school districts may assess, impose, and collect  
33 fees against new development for purposes of satisfying and  
34 financing the costs of acquiring and improving school lands and

1 of constructing school capital facilities to meet the demands  
2 and needs of new development.

3 (c) No school district authorized by this Act to assess and  
4 impose land and capital facilities assessment fees may impose  
5 fees for the acquisition and improvement of school lands or for  
6 the construction of school capital facilities in a manner that  
7 is inconsistent with the provisions of this Act.

8 (d) No annexation agreement entered into by a unit of local  
9 government pursuant to the provisions of Article 11 of Division  
10 15.1 of the Illinois Municipal Code may require payment of fees  
11 for the acquisition and improvement of school lands or for the  
12 construction of school capital facilities other than land and  
13 capital facilities assessment fees that have been established  
14 by a school district pursuant to the provisions of this Act. If  
15 a unit of local government seeks to enter into an annexation  
16 agreement with a developer of a new development, such  
17 annexation agreement shall provide for the payment of land and  
18 capital facilities assessment fees as and to the extent the  
19 school districts within whose jurisdiction the new development  
20 is to be constructed have adopted a land and capital facilities  
21 plan and established a land and capital facilities assessment  
22 fee schedule.

23 (e) A home rule unit may not regulate subjects governed  
24 under this Act in a manner more restrictive than the regulation  
25 by the State of those subjects under this Act. This Act is a  
26 limitation under subsection (i) of Section 6 of Article VII of  
27 the Illinois Constitution on the concurrent exercise by home  
28 rule units of local government of powers and functions  
29 exercised by the State.

30 Article 5. Needs Assessment

31 Section 5-5. Land needs assessment.

32 (a) No school district may adopt a land and capital  
33 facilities plan that provides for the acquisition or  
34 improvement of new school lands or for the incurring of any



1 land acquisition and improvement costs to meet the needs of new  
2 development unless it first undertakes a land needs assessment  
3 that concludes that new school lands will need to be acquired  
4 or improved over the planned for assessment period to meet the  
5 needs of new development. The land needs assessment shall set  
6 forth with particularity the proportionate share of the new  
7 school lands or of the land acquisition and improvement costs  
8 that is attributable to the new development. A land needs  
9 assessment must not be more than one year old at the time of  
10 adoption of a land and capital facilities plan.

11 (b) A land needs assessment shall contain the following for  
12 each classification of school building that exists within the  
13 school district:

14 (1) a description of the existing school lands within  
15 the school district;

16 (2) an identification of the school capacity of each  
17 school building within the school district and of the  
18 number of students then enrolled in each school building;

19 (3) a projection of the character and location of new  
20 development that is expected to occur within the school  
21 district over the succeeding 2-year, 5-year, and 10-year  
22 periods;

23 (4) an estimate of the amount of school lands that will  
24 be needed over the then planned for assessment period to  
25 accommodate the demands of the projected new development;

26 (5) a projection of the land acquisition and  
27 improvement costs that the school district will incur in  
28 improving already owned school lands and in improving and  
29 acquiring new school lands; and

30 (6) a projected timetable for the acquisition or  
31 improvement of the school lands.

32 (c) If a land needs assessment is not undertaken for a  
33 given classification of school lands, then the school district  
34 may not include within a proposed land and capital facilities  
35 plan and proposed land and capital facilities assessment fee a  
36 component for the acquisition or improvement of new school

1 lands or for the incurring of any land acquisition and  
2 improvement costs for such classification of school buildings.  
3 Once a school district has satisfied its need for school lands  
4 for a given classification of school buildings, as established  
5 by the approved land needs assessment, it may not impose  
6 further land and capital facilities assessment fees against new  
7 development for school lands or for land acquisition and  
8 improvement costs for that classification of school buildings.

9 Section 5-10. Capital facilities needs assessment.

10 (a) No school district may adopt a land and capital  
11 facilities plan that provides for the construction or  
12 acquisition of new school capital facilities or for the  
13 incurring of any capital facilities costs to meet the needs of  
14 new development unless it first undertakes a capital facilities  
15 needs assessment that concludes that new school capital  
16 facilities will need to be constructed or acquired over the  
17 planned for assessment period to meet the needs of new  
18 development. The capital facilities needs assessment shall set  
19 forth with particularity the proportionate share of the capital  
20 facilities costs that is attributable to the new development. A  
21 capital facilities needs assessment must not be more than one  
22 year old at the time of adoption of a land and capital  
23 facilities plan.

