



Sen. Patrick Welch

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09300SB3001sam003

LRB093 14715 NHT 51604 a

1 AMENDMENT TO SENATE BILL 3001

2 AMENDMENT NO. _____. Amend Senate Bill 3001, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The General Obligation Bond Act is amended by
6 changing Sections 2 and 5 as follows:

7 (30 ILCS 330/2) (from Ch. 127, par. 652)

8 Sec. 2. Authorization for Bonds. The State of Illinois is
9 authorized to issue, sell and provide for the retirement of
10 General Obligation Bonds of the State of Illinois for the
11 categories and specific purposes expressed in Sections 2
12 through 8 of this Act, in the total amount of \$29,858,149,369
13 ~~\$27,658,149,369~~.

14 The bonds authorized in this Section 2 and in Section 16 of
15 this Act are herein called "Bonds".

16 Of the total amount of Bonds authorized in this Act, up to
17 \$2,200,000,000 in aggregate original principal amount may be
18 issued and sold in accordance with the Baccalaureate Savings
19 Act in the form of General Obligation College Savings Bonds.

20 Of the total amount of Bonds authorized in this Act, up to
21 \$300,000,000 in aggregate original principal amount may be
22 issued and sold in accordance with the Retirement Savings Act
23 in the form of General Obligation Retirement Savings Bonds.

24 Of the total amount of Bonds authorized in this Act, the

1 additional \$10,000,000,000 authorized by this amendatory Act
2 of the 93rd General Assembly shall be used solely as provided
3 in Section 7.2.

4 The issuance and sale of Bonds pursuant to the General
5 Obligation Bond Act is an economical and efficient method of
6 financing the capital and general operating needs of the State.
7 This Act will permit the issuance of a multi-purpose General
8 Obligation Bond with uniform terms and features. This will not
9 only lower the cost of registration but also reduce the overall
10 cost of issuing debt by improving the marketability of Illinois
11 General Obligation Bonds.

12 (Source: P.A. 92-13, eff. 6-22-01; 92-596, eff. 6-28-02;
13 92-598, eff. 6-28-02; 93-2, eff. 4-7-03.)

14 (30 ILCS 330/5) (from Ch. 127, par. 655)

15 Sec. 5. School Construction.

16 (a) The amount of \$58,450,000 is authorized to make grants
17 to local school districts for the acquisition, development,
18 construction, reconstruction, rehabilitation, improvement,
19 financing, architectural planning and installation of capital
20 facilities, including but not limited to those required for
21 special education building projects provided for in Article 14
22 of The School Code, consisting of buildings, structures, and
23 durable equipment, and for the acquisition and improvement of
24 real property and interests in real property required, or
25 expected to be required, in connection therewith.

26 (b) \$22,550,000, or so much thereof as may be necessary,
27 for grants to school districts for the making of principal and
28 interest payments, required to be made, on bonds issued by such
29 school districts after January 1, 1969, pursuant to any
30 indenture, ordinance, resolution, agreement or contract to
31 provide funds for the acquisition, development, construction,
32 reconstruction, rehabilitation, improvement, architectural
33 planning and installation of capital facilities consisting of

1 buildings, structures, durable equipment and land for
2 educational purposes or for lease payments required to be made
3 by a school district for principal and interest payments on
4 bonds issued by a Public Building Commission after January 1,
5 1969.

6 (c) \$10,000,000 for grants to school districts for the
7 acquisition, development, construction, reconstruction,
8 rehabilitation, improvement, architectural planning and
9 installation of capital facilities consisting of buildings
10 structures, durable equipment and land for special education
11 building projects.

12 (d) \$9,000,000 for grants to school districts for the
13 reconstruction, rehabilitation, improvement, financing and
14 architectural planning of capital facilities, including
15 construction at another location to replace such capital
16 facilities, consisting of those public school buildings and
17 temporary school facilities which, prior to January 1, 1984,
18 were condemned by the regional superintendent under Section
19 3-14.22 of The School Code or by any State official having
20 jurisdiction over building safety.

21 (e) \$5,250,000,000 ~~\$3,050,000,000~~ for grants to school
22 districts for school improvement projects authorized by the
23 School Construction Law. The bonds shall be sold in amounts not
24 to exceed the following schedule, except any bonds not sold
25 during one year shall be added to the bonds to be sold during
26 the remainder of the schedule:

27	First year	\$200,000,000
28	Second year	\$450,000,000
29	Third year	\$500,000,000
30	Fourth year	\$500,000,000
31	Fifth year	\$800,000,000
32	Sixth year and thereafter	\$600,000,000
33	<u>Seventh year</u>	<u>\$550,000,000</u>
34	<u>Eighth year</u>	<u>\$550,000,000</u>

1	<u>Ninth year</u>	<u>\$550,000,000</u>
2	<u>Tenth year and thereafter</u>	<u>\$550,000,000</u>

3 (Source: P.A. 91-39, eff. 6-15-99; 92-598, eff. 6-28-02.)

