

1 AN ACT concerning schools.

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
5 Sections 17-2.2c and 17-2.11 as follows:

6 (105 ILCS 5/17-2.2c) (from Ch. 122, par. 17-2.2c)

7 Sec. 17-2.2c. Tax for leasing educational facilities, ~~or~~
8 computer technology, or air conditioning equipment ~~both~~, and
9 for temporary relocation expense purposes. The school board
10 of any district, by proper resolution, (i) may levy an annual
11 tax, in addition to any other taxes and not subject to the
12 limitations specified elsewhere in this Article, not to
13 exceed .05% upon the value of the taxable property as
14 equalized or assessed by the Department of Revenue, for the
15 purpose of leasing educational facilities, ~~or~~ computer
16 technology, or equipment to air condition classrooms, or any
17 combination of these, ~~or-both~~, and (ii), in order to repay
18 the State all moneys distributed to it for temporary
19 relocation expenses of the district, may levy an annual tax
20 not to exceed .05% upon the value of the taxable property as
21 equalized or assessed by the Department of Revenue for a
22 period not to exceed 7 years for the purpose of providing for
23 the repayment of moneys distributed for temporary relocation
24 expenses of the school district pursuant to Section 2-3.77.

25 The tax rate limit specified by this Section with respect
26 to an annual tax levied for the purpose of leasing
27 educational facilities, ~~or~~ computer technology, or equipment
28 to air condition classrooms, or any combination of these, ~~or~~
29 ~~both~~ may be increased to .10% upon the approval of a
30 proposition to effect such increase by a majority of the
31 electors voting on that proposition at a regular scheduled

1 election. Such proposition may be initiated by resolution of
 2 the school board and shall be certified by the secretary to
 3 the proper election authorities for submission in accordance
 4 with the general election law.

5 The district is authorized to pledge any tax levied
 6 pursuant to this Section for the purpose of leasing
 7 educational facilities, ~~or~~ computer technology, or equipment
 8 to air condition classrooms, or any combination of these, ~~or~~
 9 ~~both~~ to secure the payment of any lease, lease-purchase
 10 agreement, or installment purchase agreement entered into by
 11 the district for such purpose.

12 For the purposes of this Section, "leasing of educational
 13 facilities, ~~or~~ computer technology, or equipment to air
 14 condition classrooms, or any combination of these ~~or--both~~"
 15 includes (i) any payment with respect to a lease,
 16 lease-purchase agreement, or installment purchase agreement
 17 to acquire or use buildings, rooms, grounds, and
 18 appurtenances to be used by the district for the use of
 19 schools or for school administration purposes, (ii) ~~and~~ all
 20 equipment, fixtures, renovations, and improvements to
 21 existing facilities of the district necessary to accommodate
 22 computers, as well as computer hardware and software, and
 23 (iii) the installation of equipment to air condition
 24 classrooms.

25 Any school district may abolish or abate its fund for
 26 leasing educational facilities, ~~or~~ computer technology, or
 27 equipment to air condition classrooms, or any combination of
 28 these, ~~or--both~~ and for temporary relocation expense purposes
 29 upon the adoption of a resolution so providing and upon a
 30 determination by the school board that the moneys in the fund
 31 are no longer needed for leasing educational facilities, ~~or~~
 32 computer technology, or equipment to air condition
 33 classrooms, or any combination of these, ~~or--both~~ or for
 34 temporary relocation expense purposes. The resolution shall

1 direct the transfer of any balance in the fund to another
2 school district fund or funds immediately upon the resolution
3 taking effect. Thereafter, any outstanding taxes of the
4 school district levied pursuant to this Section shall be
5 collected and paid into the fund or funds as directed by the
6 school board. Nothing in this Section shall prevent a school
7 district that has abolished or abated the fund from again
8 creating a fund for leasing educational facilities or
9 equipment to air condition classrooms and for temporary
10 relocation expense purposes in the manner provided in this
11 Section.