24 (b) A capital facilities needs assessment shall contain all  
25 of the following for each classification of school building  
26 that exists within the school district:

27 (1) A description of the existing school buildings  
28 within the school district.

29 (2) An identification of the school capacity of each  
30 school building within the school district and of the  
31 number of students then enrolled in each school building.

32 (3) A projection of the character and location of new  
33 development that is expected to occur within the school  
34 district over the succeeding 10-year period.

35 (4) An estimate of the amount of school capital

1 facilities that will be needed over the then planned for  
2 assessment period to accommodate the demands of the  
3 projected new development.

4 (5) a projection of the capital facilities costs that  
5 the school district will incur in acquiring or constructing  
6 the school capital facilities.

7 (6) a projected timetable for the acquisition or  
8 construction of the school capital facilities.

9 (c) If a capital facilities needs assessment is not  
10 undertaken for a given classification of school buildings, then  
11 the school district may not include within a proposed land and  
12 capital facilities plan and proposed land and capital  
13 facilities assessment fee a component for the acquisition or  
14 construction of new school buildings or for the incurring of  
15 any capital facilities costs for the classification of school  
16 buildings. Once a school district has satisfied its need for  
17 school buildings for a given classification of school  
18 buildings, as established by the approved capital facilities  
19 needs assessment, it shall not impose further land and capital  
20 facilities assessment fees against new development for school  
21 buildings or for capital facilities costs for that  
22 classification of school buildings.

### 23 Article 10. Adoption of Plan; Public Hearing

24 Section 10-5. Requirement to adopt plan; passage of  
25 resolution. A school district that seeks to assess land and  
26 capital facilities assessment fees against new development  
27 shall first adopt a land and capital facilities plan in the  
28 manner provided by this Act. Adoption of such a plan shall be  
29 effected by the passage of a resolution by a two-thirds vote of  
30 the school district's board members then holding office. No  
31 school board may consider and act on such a resolution unless  
32 it has first received the report and recommendations of the  
33 school district's superintendent as provided for in Section  
34 10-10 of this Act.

1 Section 10-10. Preparation of superintendent's report and  
2 recommendations. Before a school district adopts a land and  
3 capital facilities plan, its superintendent shall prepare a  
4 report that contains all of the following:

5 (1) A land needs assessment for the school district.

6 (2) A capital facilities needs assessment for the  
7 school district.

8 (3) The funding sources available to the school  
9 district to pay the land acquisition and improvement costs  
10 and capital facilities costs the school district will incur  
11 in acquiring or improving needed school lands and in  
12 acquiring or constructing needed school capital  
13 facilities.

14 (4) A recommended land and capital facilities plan.

15 (5) A recommended schedule of land and capital  
16 facilities assessment fees that are to be paid by the  
17 owners of dwelling units within the new developments that  
18 are projected to be constructed within the school district  
19 over the planned for assessment period.

20 The report shall divide the school district into  
21 sub-districts for analysis and planning purposes. The  
22 boundaries of such sub-districts shall be consistent with the  
23 boundaries of the areas being served by the various school  
24 buildings existing or planned for within the school district.  
25 The report shall identify a school district's need for new  
26 school lands and new school capital facilities for each  
27 separate classification of school buildings.

28 Section 10-15. Public hearings by superintendent. The  
29 school district superintendent shall conduct a public hearing  
30 on his or her report and recommendations and, after taking into  
31 account the testimony he or she receives at the public hearing,  
32 issue a final report and set of recommendations to the school  
33 board. The superintendent shall issue the report and  
34 recommendations within 60 days after the close after the public

1 hearing. Notice of the public hearing shall be published at  
2 least once in a newspaper of general circulation within the  
3 school district not less than 21 days and not more than 45 days  
4 prior to the date scheduled for the public hearing. The  
5 superintendent shall also give notice of the public hearing by  
6 certified mail, within the same time period, to any person or  
7 entity that has registered with the school district in  
8 accordance with the school district's adopted procedures as  
9 desiring to receive such notice.

