



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4444**

Introduced 02/03/04, by Randall M. Hultgren

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/17-2.11

from Ch. 122, par. 17-2.11

Amends the School Code. Authorizes the levy of life safety taxes and issuance of life safety bonds for alteration or reconstruction of bleachers. Effective immediately.

LRB093 19943 NHT 45687 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 17-2.11 as follows:

6 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

7 Sec. 17-2.11. School board power to levy a tax or to borrow  
8 money and issue bonds for fire prevention, safety, energy  
9 conservation, disabled accessibility, school security, and  
10 specified repair purposes. Whenever, as a result of any lawful  
11 order of any agency, other than a school board, having  
12 authority to enforce any school building code applicable to any  
13 facility that houses students, or any law or regulation for the  
14 protection and safety of the environment, pursuant to the  
15 Environmental Protection Act, any school district having a  
16 population of less than 500,000 inhabitants is required to  
17 alter or reconstruct any school building or permanent, fixed  
18 equipment; or whenever any such district determines that it is  
19 necessary for energy conservation purposes that any school  
20 building or permanent, fixed equipment should be altered or  
21 reconstructed and that such alterations or reconstruction will  
22 be made with funds not necessary for the completion of approved  
23 and recommended projects contained in any safety survey report  
24 or amendments thereto authorized by Section 2-3.12 of this Act;  
25 or whenever any such district determines that it is necessary  
26 for disabled accessibility purposes and to comply with the  
27 school building code that any school building or equipment  
28 should be altered or reconstructed and that such alterations or  
29 reconstruction will be made with funds not necessary for the  
30 completion of approved and recommended projects contained in  
31 any safety survey report or amendments thereto authorized under  
32 Section 2-3.12 of this Act; or whenever any such district

1 determines that it is necessary for school security purposes  
2 and the related protection and safety of pupils and school  
3 personnel that any school building, bleachers, or property  
4 should be altered or reconstructed or that security systems and  
5 equipment (including but not limited to intercom, early  
6 detection and warning, access control and television  
7 monitoring systems) should be purchased and installed, and that  
8 such alterations, reconstruction or purchase and installation  
9 of equipment will be made with funds not necessary for the  
10 completion of approved and recommended projects contained in  
11 any safety survey report or amendment thereto authorized by  
12 Section 2-3.12 of this Act and will deter and prevent  
13 unauthorized entry or activities upon school property by  
14 unknown or dangerous persons, assure early detection and  
15 advance warning of any such actual or attempted unauthorized  
16 entry or activities and help assure the continued safety of  
17 pupils and school staff if any such unauthorized entry or  
18 activity is attempted or occurs; or if a school district does  
19 not need funds for other fire prevention and safety projects,  
20 including the completion of approved and recommended projects  
21 contained in any safety survey report or amendments thereto  
22 authorized by Section 2-3.12 of this Act, and it is determined  
23 after a public hearing (which is preceded by at least one  
24 published notice (i) occurring at least 7 days prior to the  
25 hearing in a newspaper of general circulation within the school  
26 district and (ii) setting forth the time, date, place, and  
27 general subject matter of the hearing) that there is a  
28 substantial, immediate, and otherwise unavoidable threat to  
29 the health, safety, or welfare of pupils due to disrepair of  
30 school sidewalks, playgrounds, parking lots, or school bus  
31 turnarounds and repairs must be made: then in any such event,  
32 such district may, by proper resolution, levy a tax for the  
33 purpose of making such alteration or reconstruction, based on a  
34 survey report by an architect or engineer licensed in the State  
35 of Illinois, upon all the taxable property of the district at  
36 the value as assessed by the Department of Revenue at a rate

1 not to exceed .05% per year for a period sufficient to finance  
2 such alterations, repairs, or reconstruction, upon the  
3 following conditions:

4 (a) When there are not sufficient funds available in  
5 either the operations and maintenance fund of the district  
6 or the fire prevention and safety fund of the district as  
7 determined by the district on the basis of regulations  
8 adopted by the State Board of Education to make such  
9 alterations, repairs, or reconstruction, or to purchase  
10 and install such permanent fixed equipment so ordered or  
11 determined as necessary. Appropriate school district  
12 records shall be made available to the State Superintendent  
13 of Education upon request to confirm such insufficiency.

