

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 Property Tax Code is amended by changing
5 Section 18-185 and by adding 18-201 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5
8 may be cited as the Property Tax Extension Limitation Law.
9 As used in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the
16 rate of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000
19 or more inhabitants.

20 "Taxing district" has the same meaning provided in
21 Section 1-150, except as otherwise provided in this Section.
22 For the 1991 through 1994 levy years only, "taxing district"
23 includes only each non-home rule taxing district having the
24 majority of its 1990 equalized assessed value within any
25 county or counties contiguous to a county with 3,000,000 or
26 more inhabitants. Beginning with the 1995 levy year, "taxing
27 district" includes only each non-home rule taxing district
28 subject to this Law before the 1995 levy year and each
29 non-home rule taxing district not subject to this Law before
30 the 1995 levy year having the majority of its 1994 equalized
31 assessed value in an affected county or counties. Beginning

1 with the levy year in which this Law becomes applicable to a
2 taxing district as provided in Section 18-213, "taxing
3 district" also includes those taxing districts made subject
4 to this Law as provided in Section 18-213.

5 "Aggregate extension" for taxing districts to which this
6 Law applied before the 1995 levy year means the annual
7 corporate extension for the taxing district and those special
8 purpose extensions that are made annually for the taxing
9 district, excluding special purpose extensions: (a) made for
10 the taxing district to pay interest or principal on general
11 obligation bonds that were approved by referendum; (b) made
12 for any taxing district to pay interest or principal on
13 general obligation bonds issued before October 1, 1991; (c)
14 made for any taxing district to pay interest or principal on
15 bonds issued to refund or continue to refund those bonds
16 issued before October 1, 1991; (d) made for any taxing
17 district to pay interest or principal on bonds issued to
18 refund or continue to refund bonds issued after October 1,
19 1991 that were approved by referendum; (e) made for any
20 taxing district to pay interest or principal on revenue bonds
21 issued before October 1, 1991 for payment of which a property
22 tax levy or the full faith and credit of the unit of local
23 government is pledged; however, a tax for the payment of
24 interest or principal on those bonds shall be made only after
25 the governing body of the unit of local government finds that
26 all other sources for payment are insufficient to make those
27 payments; (f) made for payments under a building commission
28 lease when the lease payments are for the retirement of bonds
29 issued by the commission before October 1, 1991, to pay for
30 the building project; (g) made for payments due under
31 installment contracts entered into before October 1, 1991;
32 (h) made for payments of principal and interest on bonds
33 issued under the Metropolitan Water Reclamation District Act
34 to finance construction projects initiated before October 1,

1 1991; (i) made for payments of principal and interest on
2 limited bonds, as defined in Section 3 of the Local
3 Government Debt Reform Act, in an amount not to exceed the
4 debt service extension base less the amount in items (b),
5 (c), (e), and (h) of this definition for non-referendum
6 obligations, except obligations initially issued pursuant to
7 referendum; (j) made for payments of principal and interest
8 on bonds issued under Section 15 of the Local Government Debt
9 Reform Act; and (k) made by a school district that
10 participates in the Special Education District of Lake
11 County, created by special education joint agreement under
12 Section 10-22.31 of the School Code, for payment of the
13 school district's share of the amounts required to be
14 contributed by the Special Education District of Lake County
15 to the Illinois Municipal Retirement Fund under Article 7 of
16 the Illinois Pension Code; the amount of any extension under
17 this item (k) shall be certified by the school district to
18 the county clerk.

19 "Aggregate extension" for the taxing districts to which
20 this Law did not apply before the 1995 levy year (except
21 taxing districts subject to this Law in accordance with
22 Section 18-213) means the annual corporate extension for the
23 taxing district and those special purpose extensions that are
24 made annually for the taxing district, excluding special
25 purpose extensions: (a) made for the taxing district to pay
26 interest or principal on general obligation bonds that were
27 approved by referendum; (b) made for any taxing district to
28 pay interest or principal on general obligation bonds issued
29 before March 1, 1995; (c) made for any taxing district to pay
30 interest or principal on bonds issued to refund or continue
31 to refund those bonds issued before March 1, 1995; (d) made
32 for any taxing district to pay interest or principal on bonds
33 issued to refund or continue to refund bonds issued after
34 March 1, 1995 that were approved by referendum; (e) made for

1 any taxing district to pay interest or principal on revenue
2 bonds issued before March 1, 1995 for payment of which a
3 property tax levy or the full faith and credit of the unit of
4 local government is pledged; however, a tax for the payment
5 of interest or principal on those bonds shall be made only
6 after the governing body of the unit of local government
7 finds that all other sources for payment are insufficient to
8 make those payments; (f) made for payments under a building
9 commission lease when the lease payments are for the
10 retirement of bonds issued by the commission before March 1,
11 1995 to pay for the building project; (g) made for payments
12 due under installment contracts entered into before March 1,
13 1995; (h) made for payments of principal and interest on
14 bonds issued under the Metropolitan Water Reclamation
15 District Act to finance construction projects initiated
16 before October 1, 1991; (i) made for payments of principal
17 and interest on limited bonds, as defined in Section 3 of the
18 Local Government Debt Reform Act, in an amount not to exceed
19 the debt service extension base less the amount in items (b),
20 (c), and (e) of this definition for non-referendum
21 obligations, except obligations initially issued pursuant to
22 referendum and bonds described in subsection (h) of this
23 definition; (j) made for payments of principal and interest
24 on bonds issued under Section 15 of the Local Government Debt
25 Reform Act; (k) made for payments of principal and interest
26 on bonds authorized by Public Act 88-503 and issued under
27 Section 20a of the Chicago Park District Act for aquarium or
28 museum projects; and (l) made for payments of principal and
29 interest on bonds authorized by Public Act 87-1191 and issued
30 under Section 42 of the Cook County Forest Preserve District
31 Act for zoological park projects.

32 "Aggregate extension" for all taxing districts to which
33 this Law applies in accordance with Section 18-213, except
34 for those taxing districts subject to paragraph (2) of

1 subsection (e) of Section 18-213, means the annual corporate
2 extension for the taxing district and those special purpose
3 extensions that are made annually for the taxing district,
4 excluding special purpose extensions: (a) made for the taxing
5 district to pay interest or principal on general obligation
6 bonds that were approved by referendum; (b) made for any
7 taxing district to pay interest or principal on general
8 obligation bonds issued before the date on which the
9 referendum making this Law applicable to the taxing district
10 is held; (c) made for any taxing district to pay interest or
11 principal on bonds issued to refund or continue to refund
12 those bonds issued before the date on which the referendum
13 making this Law applicable to the taxing district is held;
14 (d) made for any taxing district to pay interest or principal
15 on bonds issued to refund or continue to refund bonds issued
16 after the date on which the referendum making this Law
17 applicable to the taxing district is held if the bonds were
18 approved by referendum after the date on which the referendum
19 making this Law applicable to the taxing district is held;
20 (e) made for any taxing district to pay interest or principal
21 on revenue bonds issued before the date on which the
22 referendum making this Law applicable to the taxing district
23 is held for payment of which a property tax levy or the full
24 faith and credit of the unit of local government is pledged;
25 however, a tax for the payment of interest or principal on
26 those bonds shall be made only after the governing body of
27 the unit of local government finds that all other sources for
28 payment are insufficient to make those payments; (f) made for
29 payments under a building commission lease when the lease
30 payments are for the retirement of bonds issued by the
31 commission before the date on which the referendum making
32 this Law applicable to the taxing district is held to pay for
33 the building project; (g) made for payments due under
34 installment contracts entered into before the date on which