10 Section 10-20. Public hearing by the school board. After  
11 the school board receives the superintendent's report and  
12 recommendations, it shall conduct its own public hearing on the  
13 report and recommendations. The public hearing shall be  
14 conducted in the same manner as the public hearing on the  
15 superintendent's report and recommendations. At the conclusion  
16 of the public hearing, the school board shall either accept the  
17 superintendent's report and recommendations in their entirety  
18 or accept and modify the superintendent's report and  
19 recommendations and proceed to adopt a land and capital  
20 facilities plan and establish a land and capital facilities  
21 assessment fee schedule, as provided in Section 10-5 of this  
22 Act, or it shall reject the superintendent's report and  
23 recommendations, in which event no land and capital facilities  
24 plan shall be adopted and no land and capital facilities  
25 assessment fee schedule shall be established. If the school  
26 board seeks to adopt a land and capital facilities plan or  
27 establish a land and capital facilities assessment fee schedule  
28 that is materially inconsistent with the conclusions of the  
29 superintendent's report or the superintendent's  
30 recommendations, it shall remand the superintendent's report  
31 and recommendations back to the superintendent for additional  
32 consideration at a newly convened public hearing held in the  
33 manner required for the initially conducted public hearing.

1           Section 15-5. Assessment of land and capital facilities  
2 assessment fees. Once a school district has adopted a land and  
3 capital facilities plan and established a land and capital  
4 facilities assessment fee schedule, it shall have the authority  
5 and obligation to assess the fees against the owners of all  
6 dwelling units that are thereafter constructed within new  
7 developments that are constructed in the school district. Land  
8 and capital facilities assessment fees for dwelling units  
9 constructed with a new development shall be due and payable  
10 from and after the date of issuance of a certificate of  
11 occupancy for the dwelling unit.

12           Section 15-10. Standard for assessment of land and capital  
13 facilities assessment fees. A new development that is required  
14 to pay land and capital facilities assessment fees pursuant to  
15 this Act must not be required to pay more than the new  
16 development's proportionate share of the land acquisition and  
17 improvement costs and capital facilities costs that a school  
18 district anticipates incurring over the planned for assessment  
19 period, as set forth in the approved land needs assessment and  
20 capital facilities needs assessments, which proportionate  
21 share shall take into account the donation of any lands that  
22 the developer of that new development may have theretofore  
23 donated to the school district.

24           Section 15-15. Exclusion of new development increases in  
25 assessed value and from certain property tax extensions. If a  
26 school district adopts a land and capital facilities plan and  
27 establishes a land and capital facilities assessment fee  
28 schedule, the tax rates for the school district's existing or  
29 subsequently issued bonds or other evidence of indebtedness, to  
30 the extent issued to cover the school district's land  
31 acquisition and improvement costs or capital facilities costs,  
32 and the school district's tax rate for capital improvements  
33 established under subdivision (4) of Section 17-2 of the School

1 Code must not be extended to new development increases in the  
2 assessed value of property within the school district for the  
3 assessment period set forth in the plan, notwithstanding the  
4 provisions of Section 18-115 and Section 18-140 of the Property  
5 Tax Code.

6 Section 15-20. Issuance of assessment fee anticipation  
7 warrants, notes, bonds, and other evidence of indebtedness.

8 (a) A school district that has adopted a land and capital  
9 facilities plan may issue assessment fee anticipation  
10 warrants, notes, bonds, or other evidence of indebtedness to  
11 defray land acquisition and improvement costs and capital  
12 facilities costs that the school district anticipates  
13 incurring to meet the needs of new development to the extent of  
14 85% of the amount of land and capital facilities assessment  
15 fees that it anticipates collecting over the planned for  
16 assessment period. Moneys borrowed by a school district in this  
17 manner shall be applied to the purposes for which they were  
18 obtained and no other purpose. All moneys so borrowed shall be  
19 repaid exclusively from land and capital facilities assessment  
20 fees within 60 days after the assessment fees have been  
21 received by the school district.

22 (b) Borrowing authorized under this Section shall bear  
23 interest at a rate not to exceed the maximum rate authorized by  
24 the Bond Authorization Act from the date of issuance until  
25 paid.

26 (c) Prior to the school district borrowing or establishing  
27 a line of credit under this Section, the school board shall  
28 authorize, by resolution, the borrowing or line of credit. The  
29 resolution shall set forth facts demonstrating the need for the  
30 borrowing or line of credit, state the amount to be borrowed,  
31 establish a maximum interest rate limit not to exceed that set  
32 forth in subsection (b) of this Section, and provide a date by  
33 which the borrowed funds shall be repaid. The resolution shall  
34 direct the relevant officials to make arrangements to set apart  
35 and hold the fees, as received, that will be used to repay the

1 borrowing. In addition, the resolution may authorize the  
2 relevant officials to make partial repayments of the borrowing  
3 as the fees become available and may contain any other terms,  
4 restrictions, or limitations not inconsistent with the  
5 provisions of this Section.

