



Rep. Linda Chapa LaVia

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LRB098 02688 NHT 41106 a

1 AMENDMENT TO HOUSE BILL 3

2 AMENDMENT NO. _____. Amend House Bill 3 on page 1, lines 4
3 and 5, by replacing "Section 17-2A" with "Sections 17-2.11 and
4 17-2A"; and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

8 Sec. 17-2.11. School board power to levy a tax or to borrow
9 money and issue bonds for fire prevention, safety, energy
10 conservation, disabled accessibility, school security, and
11 specified repair purposes.

12 (a) Whenever, as a result of any lawful order of any
13 agency, other than a school board, having authority to enforce
14 any school building code applicable to any facility that houses
15 students, or any law or regulation for the protection and
16 safety of the environment, pursuant to the Environmental

1 Protection Act, any school district having a population of less
2 than 500,000 inhabitants is required to alter or reconstruct
3 any school building or permanent, fixed equipment; the district
4 may, by proper resolution, levy a tax for the purpose of making
5 such alteration or reconstruction, based on a survey report by
6 an architect or engineer licensed in this State, upon all of
7 the taxable property of the district at the value as assessed
8 by the Department of Revenue and at a rate not to exceed 0.05%
9 per year for a period sufficient to finance such alteration or
10 reconstruction, upon the following conditions:

11 (1) When there are not sufficient funds available in
12 the operations and maintenance fund of the school district,
13 the school facility occupation tax fund of the district, or
14 the fire prevention and safety fund of the district, as
15 determined by the district on the basis of rules adopted by
16 the State Board of Education, to make such alteration or
17 reconstruction or to purchase and install such permanent,
18 fixed equipment so ordered or determined as necessary.
19 Appropriate school district records must be made available
20 to the State Superintendent of Education, upon request, to
21 confirm this insufficiency.

22 (2) When a certified estimate of an architect or
23 engineer licensed in this State stating the estimated
24 amount necessary to make the alteration or reconstruction
25 or to purchase and install the equipment so ordered has
26 been secured by the school district, and the estimate has

1 been approved by the regional superintendent of schools
2 having jurisdiction over the district and the State
3 Superintendent of Education. Approval must not be granted
4 for any work that has already started without the prior
5 express authorization of the State Superintendent of
6 Education. If the estimate is not approved or is denied
7 approval by the regional superintendent of schools within 3
8 months after the date on which it is submitted to him or
9 her, the school board of the district may submit the
10 estimate directly to the State Superintendent of Education
11 for approval or denial.

12 In the case of an emergency situation, where the estimated
13 cost to effectuate emergency repairs is less than the amount
14 specified in Section 10-20.21 of this Code, the school district
15 may proceed with such repairs prior to approval by the State
16 Superintendent of Education, but shall comply with the
17 provisions of subdivision (2) of this subsection (a) as soon
18 thereafter as may be as well as Section 10-20.21 of this Code.
19 If the estimated cost to effectuate emergency repairs is
20 greater than the amount specified in Section 10-20.21 of this
21 Code, then the school district shall proceed in conformity with
22 Section 10-20.21 of this Code and with rules established by the
23 State Board of Education to address such situations. The rules
24 adopted by the State Board of Education to deal with these
25 situations shall stipulate that emergency situations must be
26 expedited and given priority consideration. For purposes of

1 this paragraph, an emergency is a situation that presents an
2 imminent and continuing threat to the health and safety of
3 students or other occupants of a facility, requires complete or
4 partial evacuation of a building or part of a building, or
5 consumes one or more of the 5 emergency days built into the
6 adopted calendar of the school or schools or would otherwise be
7 expected to cause such school or schools to fall short of the
8 minimum school calendar requirements.

9 (b) Whenever any such district determines that it is
10 necessary for energy conservation purposes that any school
11 building or permanent, fixed equipment should be altered or
12 reconstructed and that such alterations or reconstruction will
13 be made with funds not necessary for the completion of approved
14 and recommended projects contained in any safety survey report
15 or amendments thereto authorized by Section 2-3.12 of this Act;
16 the district may levy a tax or issue bonds as provided in
17 subsection (a) of this Section.