4 Section 10. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 contractors were first solicited on or after July 1, 1998. This
10 Code shall not be construed to affect or impair any contract,
11 or any provision of a contract, entered into based on a
12 solicitation prior to the implementation date of this Code as
13 described in Article 99, including but not limited to any
14 covenant entered into with respect to any revenue bonds or
15 similar instruments. All procurements for which contracts are
16 solicited between the effective date of Articles 50 and 99 and
17 July 1, 1998 shall be substantially in accordance with this
18 Code and its intent.

19 (b) This Code shall apply regardless of the source of the
20 funds with which the contracts are paid, including federal
21 assistance moneys. This Code shall not apply to:

22 (1) Contracts between the State and its political
23 subdivisions or other governments, or between State
24 governmental bodies except as specifically provided in
25 this Code.

26 (2) Grants, except for the filing requirements of
27 Section 20-80.

28 (3) Purchase of care.

29 (4) Hiring of an individual as employee and not as an
30 independent contractor, whether pursuant to an employment
31 code or policy or by contract directly with that
32 individual.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate.

3 (7) Contracts necessary to prepare for anticipated
4 litigation, enforcement actions, or investigations,
5 provided that the chief legal counsel to the Governor shall
6 give his or her prior approval when the procuring agency is
7 one subject to the jurisdiction of the Governor, and
8 provided that the chief legal counsel of any other
9 procuring entity subject to this Code shall give his or her
10 prior approval when the procuring entity is not one subject
11 to the jurisdiction of the Governor.

12 (8) Contracts for services to Northern Illinois
13 University by a person, acting as an independent
14 contractor, who is qualified by education, experience, and
15 technical ability and is selected by negotiation for the
16 purpose of providing non-credit educational service
17 activities or products by means of specialized programs
18 offered by the university.

19 (9) Procurement expenditures by the Illinois
20 Conservation Foundation when only private funds are used.

21 (10) Procurement by the Capital Development Board when
22 exercising general supervision under the School
23 Construction Law.

24 (Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00;
25 92-797, eff. 8-15-02.)

26 Section 20. The School Construction Law is amended by
27 changing Sections 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, 5-40,
28 5-50, 5-60, and 5-100 as follows:

29 (105 ILCS 230/5-5)

30 Sec. 5-5. Definitions. As used in this Article:

31 ~~"Approved school construction bonds" mean bonds that were~~
32 ~~approved by referendum after January 1, 1996 but prior to~~

1 ~~January 1, 1998 as provided in Sections 19-2 through 19-7 of~~
2 ~~the School Code to provide funds for the acquisition,~~
3 ~~development, construction, reconstruction, rehabilitation,~~
4 ~~improvement, architectural planning, and installation of~~
5 ~~capital facilities consisting of buildings, structures,~~
6 ~~durable equipment, and land for educational purposes.~~

7 "Grant index" means a figure for each school district equal
8 to one minus the ratio of the district's equalized assessed
9 valuation per pupil in average daily attendance to the
10 equalized assessed valuation per pupil in average daily
11 attendance of the district located at the 90th percentile for
12 all districts of the same category. For the purpose of
13 calculating the grant index, school districts are grouped into
14 2 categories, Category I and Category II. Category I consists
15 of elementary and unit school districts. The equalized assessed
16 valuation per pupil in average daily attendance of each school
17 district in Category I shall be computed using its grades
18 kindergarten through 8 average daily attendance figure. A unit
19 school district's Category I grant index shall be used for
20 projects or portions of projects constructed for elementary
21 school pupils. Category II consists of high school and unit
22 school districts. The equalized assessed valuation per pupil in
23 average daily attendance of each school district in Category II
24 shall be computed using its grades 9 through 12 average daily
25 attendance figure. A unit school district's Category II grant
26 index shall be used for projects or portions of projects
27 constructed for high school pupils. The changes made by Public
28 ~~this amendatory Act 92-168 (effective July 26, 2001) of the~~
29 ~~92nd General Assembly~~ apply to all grants made on or after July
30 26, 2001 ~~the effective date of this amendatory Act~~, provided
31 that for grants not yet made on July 26, 2001 ~~the effective~~
32 ~~date of this amendatory Act~~ but made in fiscal year 2001 and
33 for grants made in fiscal year 2002, the grant index for a
34 school district shall be the greater of (i) the grant index as