12 (Source: P.A. 89-106, eff. 7-7-95; 90-97, eff. 7-11-97;
13 90-464, eff. 8-17-97; 90-655, eff. 7-30-98.)

14 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

15 Sec. 17-2.11. School board power to levy a tax or to
16 borrow money and issue bonds for fire prevention, safety,
17 energy conservation, disabled accessibility, school security,
18 and specified repair, and air conditioning purposes. Whenever
19 (1), as a result of any lawful order of any agency, other
20 than a school board, having authority to enforce any school
21 building code applicable to any facility that houses
22 students, or any law or regulation for the protection and
23 safety of the environment, pursuant to the Environmental
24 Protection Act, any school district having a population of
25 less than 500,000 inhabitants is required to alter or
26 reconstruct any school building or permanent, fixed
27 equipment; (2) ~~or~~-whenever any such district determines that
28 it is necessary for energy conservation purposes that any
29 school building or permanent, fixed equipment should be
30 altered or reconstructed and that such alterations or
31 reconstruction will be made with funds not necessary for the
32 completion of approved and recommended projects contained in
33 any safety survey report or amendments thereto authorized by

1 Section 2-3.12 of this Code Act; ~~(3) or whenever~~ any such
2 district determines that it is necessary for disabled
3 accessibility purposes and to comply with the school building
4 code that any school building or equipment should be altered
5 or reconstructed and that such alterations or reconstruction
6 will be made with funds not necessary for the completion of
7 approved and recommended projects contained in any safety
8 survey report or amendments thereto authorized under Section
9 2-3.12 of this Code Act; ~~(4) or whenever~~ any such district
10 determines that it is necessary for school security purposes
11 and the related protection and safety of pupils and school
12 personnel that any school building or property should be
13 altered or reconstructed or that security systems and
14 equipment (including but not limited to intercom, early
15 detection and warning, access control and television
16 monitoring systems) should be purchased and installed, and
17 that such alterations, reconstruction or purchase and
18 installation of equipment will be made with funds not
19 necessary for the completion of approved and recommended
20 projects contained in any safety survey report or amendment
21 thereto authorized by Section 2-3.12 of this Code Act and
22 will deter and prevent unauthorized entry or activities upon
23 school property by unknown or dangerous persons, assure early
24 detection and advance warning of any such actual or attempted
25 unauthorized entry or activities and help assure the
26 continued safety of pupils and school staff if any such
27 unauthorized entry or activity is attempted or occurs; ~~(5) or~~
28 ~~if~~ a school district does not need funds for other fire
29 prevention and safety projects, including the completion of
30 approved and recommended projects contained in any safety
31 survey report or amendments thereto authorized by Section
32 2-3.12 of this Code Act, and it is determined after a public
33 hearing (which is preceded by at least one published notice
34 (i) occurring at least 7 days prior to the hearing in a

1 newspaper of general circulation within the school district
2 and (ii) setting forth the time, date, place, and general
3 subject matter of the hearing) that there is a substantial,
4 immediate, and otherwise unavoidable threat to the health,
5 safety, or welfare of pupils due to disrepair of school
6 sidewalks, playgrounds, parking lots, or school bus
7 turnarounds and repairs must be made; or (6) a school
8 district determines that it is necessary, for purposes of
9 providing air conditioning in classrooms, that any school
10 building, equipment, or property should be altered or
11 reconstructed to install the air conditioning and that such
12 alterations or reconstruction will be made with funds not
13 necessary for the completion of approved and recommended
14 projects contained in any safety survey report or amendments
15 thereto authorized by Section 2-3.12 of this Code: then in
16 any such event, such district may, by proper resolution, levy
17 a tax for the purpose of making such alteration or
18 reconstruction, based on a survey report by an architect or
19 engineer licensed in the State of Illinois, upon all the
20 taxable property of the district at the value as assessed by
21 the Department of Revenue at a rate not to exceed .05% per
22 year for a period sufficient to finance such alterations,
23 repairs, or reconstruction, upon the following conditions:

24 (a) When there are not sufficient funds available
25 in either the operations and maintenance fund of the
26 district or the fire prevention and safety fund of the
27 district as determined by the district on the basis of
28 regulations adopted by the State Board of Education to
29 make such alterations, repairs, or reconstruction, or to
30 purchase and install such permanent fixed equipment so
31 ordered or determined as necessary. Appropriate school
32 district records shall be made available to the State
33 Superintendent of Education upon request to confirm such
34 insufficiency.