18 (c) Whenever any such district determines that it is
19 necessary for disabled accessibility purposes and to comply
20 with the school building code that any school building or
21 equipment should be altered or reconstructed and that such
22 alterations or reconstruction will be made with funds not
23 necessary for the completion of approved and recommended
24 projects contained in any safety survey report or amendments
25 thereto authorized under Section 2-3.12 of this Act, the
26 district may levy a tax or issue bonds as provided in

1 subsection (a) of this Section.

2 (d) Whenever any such district determines that it is
3 necessary for school security purposes and the related
4 protection and safety of pupils and school personnel that any
5 school building or property should be altered or reconstructed
6 or that security systems and equipment (including but not
7 limited to intercom, early detection and warning, access
8 control and television monitoring systems) should be purchased
9 and installed, and that such alterations, reconstruction or
10 purchase and installation of equipment will be made with funds
11 not necessary for the completion of approved and recommended
12 projects contained in any safety survey report or amendment
13 thereto authorized by Section 2-3.12 of this Act and will deter
14 and prevent unauthorized entry or activities upon school
15 property by unknown or dangerous persons, assure early
16 detection and advance warning of any such actual or attempted
17 unauthorized entry or activities and help assure the continued
18 safety of pupils and school staff if any such unauthorized
19 entry or activity is attempted or occurs; the district may levy
20 a tax or issue bonds as provided in subsection (a) of this
21 Section.

22 (e) If a school district does not need funds for other fire
23 prevention and safety projects, including the completion of
24 approved and recommended projects contained in any safety
25 survey report or amendments thereto authorized by Section
26 2-3.12 of this Act, and it is determined after a public hearing

1 (which is preceded by at least one published notice (i)
2 occurring at least 7 days prior to the hearing in a newspaper
3 of general circulation within the school district and (ii)
4 setting forth the time, date, place, and general subject matter
5 of the hearing) that there is a substantial, immediate, and
6 otherwise unavoidable threat to the health, safety, or welfare
7 of pupils due to disrepair of school sidewalks, playgrounds,
8 parking lots, or school bus turnarounds and repairs must be
9 made; then the district may levy a tax or issue bonds as
10 provided in subsection (a) of this Section.

11 (f) For purposes of this Section a school district may
12 replace a school building or build additions to replace
13 portions of a building when it is determined that the
14 effectuation of the recommendations for the existing building
15 will cost more than the replacement costs. Such determination
16 shall be based on a comparison of estimated costs made by an
17 architect or engineer licensed in the State of Illinois. The
18 new building or addition shall be equivalent in area (square
19 feet) and comparable in purpose and grades served and may be on
20 the same site or another site. Such replacement may only be
21 done upon order of the regional superintendent of schools and
22 the approval of the State Superintendent of Education.

23 (g) The filing of a certified copy of the resolution
24 levying the tax when accompanied by the certificates of the
25 regional superintendent of schools and State Superintendent of
26 Education shall be the authority of the county clerk to extend

1 such tax.

2 (h) The county clerk of the county in which any school
3 district levying a tax under the authority of this Section is
4 located, in reducing raised levies, shall not consider any such
5 tax as a part of the general levy for school purposes and shall
6 not include the same in the limitation of any other tax rate
7 which may be extended.

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

11 (i) The tax rate limit specified in this Section may be
12 increased to .10% upon the approval of a proposition to effect
13 such increase by a majority of the electors voting on that
14 proposition at a regular scheduled election. Such proposition
15 may be initiated by resolution of the school board and shall be
16 certified by the secretary to the proper election authorities
17 for submission in accordance with the general election law.

18 (j) When taxes are levied by any school district for fire
19 prevention, safety, energy conservation, and school security
20 purposes as specified in this Section, and the purposes for
21 which the taxes have been levied are accomplished and paid in
22 full, and there remain funds on hand in the Fire Prevention and
23 Safety Fund from the proceeds of the taxes levied, including
24 interest earnings thereon, the school board by resolution shall
25 use such excess and other board restricted funds, excluding
26 bond proceeds and earnings from such proceeds, as follows:

1 (1) for other authorized fire prevention, safety,
2 energy conservation, and school security purposes; or

3 (2) for transfer to the Operations and Maintenance Fund
4 for the purpose of abating an equal amount of operations
5 and maintenance purposes taxes.

