



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1107

Introduced 2/11/2009, by Rep. Roger L. Eddy - Chapin Rose

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/17-2.11

from Ch. 122, par. 17-2.11

Amends the School Code. With respect to a school board's power to levy a tax for the purpose of altering or reconstructing a school building or permanent, fixed equipment as a result of an order of an agency having authority to enforce a school building code or a law or regulation for the protection and safety of the environment, provides that, in the case of an emergency situation where the estimated cost to effectuate emergency repairs is less than the amount specified in the contract bidding provisions of the School Code, the school district may proceed with such repairs prior to approval by the State Superintendent of Education under certain conditions. Provides that if the estimated cost to effectuate emergency repairs is greater than the amount specified in the contract bidding provisions of the School Code, then the school district shall proceed in conformity with those provisions and with rules established by the State Board of Education to address such situations. Requires the rules to stipulate that emergency situations must be expedited and given priority consideration. Effective immediately.

LRB096 07861 NHT 17964 b

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.

11 (a) Whenever, as a result of any lawful order of any  
12 agency, other than a school board, having authority to enforce  
13 any school building code applicable to any facility that houses  
14 students, or any law or regulation for the protection and  
15 safety of the environment, pursuant to the Environmental  
16 Protection Act, any school district having a population of less  
17 than 500,000 inhabitants is required to alter or reconstruct  
18 any school building or permanent, fixed equipment; the district  
19 may, by proper resolution, levy a tax for the purpose of making  
20 such alteration or reconstruction, based on a survey report by  
21 an architect or engineer licensed in this State, upon all of  
22 the taxable property of the district at the value as assessed  
23 by the Department of Revenue and at a rate not to exceed 0.05%

1 per year for a period sufficient to finance such alteration or  
2 reconstruction, upon the following conditions:

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

14 (2) When a certified estimate of an architect or  
15 engineer licensed in this State stating the estimated  
16 amount necessary to make the alteration or reconstruction  
17 or to purchase and install the equipment so ordered has  
18 been secured by the school district, and the estimate has  
19 been approved by the regional superintendent of schools  
20 having jurisdiction over the district and the State  
21 Superintendent of Education. Approval must 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 the estimate is not approved or is denied  
25 approval by the regional superintendent of schools within 3  
26 months after the date on which it is submitted to him or

1 her, the school board of the district may submit the  
2 estimate directly to the State Superintendent of Education  
3 for approval or denial.

4 In the case of an emergency situation, where the estimated  
5 cost to effectuate emergency repairs is less than the amount  
6 specified in Section 10-20.21 of this Code, the school district  
7 may proceed with such repairs prior to approval by the State  
8 Superintendent of Education, but shall comply with the  
9 provisions of subdivision (2) of this subsection (a) as soon  
10 thereafter as may be as well as Section 10-20.21 of this Code.  
11 If the estimated cost to effectuate emergency repairs is  
12 greater than the amount specified in Section 10-20.21 of this  
13 Code, then the school district shall proceed in conformity with  
14 Section 10-20.21 of this Code and with rules established by the  
15 State Board of Education to address such situations. The rules  
16 adopted by the State Board of Education to deal with these  
17 situations shall stipulate that emergency situations must be  
18 expedited and given priority consideration. For purposes of  
19 this paragraph, an emergency is a situation that presents an  
20 imminent and continuing threat to the health and safety of  
21 students or other occupants of a facility, requires complete or  
22 partial evacuation of a building or part of a building, or  
23 consumes one or more of the 5 emergency days built into the  
24 adopted calendar of the school or schools or would otherwise be  
25 expected to cause such school or schools to fall short of the  
26 minimum school calendar requirements.

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

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

20           (d) Whenever any such district determines that it is  
21 necessary for school security purposes and the related  
22 protection and safety of pupils and school personnel that any  
23 school building or property should be altered or reconstructed  
24 or that security systems and equipment (including but not  
25 limited to intercom, early detection and warning, access  
26 control and television monitoring systems) should be purchased

1 and installed, and that such alterations, reconstruction or  
2 purchase and installation of equipment will be made with funds  
3 not necessary for the completion of approved and recommended  
4 projects contained in any safety survey report or amendment  
5 thereto authorized by Section 2-3.12 of this Act and will deter  
6 and prevent unauthorized entry or activities upon school  
7 property by unknown or dangerous persons, assure early  
8 detection and advance warning of any such actual or attempted  
9 unauthorized entry or activities and help assure the continued  
10 safety of pupils and school staff if any such unauthorized  
11 entry or activity is attempted or occurs; the district may levy  
12 a tax or issue bonds as provided in subsection (a) of this  
13 Section.