6 Section 15-25. Collection of land and capital facilities  
7 assessment fees. A school district assessing land acquisition  
8 and capital facilities assessment fees against the owners of  
9 newly constructed dwelling units pursuant to this Act shall  
10 bill all fee payers for the payment of the fees on a twice a  
11 year basis in a manner similarly to that employed by the county  
12 collector in the collection of property taxes under the  
13 Property Tax Code.

14 Section 15-30. Collection; lien rights. The school  
15 district shall have the right to place a lien on the property  
16 of any fee payer that is subject to the payment of a land and  
17 capital facilities assessment fee if the fee payer fails to pay  
18 the fee as and when required by the adopted land and capital  
19 facilities plan and by law. The school district shall have the  
20 right to foreclose such lien in the same manner as is provided  
21 by law for the foreclosure of mortgage liens.

22 Section 15-35. Annual certification by superintendent. The  
23 school district superintendent shall annually submit to the  
24 school district school board and to the regional superintendent  
25 of schools, within 30 days after expiration of the school  
26 district's fiscal year, a certification made under oath to the  
27 effect that, to the best of his or her knowledge and after  
28 undertaking a good faith investigation, land and capital  
29 facilities assessment fees imposed pursuant to the school  
30 district's adopted land and capital facilities plan have been  
31 imposed, held, and used in the manner required by this Act and  
32 by the adopted land and capital facilities plan.



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## Article 20. Contests

2           Section 20-5. Right to contest. A fee payer or any other  
3 party whose property is or will be subject to the assessment of  
4 a land and capital facilities assessment fee shall have the  
5 right to contest the school district's adoption of a land and  
6 capital facilities plan or the school district's assessment,  
7 collection, or use of land and capital facilities assessment  
8 fees. The resolution adopting a land and capital facilities  
9 plan shall provide for the consideration of such contest by the  
10 regional superintendent of schools and for the prevailing party  
11 in such challenge to recover from the non-prevailing party the  
12 attorney's fees and costs that the prevailing party has  
13 reasonably incurred in pursuing or defending the contest. The  
14 regional superintendent of schools shall have the authority to  
15 determine whether a school district's adopted land and capital  
16 facilities plan and established schedule of land and capital  
17 facilities assessment fees are consistent with the manifest  
18 weight of the evidence presented at the public hearings  
19 required under Sections 10-15 and 10-20 of this Act or are  
20 otherwise contrary to law and whether the school district has  
21 imposed, collected, and used land and capital facilities  
22 assessment fees in accordance with the adopted land and capital  
23 facilities plan and the requirements of law. The ruling of the  
24 regional superintendent of schools is subject to judicial  
25 review in the circuit court under the provisions of the  
26 Administrative Review Law.

27           Section 20-10. Limitation on challenges.

28           (a) No proceeding to contest an adopted land and capital  
29 facilities plan or an established land and capital facilities  
30 assessment fee schedule shall be commenced by a fee payer or  
31 any other party later than one year after the date of adoption  
32 of the plan and the establishment of the schedule.

33           (b) No proceeding to contest the use of collected land and  
34 capital facilities assessment fees may be commenced later than

1 one year after the date of payment of the fees, except that an  
2 action seeking the refund of a land and capital facilities  
3 assessment fee that has not been encumbered by a school  
4 district as and when required by the adopted plan and by this  
5 Act may be commenced by a fee payer more than one year after  
6 the date of its payment provided it is commenced by the fee  
7 payer no later than one year after the expiration of the period  
8 within which the fee was to have been encumbered.

9 Article 25. Transition

10 Section 25-5. Repeal of existing ordinances. Any unit of  
11 local government that has adopted an ordinance that provides  
12 for the assessment and payment of fees to satisfy land  
13 acquisition and improvement costs or capital facilities costs  
14 for school districts operating within its boundaries shall  
15 repeal the ordinance to the extent such school districts adopt  
16 a land and capital facilities plan and establish a land and  
17 capital facilities assessment fee. The unit of local government  
18 shall undertake such repeal within 120 days after the date of  
19 adoption of the land and capital facilities plan.