1 the referendum making this Law applicable to the taxing
2 district is held; (h) made for payments of principal and
3 interest on limited bonds, as defined in Section 3 of the
4 Local Government Debt Reform Act, in an amount not to exceed
5 the debt service extension base less the amount in items (b),
6 (c), and (e) of this definition for non-referendum
7 obligations, except obligations initially issued pursuant to
8 referendum; (i) made for payments of principal and interest
9 on bonds issued under Section 15 of the Local Government Debt
10 Reform Act; and (j) made for a qualified airport authority to
11 pay interest or principal on general obligation bonds issued
12 for the purpose of paying obligations due under, or financing
13 airport facilities required to be acquired, constructed,
14 installed or equipped pursuant to, contracts entered into
15 before March 1, 1996 (but not including any amendments to
16 such a contract taking effect on or after that date).

17 "Aggregate extension" for all taxing districts to which
18 this Law applies in accordance with paragraph (2) of
19 subsection (e) of Section 18-213 means the annual corporate
20 extension for the taxing district and those special purpose
21 extensions that are made annually for the taxing district,
22 excluding special purpose extensions: (a) made for the taxing
23 district to pay interest or principal on general obligation
24 bonds that were approved by referendum; (b) made for any
25 taxing district to pay interest or principal on general
26 obligation bonds issued before the effective date of this
27 amendatory Act of 1997; (c) made for any taxing district to
28 pay interest or principal on bonds issued to refund or
29 continue to refund those bonds issued before the effective
30 date of this amendatory Act of 1997; (d) made for any taxing
31 district to pay interest or principal on bonds issued to
32 refund or continue to refund bonds issued after the effective
33 date of this amendatory Act of 1997 if the bonds were
34 approved by referendum after the effective date of this

1 amendatory Act of 1997; (e) made for any taxing district to
2 pay interest or principal on revenue bonds issued before the
3 effective date of this amendatory Act of 1997 for payment of
4 which a property tax levy or the full faith and credit of the
5 unit of local government is pledged; however, a tax for the
6 payment of interest or principal on those bonds shall be made
7 only after the governing body of the unit of local government
8 finds that all other sources for payment are insufficient to
9 make those payments; (f) made for payments under a building
10 commission lease when the lease payments are for the
11 retirement of bonds issued by the commission before the
12 effective date of this amendatory Act of 1997 to pay for the
13 building project; (g) made for payments due under installment
14 contracts entered into before the effective date of this
15 amendatory Act of 1997; (h) made for payments of principal
16 and interest on limited bonds, as defined in Section 3 of the
17 Local Government Debt Reform Act, in an amount not to exceed
18 the debt service extension base less the amount in items (b),
19 (c), and (e) of this definition for non-referendum
20 obligations, except obligations initially issued pursuant to
21 referendum; (i) made for payments of principal and interest
22 on bonds issued under Section 15 of the Local Government Debt
23 Reform Act; and (j) made for a qualified airport authority to
24 pay interest or principal on general obligation bonds issued
25 for the purpose of paying obligations due under, or financing
26 airport facilities required to be acquired, constructed,
27 installed or equipped pursuant to, contracts entered into
28 before March 1, 1996 (but not including any amendments to
29 such a contract taking effect on or after that date).

30 "Debt service extension base" means an amount equal to
31 that portion of the extension for a taxing district for the
32 1994 levy year, or for those taxing districts subject to this
33 Law in accordance with Section 18-213, except for those
34 subject to paragraph (2) of subsection (e) of Section 18-213,

1 for the levy year in which the referendum making this Law
2 applicable to the taxing district is held, or for those
3 taxing districts subject to this Law in accordance with
4 paragraph (2) of subsection (e) of Section 18-213 for the
5 1996 levy year, constituting an extension for payment of
6 principal and interest on bonds issued by the taxing district
7 without referendum, but not including (i) bonds authorized by
8 Public Act 88-503 and issued under Section 20a of the Chicago
9 Park District Act for aquarium and museum projects; (ii)
10 bonds issued under Section 15 of the Local Government Debt
11 Reform Act; ~~or~~ (iii) refunding obligations issued to refund
12 or to continue to refund obligations initially issued
13 pursuant to referendum; or (iv) bonds issued for fire
14 prevention and safety purposes under Section 17-2.11 of the
15 School Code after the effective date of this amendatory Act
16 of the 92nd General Assembly and bonds issued to refund the
17 fire prevention and safety bonds issued after the effective
18 date of this amendatory Act of the 92nd General Assembly. The
19 debt service extension base may be established or increased
20 as provided under Section 18-212.

21 "Special purpose extensions" include, but are not limited
22 to, extensions for levies made on an annual basis for
23 unemployment and workers' compensation, self-insurance,
24 contributions to pension plans, and extensions made pursuant
25 to Section 6-601 of the Illinois Highway Code for a road
26 district's permanent road fund whether levied annually or
27 not. The extension for a special service area is not
28 included in the aggregate extension.

29 "Aggregate extension base" means the taxing district's
30 last preceding aggregate extension as adjusted under Sections
31 18-215 through 18-230.

32 "Levy year" has the same meaning as "year" under Section
33 1-155.

34 "New property" means (i) the assessed value, after final

1 board of review or board of appeals action, of new
2 improvements or additions to existing improvements on any
3 parcel of real property that increase the assessed value of
4 that real property during the levy year multiplied by the
5 equalization factor issued by the Department under Section
6 17-30 and (ii) the assessed value, after final board of
7 review or board of appeals action, of real property not
8 exempt from real estate taxation, which real property was
9 exempt from real estate taxation for any portion of the
10 immediately preceding levy year, multiplied by the
11 equalization factor issued by the Department under Section
12 17-30. In addition, the county clerk in a county containing
13 a population of 3,000,000 or more shall include in the 1997
14 recovered tax increment value for any school district, any
15 recovered tax increment value that was applicable to the 1995
16 tax year calculations.

17 "Qualified airport authority" means an airport authority
18 organized under the Airport Authorities Act and located in a
19 county bordering on the State of Wisconsin and having a
20 population in excess of 200,000 and not greater than 500,000.

