



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1355

Introduced 2/18/2015, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.56 new
105 ILCS 5/17-2.11
105 ILCS 5/34-18.49 new

from Ch. 122, par. 17-2.11

Amends the School Code. Provides that a school board shall require that each school building in the district be equipped with approved carbon monoxide alarms within one year after the effective date of the amendatory Act, unless a school building does not have or is not close to any sources of carbon monoxide. Allows a school board to use remaining funds on hand in the Fire Prevention and Safety Fund for the installation of carbon monoxide alarms in school buildings. Effective immediately.

LRB099 05467 NHT 25502 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Sections
5 10-20.56 and 34-18.49 and by changing Section 17-2.11 as
6 follows:

7 (105 ILCS 5/10-20.56 new)

8 Sec. 10-20.56. Carbon monoxide alarms required.

9 (a) In this Section, "approved carbon monoxide alarm" and
10 "alarm" have the meaning ascribed to those terms in the Carbon
11 Monoxide Alarm Detector Act.

12 (b) A school board shall require that each school building
13 in the district be equipped with approved carbon monoxide
14 alarms within one year after the effective date of this
15 amendatory Act of the 99th General Assembly, unless a school
16 building does not have or is not close to any sources of carbon
17 monoxide.

18 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

19 Sec. 17-2.11. School board power to levy a tax or to borrow
20 money and issue bonds for fire prevention, safety, energy
21 conservation, disabled accessibility, school security, and
22 specified repair purposes.

1 (a) Whenever, as a result of any lawful order of any
2 agency, other than a school board, having authority to enforce
3 any school building code applicable to any facility that houses
4 students, or any law or regulation for the protection and
5 safety of the environment, pursuant to the Environmental
6 Protection Act, any school district having a population of less
7 than 500,000 inhabitants is required to alter or reconstruct
8 any school building or permanent, fixed equipment; the district
9 may, by proper resolution, levy a tax for the purpose of making
10 such alteration or reconstruction, based on a survey report by
11 an architect or engineer licensed in this State, upon all of
12 the taxable property of the district at the value as assessed
13 by the Department of Revenue and at a rate not to exceed 0.05%
14 per year for a period sufficient to finance such alteration or
15 reconstruction, upon the following conditions:

16 (1) When there are not sufficient funds available in
17 the operations and maintenance fund of the school district,
18 the school facility occupation tax fund of the district, or
19 the fire prevention and safety fund of the district, as
20 determined by the district on the basis of rules adopted by
21 the State Board of Education, to make such alteration or
22 reconstruction or to purchase and install such permanent,
23 fixed equipment so ordered or determined as necessary.
24 Appropriate school district records must be made available
25 to the State Superintendent of Education, upon request, to
26 confirm this insufficiency.

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

17 In the case of an emergency situation, where the estimated
18 cost to effectuate emergency repairs is less than the amount
19 specified in Section 10-20.21 of this Code, the school district
20 may proceed with such repairs prior to approval by the State
21 Superintendent of Education, but shall comply with the
22 provisions of subdivision (2) of this subsection (a) as soon
23 thereafter as may be as well as Section 10-20.21 of this Code.
24 If the estimated cost to effectuate emergency repairs is
25 greater than the amount specified in Section 10-20.21 of this
26 Code, then the school district shall proceed in conformity with

1 Section 10-20.21 of this Code and with rules established by the
2 State Board of Education to address such situations. The rules
3 adopted by the State Board of Education to deal with these
4 situations shall stipulate that emergency situations must be
5 expedited and given priority consideration. For purposes of
6 this paragraph, an emergency is a situation that presents an
7 imminent and continuing threat to the health and safety of
8 students or other occupants of a facility, requires complete or
9 partial evacuation of a building or part of a building, or
10 consumes one or more of the 5 emergency days built into the
11 adopted calendar of the school or schools or would otherwise be
12 expected to cause such school or schools to fall short of the
13 minimum school calendar requirements.

14 (b) Whenever any such district determines that it is
15 necessary for energy conservation purposes that any school
16 building or permanent, fixed equipment should be altered or
17 reconstructed and that such alterations or reconstruction will
18 be made with funds not necessary for the completion of approved
19 and recommended projects contained in any safety survey report
20 or amendments thereto authorized by Section 2-3.12 of this Act;
21 the district may levy a tax or issue bonds as provided in
22 subsection (a) of this Section.

23 (c) Whenever any such district determines that it is
24 necessary for disabled accessibility purposes and to comply
25 with the school building code that any school building or
26 equipment should be altered or reconstructed and that such

1 alterations or reconstruction will be made with funds not
2 necessary for the completion of approved and recommended
3 projects contained in any safety survey report or amendments
4 thereto authorized under Section 2-3.12 of this Act, the
5 district may levy a tax or issue bonds as provided in
6 subsection (a) of this Section.

7 (d) Whenever any such district determines that it is
8 necessary for school security purposes and the related
9 protection and safety of pupils and school personnel that any
10 school building or property should be altered or reconstructed
11 or that security systems and equipment (including but not
12 limited to intercom, early detection and warning, access
13 control and television monitoring systems) should be purchased
14 and installed, and that such alterations, reconstruction or
15 purchase and installation of equipment will be made with funds
16 not necessary for the completion of approved and recommended
17 projects contained in any safety survey report or amendment
18 thereto authorized by Section 2-3.12 of this Act and will deter
19 and prevent unauthorized entry or activities upon school
20 property by unknown or dangerous persons, assure early
21 detection and advance warning of any such actual or attempted
22 unauthorized entry or activities and help assure the continued
23 safety of pupils and school staff if any such unauthorized
24 entry or activity is attempted or occurs; the district may levy
25 a tax or issue bonds as provided in subsection (a) of this
26 Section.