6 Notwithstanding subdivision (2) of this subsection (j) and
7 subsection (k) of this Section, through June 30, 2016 ~~2013~~, the
8 school board may, by proper resolution following a public
9 hearing set by the school board or the president of the school
10 board (that is preceded (i) by at least one published notice
11 over the name of the clerk or secretary of the board, occurring
12 at least 7 days and not more than 30 days prior to the hearing,
13 in a newspaper of general circulation within the school
14 district and (ii) by posted notice over the name of the clerk
15 or secretary of the board, at least 48 hours before the
16 hearing, at the principal office of the school board or at the
17 building where the hearing is to be held if a principal office
18 does not exist, with both notices setting forth the time, date,
19 place, and subject matter of the hearing), transfer surplus
20 life safety taxes and interest earnings thereon to the
21 Operations and Maintenance Fund for building repair work.

22 (k) If any transfer is made to the Operation and
23 Maintenance Fund, the secretary of the school board shall
24 within 30 days notify the county clerk of the amount of that
25 transfer and direct the clerk to abate the taxes to be extended
26 for the purposes of operations and maintenance authorized under

1 Section 17-2 of this Act by an amount equal to such transfer.

2 (l) If the proceeds from the tax levy authorized by this
3 Section are insufficient to complete the work approved under
4 this Section, the school board is authorized to sell bonds
5 without referendum under the provisions of this Section in an
6 amount that, when added to the proceeds of the tax levy
7 authorized by this Section, will allow completion of the
8 approved work.

9 (m) Any bonds issued pursuant to this Section shall bear
10 interest at a rate not to exceed the maximum rate authorized by
11 law at the time of the making of the contract, shall mature
12 within 20 years from date, and shall be signed by the president
13 of the school board and the treasurer of the school district.

14 (n) In order to authorize and issue such bonds, the school
15 board shall adopt a resolution fixing the amount of bonds, the
16 date thereof, the maturities thereof, rates of interest
17 thereof, place of payment and denomination, which shall be in
18 denominations of not less than \$100 and not more than \$5,000,
19 and provide for the levy and collection of a direct annual tax
20 upon all the taxable property in the school district sufficient
21 to pay the principal and interest on such bonds to maturity.
22 Upon the filing in the office of the county clerk of the county
23 in which the school district is located of a certified copy of
24 the resolution, it is the duty of the county clerk to extend
25 the tax therefor in addition to and in excess of all other
26 taxes heretofore or hereafter authorized to be levied by such

1 school district.

2 (o) After the time such bonds are issued as provided for by
3 this Section, if additional alterations or reconstructions are
4 required to be made because of surveys conducted by an
5 architect or engineer licensed in the State of Illinois, the
6 district may levy a tax at a rate not to exceed .05% per year
7 upon all the taxable property of the district or issue
8 additional bonds, whichever action shall be the most feasible.

9 (p) This Section is cumulative and constitutes complete
10 authority for the issuance of bonds as provided in this Section
11 notwithstanding any other statute or law to the contrary.

12 (q) With respect to instruments for the payment of money
13 issued under this Section either before, on, or after the
14 effective date of Public Act 86-004 (June 6, 1989), it is, and
15 always has been, the intention of the General Assembly (i) that
16 the Omnibus Bond Acts are, and always have been, supplementary
17 grants of power to issue instruments in accordance with the
18 Omnibus Bond Acts, regardless of any provision of this Act that
19 may appear to be or to have been more restrictive than those
20 Acts, (ii) that the provisions of this Section are not a
21 limitation on the supplementary authority granted by the
22 Omnibus Bond Acts, and (iii) that instruments issued under this
23 Section within the supplementary authority granted by the
24 Omnibus Bond Acts are not invalid because of any provision of
25 this Act that may appear to be or to have been more restrictive
26 than those Acts.

1 (r) When the purposes for which the bonds are issued have
2 been accomplished and paid for in full and there remain funds
3 on hand from the proceeds of the bond sale and interest
4 earnings therefrom, the board shall, by resolution, use such
5 excess funds in accordance with the provisions of Section
6 10-22.14 of this Act.

7 (s) Whenever any tax is levied or bonds issued for fire
8 prevention, safety, energy conservation, and school security
9 purposes, such proceeds shall be deposited and accounted for
10 separately within the Fire Prevention and Safety Fund.

11 (Source: P.A. 95-675, eff. 10-11-07; 95-793, eff. 1-1-09;
12 96-252, eff. 8-11-09; 96-1474, eff. 8-23-10.)".