21 "Recovered tax increment value" means, except as
22 otherwise provided in this paragraph, the amount of the
23 current year's equalized assessed value, in the first year
24 after a municipality terminates the designation of an area as
25 a redevelopment project area previously established under the
26 Tax Increment Allocation Development Act in the Illinois
27 Municipal Code, previously established under the Industrial
28 Jobs Recovery Law in the Illinois Municipal Code, or
29 previously established under the Economic Development Area
30 Tax Increment Allocation Act, of each taxable lot, block,
31 tract, or parcel of real property in the redevelopment
32 project area over and above the initial equalized assessed
33 value of each property in the redevelopment project area.
34 For the taxes which are extended for the 1997 levy year, the

1 recovered tax increment value for a non-home rule taxing
2 district that first became subject to this Law for the 1995
3 levy year because a majority of its 1994 equalized assessed
4 value was in an affected county or counties shall be
5 increased if a municipality terminated the designation of an
6 area in 1993 as a redevelopment project area previously
7 established under the Tax Increment Allocation Development
8 Act in the Illinois Municipal Code, previously established
9 under the Industrial Jobs Recovery Law in the Illinois
10 Municipal Code, or previously established under the Economic
11 Development Area Tax Increment Allocation Act, by an amount
12 equal to the 1994 equalized assessed value of each taxable
13 lot, block, tract, or parcel of real property in the
14 redevelopment project area over and above the initial
15 equalized assessed value of each property in the
16 redevelopment project area. In the first year after a
17 municipality removes a taxable lot, block, tract, or parcel
18 of real property from a redevelopment project area
19 established under the Tax Increment Allocation Development
20 Act in the Illinois Municipal Code, the Industrial Jobs
21 Recovery Law in the Illinois Municipal Code, or the Economic
22 Development Area Tax Increment Allocation Act, "recovered tax
23 increment value" means the amount of the current year's
24 equalized assessed value of each taxable lot, block, tract,
25 or parcel of real property removed from the redevelopment
26 project area over and above the initial equalized assessed
27 value of that real property before removal from the
28 redevelopment project area.

29 Except as otherwise provided in this Section, "limiting
30 rate" means a fraction the numerator of which is the last
31 preceding aggregate extension base times an amount equal to
32 one plus the extension limitation defined in this Section and
33 the denominator of which is the current year's equalized
34 assessed value of all real property in the territory under

1 the jurisdiction of the taxing district during the prior levy
 2 year. For those taxing districts that reduced their
 3 aggregate extension for the last preceding levy year, the
 4 highest aggregate extension in any of the last 3 preceding
 5 levy years shall be used for the purpose of computing the
 6 limiting rate. The denominator shall not include new
 7 property. The denominator shall not include the recovered
 8 tax increment value.

9 (Source: P.A. 90-485, eff. 1-1-98; 90-511, eff. 8-22-97;
 10 90-568, eff. 1-1-99; 90-616, eff. 7-10-98; 90-655, eff.
 11 7-30-98; 91-357, eff. 7-29-99; 91-478, eff. 11-1-99.)

12 (35 ILCS 200/18-201 new)

13 Sec. 18-201. School districts.

14 (a) The aggregate extension for a school district shall
 15 not include any extension (i) made for fire prevention and
 16 safety purposes under Section 17-2.11 of the School Code
 17 produced by that portion of the rate for that purpose in
 18 excess of the district's maximum permissible rate for that
 19 purpose immediately prior to the effective date of this
 20 amendatory Act of the 92nd General Assembly or (ii) made for
 21 payments of principal and interest on fire prevention and
 22 safety bonds issued under Section 17-2.11 of the School Code
 23 after the effective date of this amendatory Act of the 92nd
 24 General Assembly or on bonds issued to refund the fire
 25 prevention and safety bonds issued after the effective date
 26 of this amendatory Act of the 92nd General Assembly.

27 (b) The requirements of Section 18-190 of this Code for
 28 a direct referendum on the imposition of a new or increased
 29 tax rate shall not apply to the tax levies that are not
 30 included in the aggregate extension pursuant to this Section.

31 (35 ILCS 200/18-200 rep.)

32 Section 10. The Property Tax Code is amended by

1 repealing Section 18-200.

2 Section 15. The School Code is amended by changing
3 Sections 2-3.12, 10-22.14, 17-2.2, 17-2.11, and 19-1 as
4 follows:

5 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

6 Sec. 2-3.12. School building code. To prepare for school
7 boards with the advice of the Department of Public Health,
8 the Capital Development Board, and the State Fire Marshal a
9 school building code that will conserve the health and safety
10 and general welfare of the pupils and school personnel and
11 others who use public school facilities.

12 The document known as "Efficient and Adequate Standards
13 for the Construction of Schools" applies only to temporary
14 school facilities, new school buildings, and additions to
15 existing schools whose construction contracts are awarded
16 after July 1, 1965. On or before July 1, 1967, each school
17 board shall have its school district buildings that were
18 constructed prior to January 1, 1955, surveyed by an
19 architect or engineer licensed in the State of Illinois as to
20 minimum standards necessary to conserve the health and safety
21 of the pupils enrolled in the school buildings of the
22 district. Buildings constructed between January 1, 1955 and
23 July 1, 1965, not owned by the State of Illinois, shall be
24 surveyed by an architect or engineer licensed in the State of
25 Illinois beginning 10 years after acceptance of the completed
26 building by the school board. Buildings constructed between
27 January 1, 1955 and July 1, 1955 and previously exempt under
28 the provisions of Section 35-27 shall be surveyed prior to
29 July 1, 1977 by an architect or engineer licensed in the
30 State of Illinois. The architect or engineer, using the
31 document known as "Building Specifications for Health and
32 Safety in Public Schools" as a guide, shall make a report of

1 the findings of the survey to the school board, giving
2 priority in that report to fire safety problems and
3 recommendations thereon if any such problems exist. The
4 school board of each district so surveyed and receiving a
5 report of needed recommendations to be made to improve
6 standards of safety and health of the pupils enrolled has
7 until July 1, 1970, or in case of buildings not owned by the
8 State of Illinois and completed between January 1, 1955 and
9 July 1, 1965 or in the case of buildings previously exempt
10 under the provisions of Section 35-27 has a period of 3 years
11 after the survey is commenced, to effectuate those
12 recommendations, giving first attention to the
13 recommendations in the survey report having priority status,
14 and is authorized to levy the tax provided for in Section
15 17-2.11, according to the provisions of that Section, to make
16 such improvements. School boards unable to effectuate those
17 recommendations prior to July 1, 1970, on July 1, 1980 in the
18 case of buildings previously exempt under the provisions of
19 Section 35-27, may petition the State Superintendent of
20 Education upon the recommendation of the Regional
21 Superintendent for an extension of time. The extension of
22 time may be granted by the State Superintendent of Education
23 for a period of one year, but may be extended from year to
24 year provided substantial progress, in the opinion of the
25 State Superintendent of Education, is being made toward
26 compliance.