1 calculated under this Law on or after July 26, 2001 ~~the~~
2 ~~effective date of this amendatory Act~~ or (ii) the grant index
3 as calculated under this Law before July 26, 2001 ~~the effective~~
4 ~~date of this amendatory Act~~. The grant index shall be no less
5 than 0.35 and no greater than 0.75 for each district; provided
6 that the grant index for districts whose equalized assessed
7 valuation per pupil in average daily attendance is at the 99th
8 percentile and above for all districts of the same type shall
9 be 0.00. Grant indexes shall be calculated by the Capital
10 Development Board. In making its calculations, the Capital
11 Development Board shall receive full cooperation and
12 assistance from the State Board of Education.

13 "School construction project" means the acquisition,
14 development, construction, reconstruction, rehabilitation,
15 improvement, architectural planning, and installation of
16 capital facilities consisting of buildings, structures,
17 durable equipment, and land for educational purposes.

18 "School maintenance project" means a project, other than a
19 school construction project, intended to provide for the
20 maintenance or upkeep of buildings or structures for
21 educational purposes, but does not include ongoing operational
22 costs.

23 (Source: P.A. 91-38, eff. 6-15-99; 92-168, eff. 7-26-01.)

24 (105 ILCS 230/5-10)

25 Sec. 5-10. Grant awards.

26 (a) The Capital Development Board is authorized to make
27 grants to school districts for school construction projects
28 with funds appropriated by the General Assembly from the School
29 Infrastructure Fund pursuant to the provisions of this Article.

30 (b) For fiscal year 2005, grant awards shall be made to
31 school districts including, but not limited to, the following:

32 (1) Rochester Community Unit School District 3A;

33 (2) Fairfield Public School District 112;

- 1 (3) Stewardson-Strasburg Community Unit District 5A;
2 (4) Johnston City Community Unit School District 1;
3 (5) Winfield School District 34;
4 (6) East St. Louis School District 189;
5 (7) Silvis School District 34;
6 (8) South Pekin Grade School District 137;
7 (9) Joliet Public Schools 86;
8 (10) Community Consolidated School District 93;
9 (11) Hinckley Big Rock Community Unit School District
10 429;
11 (12) West Northfield School District 31;
12 (13) DuQuoin Community Unit School District 300;
13 (14) Benton Community Consolidated School District 47;
14 (15) Villa Park School District 45;
15 (16) Westchester School District 92 1/2;
16 (17) Big Hollow School District 38;
17 (18) Matteson Elementary School District 162;
18 (19) Central School District 104;
19 (20) Northbrook School District 27;
20 (21) Manteno Community Unit School District 5;
21 (22) Bradley School District 61;
22 (23) Bethalto Community School District 8;
23 (24) Westmont Community Unit School District 201; and
24 (25) Chicago Public Schools 299. ~~The State Board of~~
25 ~~Education is authorized to make grants to school districts~~
26 ~~for debt service with funds appropriated by the General~~
27 ~~Assembly from the School Infrastructure Fund pursuant to~~
28 ~~the provisions of this Article.~~

29 (Source: P.A. 90-548, eff. 1-1-98.)

30 (105 ILCS 230/5-15)

31 Sec. 5-15. Grant entitlements. The Capital Development
32 ~~State Board of Education~~ is authorized to issue grant
33 entitlements for school construction projects. The Capital

1 Development Board ~~and debt service~~ and shall determine the
2 priority order for school construction project grants to be
3 made by the Capital Development Board. When issuing a grant
4 entitlement for a school construction project, the Capital
5 Development Board, as a part of that entitlement, shall certify
6 to the district receiving the entitlement the dollar amount of
7 the school construction project's cost that the district will
8 be required to finance with non-grant funds in order to qualify
9 to receive a school construction project grant under this
10 Article from the Capital Development Board.

11 (Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

12 (105 ILCS 230/5-20)

13 Sec. 5-20. Grant application; district facilities plan.
14 School districts shall apply to the Capital Development State
15 Board of Education for school construction project grants ~~and~~
16 ~~debt service grants~~. Districts filing grant applications shall
17 submit to the Capital Development State Board a district
18 facilities plan that shall include, but not be limited to, an
19 assessment of present and future district facility needs as
20 required by present and anticipated educational programming,
21 the availability of local financial resources including
22 current revenues, fund balances, and unused bonding capacity,
23 the impact on the educational fund such as additional teachers
24 or other staff, a fiscal plan for meeting present and
25 anticipated debt service obligations, and a maintenance plan
26 and schedule that contain necessary assurances that new,
27 renovated, and existing facilities are being or will be
28 properly maintained. If a district that applies for a school
29 construction project grant has no unused bonding capacity or if
30 its unused bonding capacity may be less than the portion of the
31 cost of the proposed school construction project that the
32 district would be required to finance with non-grant funds, the
33 application and facilities plan submitted by the district shall