1 (e) If a school district does not need funds for other fire
2 prevention and safety projects, including the completion of
3 approved and recommended projects contained in any safety
4 survey report or amendments thereto authorized by Section
5 2-3.12 of this Act, and it is determined after a public hearing
6 (which is preceded by at least one published notice (i)
7 occurring at least 7 days prior to the hearing in a newspaper
8 of general circulation within the school district and (ii)
9 setting forth the time, date, place, and general subject matter
10 of the hearing) that there is a substantial, immediate, and
11 otherwise unavoidable threat to the health, safety, or welfare
12 of pupils due to disrepair of school sidewalks, playgrounds,
13 parking lots, or school bus turnarounds and repairs must be
14 made; then the district may levy a tax or issue bonds as
15 provided in subsection (a) of this Section.

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

1 the approval of the State Superintendent of Education.

2 (g) The filing of a certified copy of the resolution
3 levying the tax when accompanied by the certificates of the
4 regional superintendent of schools and State Superintendent of
5 Education shall be the authority of the county clerk to extend
6 such tax.

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

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

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

23 (j) When taxes are levied by any school district for fire
24 prevention, safety, energy conservation, and school security
25 purposes as specified in this Section, and the purposes for
26 which the taxes have been levied are accomplished and paid in

1 full, and there remain funds on hand in the Fire Prevention and
2 Safety Fund from the proceeds of the taxes levied, including
3 interest earnings thereon, the school board by resolution shall
4 use such excess and other board restricted funds, excluding
5 bond proceeds and earnings from such proceeds, as follows:

6 (1) for other authorized fire prevention, safety,
7 energy conservation, and school security purposes, for the
8 installation of carbon monoxide alarms in school
9 buildings, and for required safety inspections; or

10 (2) for transfer to the Operations and Maintenance Fund
11 for the purpose of abating an equal amount of operations
12 and maintenance purposes taxes.

13 Notwithstanding subdivision (2) of this subsection (j) and
14 subsection (k) of this Section, through June 30, 2016, the
15 school board may, by proper resolution following a public
16 hearing set by the school board or the president of the school
17 board (that is preceded (i) by at least one published notice
18 over the name of the clerk or secretary of the board, occurring
19 at least 7 days and not more than 30 days prior to the hearing,
20 in a newspaper of general circulation within the school
21 district and (ii) by posted notice over the name of the clerk
22 or secretary of the board, at least 48 hours before the
23 hearing, at the principal office of the school board or at the
24 building where the hearing is to be held if a principal office
25 does not exist, with both notices setting forth the time, date,
26 place, and subject matter of the hearing), transfer surplus

1 life safety taxes and interest earnings thereon to the
2 Operations and Maintenance Fund for building repair work.

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

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

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

21 (n) In order to authorize and issue such bonds, the school
22 board shall adopt a resolution fixing the amount of bonds, the
23 date thereof, the maturities thereof, rates of interest
24 thereof, place of payment and denomination, which shall be in
25 denominations of not less than \$100 and not more than \$5,000,
26 and provide for the levy and collection of a direct annual tax

1 upon all the taxable property in the school district sufficient
2 to pay the principal and interest on such bonds to maturity.
3 Upon the filing in the office of the county clerk of the county
4 in which the school district is located of a certified copy of
5 the resolution, it is the duty of the county clerk to extend
6 the tax therefor in addition to and in excess of all other
7 taxes heretofore or hereafter authorized to be levied by such
8 school district.

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

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

19 (q) With respect to instruments for the payment of money
20 issued under this Section either before, on, or after the
21 effective date of Public Act 86-004 (June 6, 1989), it is, and
22 always has been, the intention of the General Assembly (i) that
23 the Omnibus Bond Acts are, and always have been, supplementary
24 grants of power to issue instruments in accordance with the
25 Omnibus Bond Acts, regardless of any provision of this Act that
26 may appear to be or to have been more restrictive than those

1 Acts, (ii) that the provisions of this Section are not a
2 limitation on the supplementary authority granted by the
3 Omnibus Bond Acts, and (iii) that instruments issued under this
4 Section within the supplementary authority granted by the
5 Omnibus Bond Acts are not invalid because of any provision of
6 this Act that may appear to be or to have been more restrictive
7 than those Acts.

8 (r) When the purposes for which the bonds are issued have
9 been accomplished and paid for in full and there remain funds
10 on hand from the proceeds of the bond sale and interest
11 earnings therefrom, the board shall, by resolution, use such
12 excess funds in accordance with the provisions of Section
13 10-22.14 of this Act.

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

18 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14.)

19 (105 ILCS 5/34-18.49 new)

20 Sec. 34-18.49. Carbon monoxide alarms required.

21 (a) In this Section, "approved carbon monoxide alarm" and
22 "alarm" have the meaning ascribed to those terms in the Carbon
23 Monoxide Alarm Detector Act.

24 (b) The board shall require that each school building in
25 the district be equipped with approved carbon monoxide alarms

1 within one year after the effective date of this amendatory Act
2 of the 99th General Assembly, unless a school building does not
3 have or is not close to any sources of carbon monoxide.

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