27 Within 2 years after the effective date of this
28 amendatory Act of 1983, and every 10 years thereafter, or at
29 such other times as the State Board of Education deems
30 necessary or the regional superintendent so orders, each
31 school board subject to the provisions of this Section shall
32 again survey its school buildings and effectuate any
33 recommendations in accordance with the procedures set forth
34 herein. An architect or engineer licensed in the State of

1 Illinois is required to conduct the surveys under the
2 provisions of this Section and shall make a report of the
3 findings of the survey titled "safety survey report" to the
4 school board. The school board shall approve the safety
5 survey report, including any recommendations to effectuate
6 compliance with the code, and submit it to the Regional
7 Superintendent. The Regional Superintendent shall render a
8 decision regarding approval or denial and submit the safety
9 survey report to the State Superintendent of Education. The
10 State Superintendent of Education shall approve or deny the
11 report including recommendations to effectuate compliance
12 with the code and, if approved, issue a certificate of
13 approval. Upon receipt of the certificate of approval, the
14 Regional Superintendent shall issue an order to effect any
15 approved recommendations included in the report. Items in
16 the report shall be prioritized. Urgent items shall be
17 considered as those items related to life safety problems
18 that present an immediate hazard to the safety of students.
19 Required items shall be considered as those items that are
20 necessary for a safe environment but present less of an
21 immediate hazard to the safety of students. Urgent and
22 required items shall be defined in rules adopted by the State
23 Board of Education. Urgent and required items shall reference
24 a specific rule in the code authorized by this Section that
25 is currently being violated or will be violated within the
26 next 12 months if the violation is not remedied. The school
27 board of each district so surveyed and receiving a report of
28 needed recommendations to be made to maintain standards of
29 safety and health of the pupils enrolled shall effectuate the
30 correction of urgent items as soon as achievable to ensure
31 the safety of the students, but in no case more than one year
32 after the date of the State Superintendent of Education's
33 approval of the recommendation. Required items shall be
34 corrected in a timely manner, but in no case more than 3 5

1 years from the date of the State Superintendent of
2 Education's approval of the recommendation. Once each year
3 the school board shall submit a report of progress on
4 completion of any recommendations to effectuate compliance
5 with the code. For each year that the school board does not
6 effectuate any or all approved recommendations, it shall
7 petition the Regional Superintendent and the State
8 Superintendent of Education detailing what work was completed
9 in the previous year and a work plan for completion of the
10 remaining work. If in the judgement of the Regional
11 Superintendent and the State Superintendent of Education
12 substantial progress has been made and just cause has been
13 shown by the school board, the petition for a one year
14 extension of time may be approved.

15 As soon as practicable, but not later than 2 years after
16 the effective date of this amendatory Act of 1992, the State
17 Board of Education shall combine the document known as
18 "Efficient and Adequate Standards for the Construction of
19 Schools" with the document known as "Building Specifications
20 for Health and Safety in Public Schools" together with any
21 modifications or additions that may be deemed necessary. The
22 combined document shall be known as the "Health/Life Safety
23 Code for Public Schools" and shall be the governing code for
24 all facilities that house public school students or are
25 otherwise used for public school purposes, whether such
26 facilities are permanent or temporary and whether they are
27 owned, leased, rented, or otherwise used by the district.
28 Facilities owned by a school district but that are not used
29 to house public school students or are not used for public
30 school purposes shall be governed by separate provisions
31 within the code authorized by this Section.

32 The 10 year survey cycle specified in this Section shall
33 continue to apply based upon the standards contained in the
34 "Health/Life Safety Code for Public Schools", which shall

1 specify building standards for buildings that are constructed
2 prior to the effective date of this amendatory Act of 1992
3 and for buildings that are constructed after that date.

4 The "Health/Life Safety Code for Public Schools" shall be
5 the governing code for public schools; however, the
6 provisions of this Section shall not preclude inspection of
7 school premises and buildings pursuant to Section 9 of the
8 Fire Investigation Act, provided that the provisions of the
9 "Health/Life Safety Code for Public Schools", or such
10 predecessor document authorized by this Section as may be
11 applicable are used, and provided that those inspections are
12 coordinated with the Regional Superintendent having
13 jurisdiction over the public school facility. Any agency
14 having jurisdiction beyond the scope of the applicable
15 document authorized by this Section may issue a lawful order
16 to a school board to effectuate recommendations, and the
17 school board receiving the order shall certify to the
18 Regional Superintendent and the State Superintendent of
19 Education when it has complied with the order.

20 The State Board of Education is authorized to adopt any
21 rules that are necessary relating to the administration and
22 enforcement of the provisions of this Section. The code
23 authorized by this Section shall apply only to those school
24 districts having a population of less than 500,000
25 inhabitants.

26 (Source: P.A. 89-397, eff. 8-20-95; 90-811, eff. 1-26-99.)

27 (105 ILCS 5/10-22.14) (from Ch. 122, par. 10-22.14)

28 Sec. 10-22.14. Borrowing money and issuing bonds. To
29 borrow money, and issue bonds for the purposes and in the
30 manner provided by this Act.

31 When bond proceeds from the sale of bonds include a
32 premium, or when the proceeds of bonds issued for the fire
33 prevention, safety, energy conservation, and school security

1 purposes as specified in Section 17-2.11 are invested as
2 authorized by law, the board shall determine by resolution
3 whether the interest earned on the investment of bond
4 proceeds authorized under Section 17-2.11 or the premium
5 realized in the sale of bonds, as the case may be, is to be
6 used for the purposes for which the bonds were issued or,
7 instead, for payment of the principal indebtedness and
8 interest on those bonds.

9 When bonds, other than bonds issued for the fire
10 ~~prevention,--safety, energy-conservation, and school-security~~
11 purposes as specified in Section 17-2.11 are issued by any
12 school district, and the purposes for which the bonds have
13 been issued are accomplished and paid for in full, and there
14 remain funds on hand from the proceeds of the bonds so
15 issued, the board by resolution may transfer those excess
16 funds to the operations and maintenance fund.

17 When bonds are issued by any school district for the fire
18 ~~prevention,--safety, energy-conservation, and school-security~~
19 purposes as specified in Section 17-2.11, and the purposes
20 for which the bonds have been issued are accomplished and
21 paid in full, and there remain funds on hand from the
22 proceeds of the bonds issued, the board by resolution shall
23 use those excess funds (1) for other authorized fire
24 ~~prevention,--safety, energy-conservation, and school-security~~
25 purposes as specified in Section 17-2.11 or (2) for transfer
26 to the Bond and Interest Fund for payment of principal and
27 interest on those bonds. If any transfer is made to the Bond
28 and Interest Fund, the secretary of the school board shall
29 within 30 days notify the county clerk of the amount of that
30 transfer and direct the clerk to abate the taxes to be
31 extended for the purposes of principal and interest payments
32 on the respective bonds issued under Section 17-2.11 by an
33 amount equal to such transfer.

34 (Source: P.A. 86-970; 87-984.)