1 (b) When a certified estimate of an architect or
2 engineer licensed in the State of Illinois stating the
3 estimated amount necessary to make the alterations or
4 repairs, or to purchase and install such equipment so
5 ordered has been secured by the district, and the
6 estimate has been approved by the regional superintendent
7 of schools, having jurisdiction of the district, and the
8 State Superintendent of Education. Approval shall not be
9 granted for any work that has already started without the
10 prior express authorization of the State Superintendent
11 of Education. If such estimate is not approved or denied
12 approval by the regional superintendent of schools within
13 3 months after the date on which it is submitted to him
14 or her, the school board of the district may submit such
15 estimate directly to the State Superintendent of
16 Education for approval or denial.

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

30 The filing of a certified copy of the resolution levying
31 the tax when accompanied by the certificates of the regional
32 superintendent of schools and State Superintendent of
33 Education shall be the authority of the county clerk to
34 extend such tax.

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

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

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

18 When taxes are levied by any school district for fire
19 prevention, safety, energy conservation, and school security,
20 and air conditioning purposes as specified in this Section,
21 and the purposes for which the taxes have been levied are
22 accomplished and paid in full, and there remain funds on hand
23 in the Fire Prevention and Safety Fund from the proceeds of
24 the taxes levied, including interest earnings thereon, the
25 school board by resolution shall use such excess and other
26 board restricted funds excluding bond proceeds and earnings
27 from such proceeds (1) for other authorized fire prevention,
28 safety, energy conservation, and school security, and air
29 conditioning purposes or (2) for transfer to the Operations
30 and Maintenance Fund for the purpose of abating an equal
31 amount of operations and maintenance purposes taxes. If any
32 transfer is made to the Operation and Maintenance Fund, the
33 secretary of the school board shall within 30 days notify the
34 county clerk of the amount of that transfer and direct the

1 clerk to abate the taxes to be extended for the purposes of
2 operations and maintenance authorized under Section 17-2 of
3 this Act by an amount equal to such transfer.

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

11 Such bonds shall bear interest at a rate not to exceed
12 the maximum rate authorized by law at the time of the making
13 of the contract, shall mature within 20 years from date, and
14 shall be signed by the president of the school board and the
15 treasurer of the school district.

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

30 After the time such bonds are issued as provided for by
31 this Section, if additional alterations or reconstructions
32 are required to be made because of surveys conducted by an
33 architect or engineer licensed in the State of Illinois, the
34 district may levy a tax at a rate not to exceed .05% per year

1 upon all the taxable property of the district or issue
2 additional bonds, whichever action shall be the most
3 feasible.

4 This Section is cumulative and constitutes complete
5 authority for the issuance of bonds as provided in this
6 Section notwithstanding any other statute or law to the
7 contrary.

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

24 When the purposes for which the bonds are issued have
25 been accomplished and paid for in full and there remain funds
26 on hand from the proceeds of the bond sale and interest
27 earnings therefrom, the board shall, by resolution, use such
28 excess funds in accordance with the provisions of Section
29 10-22.14 of this Act.

30 Whenever any tax is levied or bonds issued for fire
31 prevention, safety, energy conservation, and school security,
32 and air conditioning purposes, such proceeds shall be
33 deposited and accounted for separately within the Fire
34 Prevention and Safety Fund.

1 (Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670,
2 eff. 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

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