1 set forth the estimated amount of the project's cost that the
2 district proposes to finance by the issuance of bonds under
3 subsection (n) of Section 19-1 of the School Code. The Capital
4 Development ~~State Board of Education~~ shall review and approve
5 district facilities plans prior to issuing grant entitlements.
6 Each district that receives a grant entitlement shall annually
7 update its district facilities plan and submit the revised plan
8 to the Capital Development ~~State~~ Board for approval.

9 (Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

10 (105 ILCS 230/5-25)

11 Sec. 5-25. Eligibility and project standards.

12 (a) The Capital Development ~~State Board of Education~~ shall
13 establish eligibility standards for school construction
14 project grants ~~and debt service grants~~. These standards shall
15 include minimum enrollment requirements for eligibility for
16 school construction project grants of 200 students for
17 elementary districts, 200 students for high school districts,
18 and 400 students for unit districts. The Capital Development
19 ~~State Board of Education~~ shall approve a district's eligibility
20 for a school construction project grant ~~or a debt service grant~~
21 pursuant to the established standards.

22 (b) The Capital Development Board shall establish project
23 standards for all school construction project grants provided
24 pursuant to this Article. These standards shall include space
25 and capacity standards as well as the determination of
26 recognized project costs that shall be eligible for State
27 financial assistance and enrichment costs that shall not be
28 eligible for State financial assistance.

29 The Capital Development Board shall require one project
30 over \$5 million during fiscal year 2005 only to meet LEED basic
31 certification, as set forth in the Leadership in Energy and
32 Environmental Design Green Building Rating System version 2.1.
33 The Capital Development Board shall monitor and report to the

1 General Assembly and the Governor on the benefits and costs of
2 LEED construction.

3 The Capital Development Board shall: (i) establish
4 guidelines for energy conservation and cost-effective
5 sustainable design; (ii) establish Illinois Standards for
6 energy efficient design of schools, which shall include, but
7 not be limited to, mechanical, electrical, and water use
8 systems; and (iii) adopt, as minimum Code requirements applying
9 to the construction of, renovations to, and additions to all
10 buildings under this Act, the International Energy
11 Conservation Code.

12 (c) ~~The State Board of Education and the~~ Capital
13 Development Board shall not establish standards that
14 disapprove or otherwise establish limitations that restrict
15 the eligibility of a school district with a population
16 exceeding 500,000 for a school construction project grant based
17 on the fact that any or all of the school construction project
18 grant will be used to pay debt service or to make lease
19 payments, as authorized by subsection (b) of Section 5-35 of
20 this Law.

21 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

22 (105 ILCS 230/5-30)

23 Sec. 5-30. Priority of school construction projects.

24 (a) The Capital Development Board ~~State Board of Education~~
25 shall develop standards for the determination of priority needs
26 concerning school construction projects based upon approved
27 district facilities plans. Such standards shall call for
28 prioritization based on the degree of need and Project type in
29 the following order:

30 (1) Replacement or reconstruction of school buildings
31 destroyed or damaged by flood, tornado, fire, earthquake, or
32 other disasters, either man-made or produced by nature;

33 (2) Projects designed to construct school and preschool

1 buildings to alleviate a shortage of classrooms due to
2 population growth or to replace aging preschool and school
3 buildings upon review by the Illinois Historic Preservation
4 Agency;

5 (3) Projects resulting from interdistrict reorganization
6 of school districts contingent on local referenda;

7 (4) Replacement, rehabilitation, or reconstruction of
8 school facilities determined to be severe and continuing health
9 or life safety hazards or modernizing or upgrading educational
10 facilities and alterations necessary to provide accessibility
11 for qualified individuals with disabilities.†

12 ~~(5) Alterations necessary to provide accessibility for~~
13 ~~qualified individuals with disabilities; and~~

14 ~~(6) Other unique solutions to facility needs.~~

15 (b) In developing standards for the determination of
16 priority needs for projects under items (1), (2), and (4) of
17 subsection (a), the Capital Development Board may adopt
18 standards that encourage reorganization under appropriate
19 circumstances.

20 (Source: P.A. 90-548, eff. 1-1-98.)