1 (105 ILCS 5/17-2.2) (from Ch. 122, par. 17-2.2)
2 Sec. 17-2.2. Backdoor ~~Back-door~~ referendum. Whenever any
3 school district first levies a tax at a rate within the limit
4 prescribed by paragraph (3) of Section 17-2 but in excess of
5 the maximum permissible on July 9, 1957, or within the limit
6 prescribed by paragraph (1) or (2) of Section 17-2 but in
7 excess of the maximum permissible on June 30, 1965, ~~or~~
8 whenever after August 3, 1989 any school district maintaining
9 only grades kindergarten through 8 first levies a tax for
10 transportation purposes for any school year which is within
11 the limit prescribed for that school year by paragraph (5) of
12 Section 17-2 but in excess of the maximum authorized to be
13 levied for such purposes for the 1988-89 school year, ~~or~~
14 whenever after August 3, 1989 any school district first
15 levies a tax for operations and maintenance purposes for any
16 school year which is within the limit prescribed for that
17 school year by paragraph (3) of Section 17-2 but in excess of
18 the maximum authorized to be levied for such purposes for the
19 immediately preceding school year, or whenever a backdoor
20 referendum is required under Section 17-2.11, the district
21 shall cause to be published a notice of the proposed tax levy
22 ~~such--resolution~~ in at least one newspaper of general
23 circulation ~~or--more--newspapers--published~~ in the district,
24 within 10 days after such levy is made. The notice
25 ~~publication--of--the-resolution~~ shall include a ~~notice-of~~ (1)
26 the specific number of voters required to sign a petition
27 requesting that the question of the adoption of the tax levy
28 be submitted to the voters of the district; (2) the time in
29 which the petition must be filed; and (3) the date of the
30 prospective referendum. The district Secretary shall provide
31 a petition form to any individual requesting one. Any
32 registered voter taxpayer in such district may, within 30
33 days after such levy is made, file with the Secretary of the
34 board of education a petition signed by the voters of the

1 district equal to 10% or more of the registered voters of the
2 district requesting the submission to a referendum of the
3 following proposition:

4 "Shall school district No..... be authorized to levy a
5 tax for (state purposes) (in excess of.... but not to
6 exceed....) or (at a rate not to exceed...%) as authorized in
7 Section.... 17-2 of the School Code?" The secretary of the
8 board of education shall certify the proposition to the
9 proper election authorities for submission to the electorate
10 at a regular scheduled election in accordance with the
11 general election law.

12 If a majority of the voters voting on the proposition
13 vote in favor thereof, such increased tax shall thereafter be
14 authorized; if a majority of the vote is against such
15 proposition, the previous maximum rate authorized, if any,
16 shall remain in effect until changed by law.

17 (Source: P.A. 86-128; 86-134; 86-1028; 86-1334; 87-767.)

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
20 borrow money and issue bonds for fire prevention, safety,
21 energy conservation, disabled accessibility, school security,
22 and specified repair purposes. Whenever, as a result of any
23 lawful order of any agency, other than a school board, having
24 authority to enforce any school building code applicable to
25 any facility that houses students, or any law or regulation
26 for the protection and safety of the environment, pursuant to
27 the Environmental Protection Act, any school district having
28 a population of less than 500,000 inhabitants is required to
29 alter, repair, or reconstruct any school building or
30 permanent, fixed equipment; or whenever any such district
31 determines that it is necessary for energy conservation
32 purposes that any school building or permanent, fixed
33 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 by Section 2-3.12 of this Act; or whenever
5 any such district determines that it is necessary for
6 disabled accessibility purposes and to comply with the school
7 building code that any school building or equipment should be
8 altered or reconstructed and that such alterations or
9 reconstruction will be made with funds not necessary for the
10 completion of approved and recommended projects contained in
11 any safety survey report or amendments thereto authorized
12 under Section 2-3.12 of this Act; or whenever any such
13 district determines that it is necessary for school security
14 purposes and the related protection and safety of pupils and
15 school personnel that any school building or property should
16 be altered or reconstructed or that security systems and
17 equipment (including but not limited to intercom, early
18 detection and warning, access control and television
19 monitoring systems) should be purchased and installed, and
20 that such alterations, reconstruction or purchase and
21 installation of equipment will be made with funds not
22 necessary for the completion of approved and recommended
23 projects contained in any safety survey report or amendment
24 thereto authorized by Section 2-3.12 of this Act and will
25 deter and prevent unauthorized entry or activities upon
26 school property by unknown or dangerous persons, assure early
27 detection and advance warning of any such actual or attempted
28 unauthorized entry or activities and help assure the
29 continued safety of pupils and school staff if any such
30 unauthorized entry or activity is attempted or occurs; or if
31 a school district does not need funds for other fire
32 prevention and safety projects, including the completion of
33 approved and recommended projects contained in any safety
34 survey report or amendments thereto authorized by Section

1 2-3.12 of this Act, and it is determined after a public
2 hearing (which is preceded by at least one published notice
3 (i) occurring at least 7 days prior to the hearing in a
4 newspaper of general circulation within the school district
5 and (ii) setting forth the time, date, place, and general
6 subject matter of the hearing) that there is a substantial,
7 immediate, and otherwise unavoidable threat to the health,
8 safety, or welfare of pupils due to disrepair of school
9 sidewalks, playgrounds, parking lots, or school bus
10 turnarounds and repairs must be made: then in any such
11 event, such district may, by proper resolution, levy a tax
12 for the purpose of making such alteration, repair, or
13 reconstruction, based on a survey report by an architect or
14 engineer licensed in the State of Illinois, upon all the
15 taxable property of the district at the value as assessed by
16 the Department of Revenue at a rate not to exceed 0.15% for
17 elementary and high school districts and 0.30% for unit
18 districts .05% per year for a period sufficient to finance
19 such alterations, repairs, or reconstruction, upon the
20 following conditions:

21 (a) When there are not sufficient funds available
22 in either the operations and maintenance fund of the
23 district or the fire prevention and safety fund of the
24 district as determined by the district on the basis of
25 regulations adopted by the State Board of Education to
26 make such alterations, repairs, or reconstruction, or to
27 purchase and install such permanent fixed equipment so
28 ordered or determined as necessary. Appropriate school
29 district records shall be made available to the State
30 Superintendent of Education upon request to confirm such
31 insufficiency.

32 (b) When a certified estimate of an architect or
33 engineer licensed in the State of Illinois stating the
34 estimated amount necessary to make the alterations, er

1 repairs, reconstruction or to purchase and install such
2 equipment so ordered has been secured by the district,
3 and the estimate has been approved by the regional
4 superintendent of schools, having jurisdiction of the
5 district, and the State Superintendent of Education.
6 Approval shall not be granted for any work that has
7 already started without the prior express authorization
8 of the State Superintendent of Education. If such
9 estimate is not approved or denied approval by the
10 regional superintendent of schools within 3 months after
11 the date on which it is submitted to him or her, the
12 school board of the district may submit such estimate
13 directly to the State Superintendent of Education for
14 approval or denial.