14 (e) If a school district does not need funds for other fire  
15 prevention and safety projects, including the completion of  
16 approved and recommended projects contained in any safety  
17 survey report or amendments thereto authorized by Section  
18 2-3.12 of this Act, and it is determined after a public hearing  
19 (which is preceded by at least one published notice (i)  
20 occurring at least 7 days prior to the hearing in a newspaper  
21 of general circulation within the school district and (ii)  
22 setting forth the time, date, place, and general subject matter  
23 of the hearing) that there is a substantial, immediate, and  
24 otherwise unavoidable threat to the health, safety, or welfare  
25 of pupils due to disrepair of school sidewalks, playgrounds,  
26 parking lots, or school bus turnarounds and repairs must be

1 made; then the district may levy a tax or issue bonds as  
2 provided in subsection (a) of this Section.

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

15 (g) The filing of a certified copy of the resolution  
16 levying the tax when accompanied by the certificates of the  
17 regional superintendent of schools and State Superintendent of  
18 Education shall be the authority of the county clerk to extend  
19 such tax.

20 (h) The county clerk of the county in which any school  
21 district levying a tax under the authority of this Section is  
22 located, in reducing raised levies, shall not consider any such  
23 tax as a part of the general levy for school purposes and shall  
24 not include the same in the limitation of any other tax rate  
25 which may be extended.

26 Such tax shall be levied and collected in like manner as

1 all other taxes of school districts, subject to the provisions  
2 contained in this Section.

3 (i) The tax rate limit specified in this Section may be  
4 increased to .10% upon the approval of a proposition to effect  
5 such increase by a majority of the electors voting on that  
6 proposition at a regular scheduled election. Such proposition  
7 may be initiated by resolution of the school board and shall be  
8 certified by the secretary to the proper election authorities  
9 for submission in accordance with the general election law.

10 (j) When taxes are levied by any school district for fire  
11 prevention, safety, energy conservation, and school security  
12 purposes as specified in this Section, and the purposes for  
13 which the taxes have been levied are accomplished and paid in  
14 full, and there remain funds on hand in the Fire Prevention and  
15 Safety Fund from the proceeds of the taxes levied, including  
16 interest earnings thereon, the school board by resolution shall  
17 use such excess and other board restricted funds, excluding  
18 bond proceeds and earnings from such proceeds, as follows:

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

21 (2) for transfer to the Operations and Maintenance Fund  
22 for the purpose of abating an equal amount of operations  
23 and maintenance purposes taxes.

24 (k) If any transfer is made to the Operation and  
25 Maintenance Fund, the secretary of the school board shall  
26 within 30 days notify the county clerk of the amount of that



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

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

16 (n) In order to authorize and issue such bonds, the school  
17 board shall adopt a resolution fixing the amount of bonds, the  
18 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 tax  
22 upon all the taxable property in the school district sufficient  
23 to pay the principal and interest on such bonds to maturity.  
24 Upon the filing in the office of the county clerk of the county  
25 in which the school district is located of a certified copy of  
26 the resolution, it is the duty of the county clerk to extend

1 the tax therefor in addition to and in excess of all other  
2 taxes heretofore or hereafter authorized to be levied by such  
3 school district.

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

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

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

1 this Act that may appear to be or to have been more restrictive  
2 than those Acts.

3 (r) When the purposes for which the bonds are issued have  
4 been accomplished and paid for in full and there remain funds  
5 on hand from the proceeds of the bond sale and interest  
6 earnings therefrom, the board shall, by resolution, use such  
7 excess funds in accordance with the provisions of Section  
8 10-22.14 of this Act.

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

13 (Source: P.A. 95-675, eff. 10-11-07; 95-793, eff. 1-1-09.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.