20 Section 25-10. Exemption of new developments. New  
21 developments that, as of the date of a school district's  
22 passage of a resolution adopting a land and capital facilities,  
23 are the subject of an agreement with the school district or  
24 unit of local government that provides for the payment of fees  
25 to the school district or unit of local government to pay land  
26 acquisition and improvement costs or capital facilities costs  
27 the school district anticipates incurring to meet the needs of  
28 new development must not be included within the school  
29 district's plan or subject to the school district's subsequent  
30 imposition of land and capital facilities assessment fees.

31 Article 90. Amendatory Provisions

1 Section 90-5. The Property Tax Code is amended by changing  
2 Sections 18-115 and 18-140 as follows:

3 (35 ILCS 200/18-115)

4 Sec. 18-115. Use of equalized assessed valuation. The  
5 equalized assessed value of all property, as determined under  
6 this Code, after equalization by the Department, shall be the  
7 assessed valuation for all purposes of taxation, limitation of  
8 taxation, and limitation of indebtedness prescribed in any  
9 statute. This Section is subject to the School Land and Capital  
10 Facilities Assessment Act.

11 (Source: P.A. 86-233; 86-953; 86-957; 86-1475; 87-17; 87-477;  
12 87-895; 88-455.)

13 (35 ILCS 200/18-140)

14 Sec. 18-140. Extension upon equalized assessment of  
15 current levy year. All taxes shall be extended by each county  
16 clerk upon the valuation produced by the equalization and  
17 assessment of property by the Department for the levy year. In  
18 the computation of rates, a fraction of a mill shall be  
19 extended as the next higher mill. Each installment of taxes  
20 shall be extended in a separate column. Installments shall be  
21 equal and as to each installment a fraction of a cent shall be  
22 extended as one cent. This Section is subject to the School  
23 Land and Capital Facilities Assessment Act.

24 (Source: P.A. 87-17; 88-455.)

25 Section 90-10. The Counties Code is amended by changing  
26 Section 5-1041.1 as follows:

27 (55 ILCS 5/5-1041.1) (from Ch. 34, par. 5-1041.1)

28 Sec. 5-1041.1. School land donations. The governing board  
29 of a school district that is located in a county having a  
30 population of less than 3,000,000 may submit to the county  
31 board a written request that a meeting be held to discuss  
32 school land donations from a developer of a subdivision or

1 resubdivision of land included within the area served by the  
2 school district. For the purposes of this Section, "school land  
3 donation" means a donation of land for public school purposes  
4 or a cash contribution in lieu thereof, or a combination of  
5 both. This Section is subject to the School Land and Capital  
6 Facilities Assessment Act.

7 (Source: P.A. 86-1039.)

8 Section 90-15. The Illinois Municipal Code is amended by  
9 changing Section 11-12-5.1 and by adding Section 11-15.1-6 as  
10 follows:

11 (65 ILCS 5/11-12-5.1) (from Ch. 24, par. 11-12-5.1)

12 Sec. 11-12-5.1. School land donations. The governing board  
13 of a school district may submit to the corporate authorities of  
14 a municipality having a population of less than 500,000 which  
15 is served by the school district a written request that a  
16 meeting be held to discuss school land donations from a  
17 developer of a subdivision or resubdivision of land included  
18 within the area served by the school district. For the purposes  
19 of this Section, "school land donation" means a donation of  
20 land for public school purposes or a cash contribution in lieu  
21 thereof, or a combination of both. This Section is subject to  
22 the School Land and Capital Facilities Assessment Act.

23 (Source: P.A. 86-1023; 86-1039.)

24 (65 ILCS 5/11-15.1-6 new)

25 Sec. 11-15.1-6. This Division is subject to the School Land  
26 and Capital Facilities Assessment Act.

27 Section 90-90. The State Mandates Act is amended by adding  
28 Section 8.29 as follows:

29 (30 ILCS 805/8.29 new)

30 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
31 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by the School Land and  
2 Capital Facilities Assessment Act.

3 Article 99. Effective Date

4 Section 99-99. Effective date. This Act takes effect upon  
5 becoming law.

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Statutes amended in order of appearance

New Act

35 ILCS 200/18-115

35 ILCS 200/18-140

55 ILCS 5/5-1041.1 from Ch. 34, par. 5-1041.1

65 ILCS 5/11-12-5.1 from Ch. 24, par. 11-12-5.1

65 ILCS 5/11-15.1-6 new

30 ILCS 805/8.29 new