15 (c) Whenever a school district subject to the
16 Property Tax Extension Limitation Law first levies the
17 tax at a rate permitted by this amendatory Act of the
18 92nd General Assembly but in excess of its maximum
19 permissible rate for that purpose immediately prior to
20 the effective date of this amendatory Act of the 92nd
21 General Assembly, the rate increase shall be subject to a
22 backdoor referendum using the procedures provided in
23 Section 17-2.2 of this Code.

24 For purposes of this Section a school district may
25 replace a school building or build additions to replace
26 portions of a building when it is determined that the
27 effectuation of the recommendations for the existing building
28 will cost more than the replacement costs. Such
29 determination shall be based on a comparison of estimated
30 costs made by an architect or engineer licensed in the State
31 of Illinois. The new building or addition shall be
32 equivalent in area (square feet) and comparable in purpose
33 and grades served and may be on the same site or another
34 site. Such replacement may only be done upon order of the

1 regional superintendent of schools and the approval of the
2 State Superintendent of Education.

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

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

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

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

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

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

11 If the proceeds from the tax levy authorized by this
12 Section are insufficient to complete the work approved under
13 this Section, the school board is authorized to sell bonds
14 without referendum under the provisions of this Section in an
15 amount that, when added to the proceeds of the tax levy
16 authorized by this Section, will allow completion of the
17 approved work, provided that a district that is subject to
18 the Property Tax Extension Limitation Law shall submit the
19 authorization to a backdoor referendum as provided in this
20 Section. No school district that is subject to the Property
21 Tax Extension Limitation Law may issue bonds under this
22 Section unless it adopts a resolution declaring its intention
23 to issue bonds and directs that notice of this intention be
24 published at least once in a newspaper of general circulation
25 in the district. The notice shall set forth (i) the
26 intention of the district to issue bonds in accordance with
27 this Section, (ii) the time within which a petition may be
28 filed requesting the submission to the voters of the
29 proposition to issue the bonds, (iii) the specific number of
30 voters required to sign the petition, and (iv) the date of
31 the prospective referendum. At the time of publication of
32 the notice and for 30 days thereafter, the secretary of the
33 district shall provide a petition form to any individual
34 requesting one. If within 30 days after the publication a

1 petition is filed with the secretary of the district, signed
2 by the voters of the district equal to 20% or more of the
3 registered voters of the district requesting that the
4 proposition to issue bonds as authorized by this Section be
5 submitted to the voters thereof, then the district shall not
6 be authorized to issue the bonds until the proposition has
7 been certified to the proper election authorities and has
8 been submitted to and approved by a majority of the voters
9 voting on the proposition at a regular scheduled election in
10 accordance with the general election law. If no such
11 petition is filed, or if any and all petitions filed are
12 invalid, the district may issue the bonds.

13 Such bonds shall bear interest at a rate not to exceed
14 the maximum rate authorized by law at the time of the making
15 of the contract, shall mature within 20 years from date, and
16 shall be signed by the president of the school board and the
17 treasurer of the school district. Such bonds issued after the
18 effective date of this amendatory Act of the 92nd General
19 Assembly and any bonds issued to refund such bonds issued
20 after the effective date of this amendatory Act of the 92nd
21 General Assembly shall not be considered debt for purposes of
22 any statutory debt limitation.

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

1 excess of all other taxes heretofore or hereafter authorized
2 to be levied by such school district.

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

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

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

31 When the purposes for which the bonds are issued have
32 been accomplished and paid for in full and there remain funds
33 on hand from the proceeds of the bond sale and interest
34 earnings therefrom, the board shall, by resolution, use such

1 excess funds in accordance with the provisions of Section
2 10-22.14 of this Act.

3 Whenever any tax is levied or bonds issued under this
4 Section, the ~~for---fire---prevention,---safety,---energy~~
5 ~~conservation,---and-school---security---purposes,---such~~ proceeds
6 shall be deposited and accounted for separately within the
7 Fire Prevention and Safety Fund.

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

10 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

11 Sec. 19-1. Debt limitations of school districts.

12 (a) School districts shall not be subject to the
13 provisions limiting their indebtedness prescribed in the
14 Local Government Debt Limitation Act ~~"An Act to limit the~~
15 ~~indebtedness of counties having a population of less than~~
16 ~~500,000 and townships, school districts and other municipal~~
17 ~~corporations having a population of less than 300,000"~~,
18 approved February 15, 1928, as amended.

19 No school districts maintaining grades K through 8 or 9
20 through 12 shall become indebted in any manner or for any
21 purpose to an amount, including existing indebtedness, in the
22 aggregate exceeding 9.0% ~~of 6.9%~~ ~~on the~~ equalized assessed
23 value of the taxable property therein to be ascertained by
24 the last assessment for State and county taxes or, until
25 January 1, 1983, if greater, the sum that is produced by
26 multiplying the school district's 1978 equalized assessed
27 valuation by the debt limitation percentage in effect on
28 January 1, 1979, previous to the incurring of such
29 indebtedness.

30 No school districts maintaining grades K through 12 shall
31 become indebted in any manner or for any purpose to an
32 amount, including existing indebtedness, in the aggregate
33 exceeding 18.0% ~~of 13.8%~~ ~~on the~~ equalized assessed value of

1 the taxable property therein to be ascertained by the last
2 assessment for State and county taxes or, until January 1,
3 1983, if greater, the sum that is produced by multiplying the
4 school district's 1978 equalized assessed valuation by the
5 debt limitation percentage in effect on January 1, 1979,
6 previous to the incurring of such indebtedness.

7 Notwithstanding the provisions of any other law to the
8 contrary, in any case in which the voters of a school
9 district have approved a proposition for the issuance of
10 bonds of such school district at an election held prior to
11 January 1, 1979, and all of the bonds approved at such
12 election have not been issued, the debt limitation applicable
13 to such school district during the calendar year 1979 shall
14 be computed by multiplying the value of taxable property
15 therein, including personal property, as ascertained by the
16 last assessment for State and county taxes, previous to the
17 incurring of such indebtedness, by the percentage limitation
18 applicable to such school district under the provisions of
19 this subsection (a).