14 (b) When a certified estimate of an architect or  
15 engineer licensed in the State of Illinois stating the  
16 estimated amount necessary to make the alterations or  
17 repairs, or to purchase and install such equipment so  
18 ordered has been secured by the district, and the estimate  
19 has been approved by the regional superintendent of  
20 schools, having jurisdiction of the district, and the State  
21 Superintendent of Education. Approval shall not be granted  
22 for any work that has already started without the prior  
23 express authorization of the State Superintendent of  
24 Education. If such estimate is not approved or denied  
25 approval by the regional superintendent of schools within 3  
26 months after the date on which it is submitted to him or  
27 her, the school board of the district may submit such  
28 estimate directly to the State Superintendent of Education  
29 for approval or denial.

30 For purposes of this Section a school district may replace  
31 a school building or build additions to replace portions of a  
32 building when it is determined that the effectuation of the  
33 recommendations for the existing building will cost more than  
34 the replacement costs. Such determination shall be based on a  
35 comparison of estimated costs made by an architect or engineer  
36 licensed in the State of Illinois. The new building or addition

1 shall be equivalent in area (square feet) and comparable in  
2 purpose and grades served and may be on the same site or  
3 another site. Such replacement may only be done upon order of  
4 the regional superintendent of schools and the approval of the  
5 State Superintendent of Education.

6 The filing of a certified copy of the resolution levying  
7 the tax when accompanied by the certificates of the regional  
8 superintendent of schools and State Superintendent of  
9 Education shall be the authority of the county clerk to extend  
10 such tax.

11 The county clerk of the county in which any school district  
12 levying a tax under the authority of this Section is located,  
13 in reducing raised levies, shall not consider any such tax as a  
14 part of the general levy for school purposes and shall not  
15 include the same in the limitation of any other tax rate which  
16 may be extended.

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

20 The tax rate limit specified in this Section may be  
21 increased to .10% upon the approval of a proposition to effect  
22 such increase by a majority of the electors voting on that  
23 proposition at a regular scheduled election. Such proposition  
24 may be initiated by resolution of the school board and shall be  
25 certified by the secretary to the proper election authorities  
26 for submission in accordance with the general election law.

27 When taxes are levied by any school district for fire  
28 prevention, safety, energy conservation, and school security  
29 purposes as specified in this Section, and the purposes for  
30 which the taxes have been levied are accomplished and paid in  
31 full, and there remain funds on hand in the Fire Prevention and  
32 Safety Fund from the proceeds of the taxes levied, including  
33 interest earnings thereon, the school board by resolution shall  
34 use such excess and other board restricted funds excluding bond  
35 proceeds and earnings from such proceeds (1) for other  
36 authorized fire prevention, safety, energy conservation, and

1 school security purposes or (2) for transfer to the Operations  
2 and Maintenance Fund for the purpose of abating an equal amount  
3 of operations and maintenance purposes taxes. If any transfer  
4 is made to the Operation and Maintenance Fund, the secretary of  
5 the school board shall within 30 days notify the county clerk  
6 of the amount of that transfer and direct the clerk to abate  
7 the taxes to be extended for the purposes of operations and  
8 maintenance authorized under Section 17-2 of this Act by an  
9 amount equal to such transfer.

10 If the proceeds from the tax levy authorized by this  
11 Section are insufficient to complete the work approved under  
12 this Section, the school board is authorized to sell bonds  
13 without referendum under the provisions of this Section in an  
14 amount that, when added to the proceeds of the tax levy  
15 authorized by this Section, will allow completion of the  
16 approved work.

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

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

36 After the time such bonds are issued as provided for by

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

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

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

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

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

35 (Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670, eff.  
36 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.