

# SB2801



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2801

Introduced 1/28/2010, by Sen. J. Bradley Burzynski

#### SYNOPSIS AS INTRODUCED:

30 ILCS 350/10

from Ch. 17, par. 6910

110 ILCS 805/3A-1

from Ch. 122, par. 103A-1

Amends the Local Government Debt Reform Act and the Public Community College Act. Authorizes Kishwaukee Community College District No. 523 to issue bonds for building purposes for 25 years (instead of 20 years) if approved at referendum and specified conditions are met. Effective immediately.

LRB096 19711 RCE 35114 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Local Government Debt Reform Act is amended  
5 by changing Section 10 as follows:

6 (30 ILCS 350/10) (from Ch. 17, par. 6910)

7 Sec. 10. General provisions. Bonds authorized by  
8 applicable law may be issued in one or more series, bear such  
9 date or dates, become due at such time or times within 40  
10 years, except as expressly limited by applicable law, provided  
11 that notwithstanding any such express limitation bonds issued  
12 by Lockport High School, ~~or~~ Elgin Community College District  
13 No. 509, or Kishwaukee Community College District No. 523 for  
14 the purpose of purchasing, constructing, or improving real  
15 property may become due within 25 years, bear interest payable  
16 at such intervals and at such rate or rates as authorized under  
17 applicable law, which rates may be fixed or variable, be in  
18 such denominations, be in such form, either coupon, registered  
19 or book-entry, carry such conversion, registration, and  
20 exchange privileges, be subject to defeasance upon such terms,  
21 have such rank or priority, be executed in such manner, be  
22 payable in such medium of payment at such place or places  
23 within or without the State of Illinois, make provision for a

1 corporate trustee within or without the State with respect to  
2 such bonds, prescribe the rights, powers and duties thereof to  
3 be exercised for the benefit of the governmental unit and the  
4 protection of the bondholders, provide for the holding in  
5 trust, investment and use of moneys, funds and accounts held  
6 under an ordinance, provide for assignment of and direct  
7 payment of the moneys to pay such bonds or to be deposited into  
8 such funds or accounts directly to such trustee, be subject to  
9 such terms of redemption with or without premium, and be sold  
10 in such manner at private or public sale and at such price, all  
11 as the governing body shall determine. Whenever such bonds are  
12 sold at price less than par, they shall be sold at such price  
13 and bear interest at such rate or rates such that either the  
14 true interest cost (yield) or the net interest rate, as may be  
15 selected by the governing body, received upon the sale of such  
16 bonds does not exceed the maximum rate otherwise authorized by  
17 applicable law. Except for an ordinance required to be  
18 published by applicable law in connection with a backdoor  
19 referendum, any bond ordinance adopted by a governing body  
20 under applicable law shall, in all instances, become effective  
21 immediately without publication or posting or any further act  
22 or requirement.

23 (Source: P.A. 96-787, eff. 8-28-09.)

24 Section 10. The Public Community College Act is amended by  
25 changing Section 3A-1 as follows:

1 (110 ILCS 805/3A-1) (from Ch. 122, par. 103A-1)

2 Sec. 3A-1. Any community college district may borrow money  
3 for the purpose of building, equipping, altering or repairing  
4 community college buildings or purchasing or improving  
5 community college sites, or acquiring and equipping recreation  
6 grounds, athletic fields, and other buildings or land used or  
7 useful for community college purposes or for the purpose of  
8 purchasing a site, with or without a building or buildings  
9 thereon, or for the building of a house or houses on such site,  
10 or for the building of a house or houses on the site of the  
11 community college district, for residential purposes of the  
12 administrators or faculty of the community college district,  
13 and issue its negotiable coupon bonds therefor signed by the  
14 chairman and secretary of the board, in denominations of not  
15 less than \$100 nor more than \$5,000, payable at such place and  
16 at such time or times, not exceeding 20 years from date of  
17 issuance, as the board may prescribe, and bearing interest at a  
18 rate not to exceed the maximum rate authorized by the Bond  
19 Authorization Act, as amended at the time of the making of the  
20 contract, payable annually, semiannually or quarterly, but no  
21 such bonds shall be issued unless the proposition to issue them  
22 is submitted to the voters of the community college district at  
23 a regular scheduled election in such district and the board  
24 shall certify the proposition to the proper election  
25 authorities for submission in accordance with the general