20 (b) Notwithstanding the debt limitation prescribed in
21 subsection (a) of this Section, additional indebtedness may
22 be incurred in an amount not to exceed the estimated cost of
23 acquiring or improving school sites or constructing and
24 equipping additional building facilities under the following
25 conditions:

26 (1) Whenever the enrollment of students for the
27 next school year is estimated by the board of education
28 to increase over the actual present enrollment by not
29 less than 35% or by not less than 200 students or the
30 actual present enrollment of students has increased over
31 the previous school year by not less than 35% or by not
32 less than 200 students and the board of education
33 determines that additional school sites or building
34 facilities are required as a result of such increase in

1 enrollment; and

2 (2) When the Regional Superintendent of Schools
3 having jurisdiction over the school district and the
4 State Superintendent of Education concur in such
5 enrollment projection or increase and approve the need
6 for such additional school sites or building facilities
7 and the estimated cost thereof; and

8 (3) When the voters in the school district approve
9 a proposition for the issuance of bonds for the purpose
10 of acquiring or improving such needed school sites or
11 constructing and equipping such needed additional
12 building facilities at an election called and held for
13 that purpose. Notice of such an election shall state that
14 the amount of indebtedness proposed to be incurred would
15 exceed the debt limitation otherwise applicable to the
16 school district. The ballot for such proposition shall
17 state what percentage of the equalized assessed valuation
18 will be outstanding in bonds if the proposed issuance of
19 bonds is approved by the voters; or

20 (4) Notwithstanding the provisions of paragraphs
21 (1) through (3) of this subsection (b), if the school
22 board determines that additional facilities are needed to
23 provide a quality educational program and not less than
24 2/3 of those voting in an election called by the school
25 board on the question approve the issuance of bonds for
26 the construction of such facilities, the school district
27 may issue bonds for this purpose; or

28 (5) Notwithstanding the provisions of paragraphs
29 (1) through (3) of this subsection (b), if (i) the school
30 district has previously availed itself of the provisions
31 of paragraph (4) of this subsection (b) to enable it to
32 issue bonds, (ii) the voters of the school district have
33 not defeated a proposition for the issuance of bonds
34 since the referendum described in paragraph (4) of this

1 subsection (b) was held, (iii) the school board
2 determines that additional facilities are needed to
3 provide a quality educational program, and (iv) a
4 majority of those voting in an election called by the
5 school board on the question approve the issuance of
6 bonds for the construction of such facilities, the school
7 district may issue bonds for this purpose.

8 In no event shall the indebtedness incurred pursuant to
9 this subsection (b) and the existing indebtedness of the
10 school district exceed 20% ±5% of the equalized assessed
11 value of the taxable property therein to be ascertained by
12 the last assessment for State and county taxes, previous to
13 the incurring of such indebtedness or, until January 1, 1983,
14 if greater, the sum that is produced by multiplying the
15 school district's 1978 equalized assessed valuation by the
16 debt limitation percentage in effect on January 1, 1979.

17 The indebtedness provided for by this subsection (b)
18 shall be in addition to and in excess of any other debt
19 limitation.

20 (c) Notwithstanding the debt limitation prescribed in
21 subsection (a) of this Section, in any case in which a public
22 question for the issuance of bonds of a proposed school
23 district maintaining grades kindergarten through 12 received
24 at least 60% of the valid ballots cast on the question at an
25 election held on or prior to November 8, 1994, and in which
26 the bonds approved at such election have not been issued, the
27 school district pursuant to the requirements of Section
28 11A-10 may issue the total amount of bonds approved at such
29 election for the purpose stated in the question.

30 (d) Notwithstanding the debt limitation prescribed in
31 subsection (a) of this Section, a school district that meets
32 all the criteria set forth in paragraphs (1) and (2) of this
33 subsection (d) may incur an additional indebtedness in an
34 amount not to exceed \$4,500,000, even though the amount of

1 the additional indebtedness authorized by this subsection
2 (d), when incurred and added to the aggregate amount of
3 indebtedness of the district existing immediately prior to
4 the district incurring the additional indebtedness authorized
5 by this subsection (d), causes the aggregate indebtedness of
6 the district to exceed the debt limitation otherwise
7 applicable to that district under subsection (a):

8 (1) The additional indebtedness authorized by this
9 subsection (d) is incurred by the school district through
10 the issuance of bonds under and in accordance with
11 Section 17-2.11a for the purpose of replacing a school
12 building which, because of mine subsidence damage, has
13 been closed as provided in paragraph (2) of this
14 subsection (d) or through the issuance of bonds under and
15 in accordance with Section 19-3 for the purpose of
16 increasing the size of, or providing for additional
17 functions in, such replacement school buildings, or both
18 such purposes.

19 (2) The bonds issued by the school district as
20 provided in paragraph (1) above are issued for the
21 purposes of construction by the school district of a new
22 school building pursuant to Section 17-2.11, to replace
23 an existing school building that, because of mine
24 subsidence damage, is closed as of the end of the 1992-93
25 school year pursuant to action of the regional
26 superintendent of schools of the educational service
27 region in which the district is located under Section
28 3-14.22 or are issued for the purpose of increasing the
29 size of, or providing for additional functions in, the
30 new school building being constructed to replace a school
31 building closed as the result of mine subsidence damage,
32 or both such purposes.

33 (e) Notwithstanding the debt limitation prescribed in
34 subsection (a) of this Section, a school district that meets

1 all the criteria set forth in paragraphs (1) through (5) of
2 this subsection (e) may, without referendum, incur an
3 additional indebtedness in an amount not to exceed the lesser
4 of \$5,000,000 or 1.5% of the equalized assessed value of the
5 taxable property within the district even though the amount
6 of the additional indebtedness authorized by this subsection
7 (e), when incurred and added to the aggregate amount of
8 indebtedness of the district existing immediately prior to
9 the district incurring that additional indebtedness, causes
10 the aggregate indebtedness of the district to exceed or
11 increases the amount by which the aggregate indebtedness of
12 the district already exceeds the debt limitation otherwise
13 applicable to that district under subsection (a):

14 (1) The State Board of Education certifies the
15 school district under Section 19-1.5 as a financially
16 distressed district.

17 (2) The additional indebtedness authorized by this
18 subsection (e) is incurred by the financially distressed
19 district during the school year or school years in which
20 the certification of the district as a financially
21 distressed district continues in effect through the
22 issuance of bonds for the lawful school purposes of the
23 district, pursuant to resolution of the school board and
24 without referendum, as provided in paragraph (5) of this
25 subsection.

26 (3) The aggregate amount of bonds issued by the
27 financially distressed district during a fiscal year in
28 which it is authorized to issue bonds under this
29 subsection does not exceed the amount by which the
30 aggregate expenditures of the district for operational
31 purposes during the immediately preceding fiscal year
32 exceeds the amount appropriated for the operational
33 purposes of the district in the annual school budget
34 adopted by the school board of the district for the

1 fiscal year in which the bonds are issued.

2 (4) Throughout each fiscal year in which
3 certification of the district as a financially distressed
4 district continues in effect, the district maintains in
5 effect a gross salary expense and gross wage expense
6 freeze policy under which the district expenditures for
7 total employee salaries and wages do not exceed such
8 expenditures for the immediately preceding fiscal year.
9 Nothing in this paragraph, however, shall be deemed to
10 impair or to require impairment of the contractual
11 obligations, including collective bargaining agreements,
12 of the district or to impair or require the impairment of
13 the vested rights of any employee of the district under
14 the terms of any contract or agreement in effect on the
15 effective date of this amendatory Act of 1994.