21 (105 ILCS 230/5-40)

22 Sec. 5-40. Supervision of school construction projects.

23 (a) The Capital Development Board shall exercise general
24 supervision over school construction projects financed
25 pursuant to this Article. In exercising general supervision,
26 the Capital Development Board may, upon approval by the school
27 district, (i) review design and construction documents prior to
28 any competitive bidding, (ii) participate in negotiations for
29 design and construction administration contracts, (iii) review
30 all change orders prior to approval, and (iv) participate in
31 negotiations for modifications to the original contract.
32 Nothing in this subsection shall be construed as a limitation
33 on the supervisory power of the Capital Development Board or

1 any other power granted to the Capital Development Board under
2 this or any other Act.

3 (b) In anticipation of an award of a grant under this
4 Article, the Capital Development Board may provide advice and
5 assistance to a school district within the limits of the
6 Board's functions of general supervision. The purpose of
7 providing advice and assistance is to ensure that the project
8 will qualify for a grant should grant amounts become available,
9 particularly if the school district is providing its own
10 funding to commence or complete the project.

11 (c) Upon approval by the school district, the Board may (i)
12 use alternative delivery methods as provided by law and (ii)
13 may exercise all powers relating to construction that are
14 granted to school districts under the School Code. The design
15 contract and workforce hiring goals adopted by the Board under
16 the Business Enterprise for Minorities, Females, and Persons
17 with Disabilities Act apply to the Board when acting under this
18 Section.

19 (d) The Capital Development Board may charge a grant or
20 contract administration fee that does not exceed 1% of the
21 contract amount and that shall not diminish the matching grant
22 awarded to the school district.

23 (e) This Section does not apply with respect to any school
24 district with a population exceeding 500,000.

25 (Source: P.A. 90-548, eff. 1-1-98.)

26 (105 ILCS 230/5-50)

27 Sec. 5-50. Referendum requirements. After the Capital
28 Development ~~State Board of Education~~ has approved all or part
29 of a district's application and issued a grant entitlement for
30 a school construction project grant, the district shall submit
31 the project or the financing of the project to a referendum
32 when such referendum is required by law.

33 (Source: P.A. 90-548, eff. 1-1-98.)

1 (105 ILCS 230/5-60)

2 Sec. 5-60. School capital needs assessment. The ~~State Board~~
3 ~~of Education and the~~ Capital Development Board shall file with
4 the General Assembly a comprehensive assessment report of the
5 capital needs of all school districts in this State before
6 January 1, 2005 and every 2 years thereafter. This assessment
7 shall include without limitation an analysis of the ~~6~~
8 categories of capital needs prioritized in Section 5-30 of this
9 Law.

10 (Source: P.A. 93-489, eff. 8-8-03.)

11 (105 ILCS 230/5-100)

12 Sec. 5-100. School maintenance project grants.

13 (a) The Capital Development ~~State~~ Board ~~of Education~~ is
14 authorized to make grants to school districts, without regard
15 to enrollment, for school maintenance projects. These grants
16 shall be paid out of moneys appropriated for that purpose from
17 the School Infrastructure Fund. No grant under this Section for
18 one fiscal year shall exceed \$50,000, but a school district may
19 receive grants for more than one project during one fiscal
20 year. A school district must provide local matching funds in an
21 amount equal to the amount of the grant under this Section. A
22 school district has no entitlement to a grant under this
23 Section.

24 (b) The Capital Development ~~State~~ Board ~~of Education~~ shall
25 adopt rules to implement this Section. These rules need not be
26 the same as the rules for school construction project grants or
27 debt service grants.

28 The rules may specify: (1) the manner of applying for
29 grants; (2) project eligibility requirements; (3) restrictions
30 on the use of grant moneys; (4) the manner in which school
31 districts must account for the use of grant moneys; and (5) any
32 other provision that the Capital Development ~~State~~ Board

1 determines to be necessary or useful for the administration of
2 this Section.

3 The rules shall specify the methods and standards to be
4 used by the Capital Development ~~State~~ Board to prioritize
5 applications. School maintenance projects shall be prioritized
6 in the following order:

7 (i) emergency projects;

8 (ii) health/life safety projects;

9 (iii) State Program priority projects;

10 (iv) permanent improvement projects; and

11 (v) other projects.

12 (c) In each school year in which school maintenance project
13 grants are awarded, 20% of the total amount awarded shall be
14 awarded to a school district with a population of more than
15 500,000, provided that the school district complies with the
16 requirements of this Section and the rules adopted under this
17 Section.

18 (Source: P.A. 91-38, eff. 6-15-99.)

19 (105 ILCS 230/5-45 rep.)

20 Section 30. The School Construction Law is amended by
21 repealing Section 5-45.

22 Section 99. Effective date. This Act takes effect July 1,
23 2004."