



Rep. Donald L. Moffitt

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09800SB3113ham003

LRB098 19695 NHT 59458 a

1 AMENDMENT TO SENATE BILL 3113

2 AMENDMENT NO. _____. Amend Senate Bill 3113, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 11E-105 as follows:

7 (105 ILCS 5/11E-105)

8 Sec. 11E-105. Assets, liabilities and bonded indebtedness;
9 tax rate.

10 (a) Subject to the terms and provisions of subsections (b)
11 and (c) of this Section, whenever a new district is created
12 under any of the provisions of this Article, the outstanding
13 bonded indebtedness shall be treated as provided in this
14 subsection (a) and in Section 19-29 of this Code. The tax rate
15 for bonded indebtedness shall be determined in the manner
16 provided in Section 19-7 of this Code, and, notwithstanding the

1 creation of any such district, the county clerk or clerks shall
2 annually extend taxes, for each outstanding bond issue against
3 all of the taxable property that was situated within the
4 boundaries of the district, as those boundaries existed at the
5 time of the issuance of the bond issue, regardless of whether
6 the property is still contained in that same district at the
7 time of the extension of the taxes by the county clerk or
8 clerks; provided that, notwithstanding the provisions of
9 Section 19-18 of this Code, upon resolution of the school
10 board, the county clerk must extend taxes to pay the principal
11 of and interest on any general obligation bonds issued by the
12 new district exclusively to refund or continue to refund any
13 bonded indebtedness of a district organized into the new
14 district against all of the taxable property that was situated
15 within the boundaries of the previously existing district as
16 the boundaries existed at the time of the issuance of the
17 initial bonded indebtedness being or continuing to be refunded.
18 The terms of this proviso are applicable to districts that were
19 created pursuant to a referendum held in November of 2008.

20 (b) For a unit district formation, whenever a part of a
21 district is included within the boundaries of a newly created
22 unit district, the regional superintendent of schools shall
23 cause an accounting to be had between the districts affected by
24 the change in boundaries as provided for in Article 11C of this
25 Code. Whenever the entire territory of 2 or more school
26 districts is organized into a unit district pursuant to a

1 petition filed under this Article, the petition may provide
2 that the entire territory of the new unit district shall assume
3 the bonded indebtedness of the previously existing school
4 districts. In that case, the tax rate for bonded indebtedness
5 shall be determined in the manner provided in Section 19-7 of
6 this Code, except that the county clerk shall annually extend
7 taxes for each outstanding bond issue against all the taxable
8 property situated in the new unit district as it exists after
9 the organization.

10 (c) (1) For a high school-unit conversion, unit to dual
11 conversion, or multi-unit conversion, upon the effective date
12 of the change as provided in Section 11E-70 of this Code and
13 subject to the provisions of paragraph (2) of this subsection
14 (c), each newly created elementary district shall receive all
15 of the assets and assume all of the liabilities and obligations
16 of the dissolved unit district forming the boundary of the
17 newly created elementary district.

18 (2) Notwithstanding the provisions of paragraph (1) of this
19 subsection (c), upon the stipulation of the school board of the
20 school district serving a newly created elementary district for
21 high school purposes and either (i) the school board of the
22 unit district prior to the effective date of its dissolution or
23 (ii) thereafter the school board of the newly created
24 elementary district and with the approval in either case of the
25 regional superintendent of schools of the educational service
26 region in which the territory described in the petition filed

1 under this Article or the greater percentage of equalized
2 assessed valuation of the territory is situated, the assets,
3 liabilities, and obligations of the dissolved unit district may
4 be divided and assumed between and by the newly created
5 elementary district and the school district serving the newly
6 created elementary district for high school purposes, in
7 accordance with the terms and provisions of the stipulation and
8 approval. In this event, the provisions of Section 19-29 shall
9 be applied to determine the debt incurring power of the newly
10 created elementary district and of the school district serving
11 the newly created elementary district for high school purposes.

12 (3) Without regard to whether the receipt of assets and the
13 assumption of liabilities and obligations of the dissolved unit
14 district is determined pursuant to paragraph (1) or (2) of this
15 subsection (c), the tax rate for bonded indebtedness shall be
16 determined in the manner provided in Section 19-7, and,
17 notwithstanding the creation of this new elementary district,
18 the county clerk or clerks shall annually extend taxes for each
19 outstanding bond issue against all of the taxable property that
20 was situated within the boundaries of the dissolved unit
21 district as those boundaries existed at the time of the
22 issuance of the bond issue, regardless of whether the property
23 was still contained in that unit district at the time of its
24 dissolution and regardless of whether the property is contained
25 in the newly created elementary district at the time of the
26 extension of the taxes by the county clerk or clerks.

1 (Source: P.A. 94-1019, eff. 7-10-06.)".