1 election law and a majority of all the votes cast on the  
2 proposition is in favor of the proposition, nor shall any  
3 residential site be acquired unless such proposition to acquire  
4 a site is submitted to the voters of the district at a regular  
5 scheduled election and the board shall certify the proposition  
6 to the proper election authorities for submission to the  
7 electors in accordance with the general election law and a  
8 majority of all the votes cast on the proposition is in favor  
9 of the proposition. Nothing in this Act shall be construed as  
10 to require the listing of maturity dates of any bonds either in  
11 the notice of bond election or ballot used in the bond  
12 election.

13 Bonds issued in accordance with this Section for Elgin  
14 Community College District No. 509 may be payable at such time  
15 or times, not exceeding 25 years from date of issuance, as the  
16 board may prescribe, if the following conditions are met:

17 (i) The voters of the district approve a proposition  
18 for the bond issuance at an election held in 2009.

19 (ii) Prior to the issuance of the bonds, the board  
20 determines, by resolution, that the projects built,  
21 acquired, altered, renovated, repaired, purchased,  
22 improved, installed, or equipped with the proceeds of the  
23 bonds are required as a result of a projected increase in  
24 the enrollment of students in the district, to meet demand  
25 in the fields of health care or public safety, to meet  
26 accreditation standards, or to maintain campus safety and

1 security.

2 (iii) The bonds are issued, in one more more bond  
3 issuances, on or before April 7, 2014.

4 (iv) The proceeds of the bonds are used to accomplish  
5 only those purposes approved by the voters at an election  
6 held in 2009.

7 Bonds issued in accordance with this Section for Kishwaukee  
8 Community College District No. 523 may be payable at such time  
9 or times, not exceeding 25 years from date of issuance, as the  
10 board may prescribe, if the following conditions are met:

11 (i) The voters of the district approve a  
12 proposition for the bond issuance at an election held  
13 in 2010 or 2011.

14 (ii) Prior to the issuance of the bonds, the board  
15 determines, by resolution, that the projects built,  
16 acquired, altered, renovated, repaired, purchased,  
17 improved, installed, or equipped with the proceeds of  
18 the bonds are required as a result of a projected  
19 increase in the enrollment of students in the district,  
20 to meet demand in the fields of health care or public  
21 safety, to meet accreditation standards, or to  
22 maintain campus safety and security.

23 (iii) The bonds are issued, in one or more bond  
24 issuances, on or before November 2, 2015.

25 (iv) The proceeds of the bonds are used to  
26 accomplish only those purposes approved by the voters

1           at an election held in 2010 or 2011.

2           With respect to instruments for the payment of money issued  
3 under this Section either before, on, or after the effective  
4 date of this amendatory Act of 1989, it is and always has been  
5 the intention of the General Assembly (i) that the Omnibus Bond  
6 Acts are and always have been supplementary grants of power to  
7 issue instruments in accordance with the Omnibus Bond Acts,  
8 regardless of any provision of this Act that may appear to be  
9 or to have been more restrictive than those Acts, (ii) that the  
10 provisions of this Section are not a limitation on the  
11 supplementary authority granted by the Omnibus Bond Acts, and  
12 (iii) that instruments issued under this Section within the  
13 supplementary authority granted by the Omnibus Bond Acts are  
14 not invalid because of any provision of this Act that may  
15 appear to be or to have been more restrictive than those Acts.  
16 (Source: P.A. 96-787, eff. 8-28-09.)

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law.