



Sen. Randall M. Hultgren

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09500HB1926sam001

LRB095 09066 RLC 37418 a

1 AMENDMENT TO HOUSE BILL 1926

2 AMENDMENT NO. _____. Amend House Bill 1926 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 16-6.1 as follows:

6 (105 ILCS 5/16-6.1 new)

7 Sec. 16-6.1. Immediate Possession of Lands for School
8 Purposes. Notwithstanding any other provision of this Article
9 or the provisions of any other law, a unit school district
10 shall, upon written motion, be vested with the fee simple title
11 to the real property which is the subject of an eminent domain
12 proceeding filed pursuant to Section 10-22.35A and Section 16-6
13 and be authorized to take possession of and use such property
14 immediately for the construction of a high school building, and
15 facilities ancillary thereto, if all of the following
16 conditions are met:

1 (1) the school district has an equalized assessed
2 valuation for calendar year 2006 of at least \$4,500,000,000
3 and an enrollment for the 2006-2007 school year of at least
4 28,000;

5 (2) at least 58% of those voting in a general primary
6 election held prior to November 2006 approved a proposition
7 for the construction of the high school building and the
8 issuance of \$124,660,000 general obligation bonds for the
9 purpose of paying the costs thereof;

10 (3) the eminent domain proceeding was filed on or
11 before December 23, 2005 for the acquisition of a vacant
12 parcel of land containing approximately 55 acres in a
13 county contiguous to a county with 3,000,000 or more
14 inhabitants;

15 (4) the circuit court in which such proceeding is
16 pending entered its order, on or before November 17, 2006,
17 denying defendants' traverse motion and motion to dismiss
18 and finding, among other things, that the board of
19 education made a bona fide attempt to agree with the
20 property owner on the compensation to be paid to acquire
21 the subject property, but was unable to do so, thereby
22 authorizing the filing of a condemnation action;

23 (5) the school district waives its right to dismiss the
24 complaint, or to abandon the proceeding, as to all or any
25 part of the property so taken; and

26 (6) the school district deposits the sum of \$500,000

1 per acre with the county treasurer who shall invest the
2 deposit in an interest-bearing account for the benefit of
3 the parties to the action. The deposit and accrued interest
4 shall be held by the treasurer until entry of a final and
5 non-appealable order by the circuit court determining the
6 just compensation to be paid for the property. Upon entry
7 of such final and non-appealable order, the treasurer shall
8 disburse the just compensation to the owners and any excess
9 deposit to the school district. Interest accrued on the
10 deposit shall be disbursed to the owners and the school
11 district in the same proportion as the principal deposit is
12 disbursed to the owners and the school district. In the
13 event the deposit and all accrued interest are insufficient
14 to satisfy the award of just compensation determined in
15 such final and non-appealable order, then the school
16 district shall pay such deficiency, together with judgment
17 interest accruing from the date of such final and
18 non-appealable order within 30 days. In no event shall the
19 amount of the deposit be admissible as evidence in the
20 eminent domain proceeding.

21 In all other respects, said eminent domain proceeding shall
22 be governed by applicable law.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."