

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 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 created
11 pursuant to the provisions of the Public Building Commission
12 Act, approved July 5, 1955, as heretofore or hereafter amended
13 or from any individuals, partnerships or corporations, any real
14 or personal property for the purpose of securing space for its
15 school purposes or office or other space for its administrative
16 functions for a period of time not exceeding 40 years.

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

21 (3) Such lease may be entered into without making a
22 previous appropriation for the expense thereby incurred;
23 provided, however, that if the board undertakes to pay all or

1 any part of the costs of operating and maintaining the property
2 of a public building commission as authorized in subparagraph
3 (4) of this Section, such expenses of operation and maintenance
4 shall be included in the annual budget of such board annually
5 during the term of such undertaking.

6 (4) In addition, the board may undertake, either in the
7 lease with a public building commission or by separate
8 agreement or contract with a public building commission, to pay
9 all or any part of the costs of maintaining and operating the
10 property of a public building commission for any period of time
11 not exceeding 40 years.

12 (5) To enter into agreements, including lease and lease
13 purchase agreements having a term not longer than 40 years from
14 the date on which such agreements are entered into, with
15 private sector individuals, partnerships, or corporations for
16 the construction of school buildings, school administrative
17 offices, site development, and school support facilities. The
18 board shall maintain exclusive possession of all schools,
19 school administrative offices, and school facilities which it
20 is occupying or acquiring pursuant to any such lease or lease
21 purchase agreement, and in addition shall have and exercise
22 complete control over the education program conducted at such
23 schools, offices and facilities. The board's contribution
24 under any such agreement shall be limited to the use of the
25 real estate and existing improvements on a rental basis which
26 shall be exempt from any form of leasehold tax or assessment,

1 but the interests of the board may be subordinated to the
2 interests of a mortgage holder or holders acquired as security
3 for additional improvements made on the property.

4 (6) To make payments on a lease or lease purchase agreement
5 entered into pursuant to subparagraph (5) of this Section with
6 an individual, partnership, or a corporation for school
7 buildings, school administrative offices, and school support
8 facilities constructed by such individual, partnership, or
9 corporation.

10 (7) To purchase the interests of an individual,
11 partnership, or corporation pursuant to any lease or lease
12 purchase agreement entered into by the board pursuant to
13 subparagraph (5) of this Section, and to assume or retire any
14 outstanding debt or obligation relating to such lease or lease
15 purchase agreement for any school building, school
16 administrative office, or school support facility.

17 (8) Subject to the provisions of subparagraph (9) of this
18 Section, to enter into agreements, including lease and lease
19 purchase agreements, having a term not longer than 40 years
20 from the date on which such agreements are entered into for the
21 provision of school buildings and related property and
22 facilities for an agricultural science school. The enrollment
23 in such school shall be limited to 720 ~~600~~ students. Under such
24 agreements the board shall have exclusive possession of all
25 such school buildings and related property and facilities which
26 it is occupying or acquiring pursuant to any such agreements,

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

26 (9) Notwithstanding the provisions of subparagraph (8) of

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

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

20 (Source: P.A. 91-357, eff. 7-29-99.)