16 (5) Bonds issued by the financially distressed
17 district under this subsection shall bear interest at a
18 rate not to exceed the maximum rate authorized by law at
19 the time of the making of the contract, shall mature
20 within 40 years from their date of issue, and shall be
21 signed by the president of the school board and treasurer
22 of the school district. In order to issue bonds under
23 this subsection, the school board shall adopt a
24 resolution fixing the amount of the bonds, the date of
25 the bonds, the maturities of the bonds, the rates of
26 interest of the bonds, and their place of payment and
27 denomination, and shall provide for the levy and
28 collection of a direct annual tax upon all the taxable
29 property in the district sufficient to pay the principal
30 and interest on the bonds to maturity. Upon the filing
31 in the office of the county clerk of the county in which
32 the financially distressed district is located of a
33 certified copy of the resolution, it is the duty of the
34 county clerk to extend the tax therefor in addition to

1 and in excess of all other taxes at any time authorized
2 to be levied by the district. If bond proceeds from the
3 sale of bonds include a premium or if the proceeds of the
4 bonds are invested as authorized by law, the school board
5 shall determine by resolution whether the interest earned
6 on the investment of bond proceeds or the premium
7 realized on the sale of the bonds is to be used for any
8 of the lawful school purposes for which the bonds were
9 issued or for the payment of the principal indebtedness
10 and interest on the bonds. The proceeds of the bond sale
11 shall be deposited in the educational purposes fund of
12 the district and shall be used to pay operational
13 expenses of the district. This subsection is cumulative
14 and constitutes complete authority for the issuance of
15 bonds as provided in this subsection, notwithstanding any
16 other law to the contrary.

17 (f) Notwithstanding the provisions of subsection (a) of
18 this Section or of any other law, bonds in not to exceed the
19 aggregate amount of \$5,500,000 and issued by a school
20 district meeting the following criteria shall not be
21 considered indebtedness for purposes of any statutory
22 limitation and may be issued in an amount or amounts,
23 including existing indebtedness, in excess of any heretofore
24 or hereafter imposed statutory limitation as to indebtedness:

25 (1) At the time of the sale of such bonds, the
26 board of education of the district shall have determined
27 by resolution that the enrollment of students in the
28 district is projected to increase by not less than 7%
29 during each of the next succeeding 2 school years.

30 (2) The board of education shall also determine by
31 resolution that the improvements to be financed with the
32 proceeds of the bonds are needed because of the projected
33 enrollment increases.

34 (3) The board of education shall also determine by

1 resolution that the projected increases in enrollment are
2 the result of improvements made or expected to be made to
3 passenger rail facilities located in the school district.

4 (g) Notwithstanding the provisions of subsection (a) of
5 this Section or any other law, bonds in not to exceed an
6 aggregate amount of 25% of the equalized assessed value of
7 the taxable property of a school district and issued by a
8 school district meeting the criteria in paragraphs (i)
9 through (iv) of this subsection shall not be considered
10 indebtedness for purposes of any statutory limitation and may
11 be issued pursuant to resolution of the school board in an
12 amount or amounts, including existing indebtedness, in excess
13 of any statutory limitation of indebtedness heretofore or
14 hereafter imposed:

15 (i) The bonds are issued for the purpose of
16 constructing a new high school building to replace two
17 adjacent existing buildings which together house a single
18 high school, each of which is more than 65 years old, and
19 which together are located on more than 10 acres and less
20 than 11 acres of property.

21 (ii) At the time the resolution authorizing the
22 issuance of the bonds is adopted, the cost of
23 constructing a new school building to replace the
24 existing school building is less than 60% of the cost of
25 repairing the existing school building.

26 (iii) The sale of the bonds occurs before July 1,
27 1997.

28 (iv) The school district issuing the bonds is a
29 unit school district located in a county of less than
30 70,000 and more than 50,000 inhabitants, which has an
31 average daily attendance of less than 1,500 and an
32 equalized assessed valuation of less than \$29,000,000.

33 (h) Notwithstanding any other provisions of this Section
34 or the provisions of any other law, until January 1, 1998, a

1 community unit school district maintaining grades K through
 2 12 may issue bonds up to an amount, including existing
 3 indebtedness, not exceeding 27.6% of the equalized assessed
 4 value of the taxable property in the district, if all of the
 5 following conditions are met:

6 (i) The school district has an equalized assessed
 7 valuation for calendar year 1995 of less than
 8 \$24,000,000;

9 (ii) The bonds are issued for the capital
 10 improvement, renovation, rehabilitation, or replacement
 11 of existing school buildings of the district, all of
 12 which buildings were originally constructed not less than
 13 40 years ago;

14 (iii) The voters of the district approve a
 15 proposition for the issuance of the bonds at a referendum
 16 held after March 19, 1996; and

17 (iv) The bonds are issued pursuant to Sections 19-2
 18 through 19-7 of this Code.

19 (i) Notwithstanding any other provisions of this Section
 20 or the provisions of any other law, until January 1, 1998, a
 21 community unit school district maintaining grades K through
 22 12 may issue bonds up to an amount, including existing
 23 indebtedness, not exceeding 27% of the equalized assessed
 24 value of the taxable property in the district, if all of the
 25 following conditions are met:

26 (i) The school district has an equalized assessed
 27 valuation for calendar year 1995 of less than
 28 \$44,600,000;

29 (ii) The bonds are issued for the capital
 30 improvement, renovation, rehabilitation, or replacement
 31 of existing school buildings of the district, all of
 32 which existing buildings were originally constructed not
 33 less than 80 years ago;

34 (iii) The voters of the district approve a

1 proposition for the issuance of the bonds at a referendum
2 held after December 31, 1996; and

3 (iv) The bonds are issued pursuant to Sections 19-2
4 through 19-7 of this Code.

5 (j) Notwithstanding any other provisions of this Section
6 or the provisions of any other law, until January 1, 1999, a
7 community unit school district maintaining grades K through
8 12 may issue bonds up to an amount, including existing
9 indebtedness, not exceeding 27% of the equalized assessed
10 value of the taxable property in the district if all of the
11 following conditions are met:

12 (i) The school district has an equalized assessed
13 valuation for calendar year 1995 of less than
14 \$140,000,000 and a best 3 months average daily attendance
15 for the 1995-96 school year of at least 2,800;

16 (ii) The bonds are issued to purchase a site and
17 build and equip a new high school, and the school
18 district's existing high school was originally
19 constructed not less than 35 years prior to the sale of
20 the bonds;

21 (iii) At the time of the sale of the bonds, the
22 board of education determines by resolution that a new
23 high school is needed because of projected enrollment
24 increases;

25 (iv) At least 60% of those voting in an election
26 held after December 31, 1996 approve a proposition for
27 the issuance of the bonds; and

28 (v) The bonds are issued pursuant to Sections 19-2
29 through 19-7 of this Code.

30 (k) Notwithstanding the debt limitation prescribed in
31 subsection (a) of this Section, a school district that meets
32 all the criteria set forth in paragraphs (1) through (4) of
33 this subsection (k) may issue bonds to incur an additional
34 indebtedness in an amount not to exceed \$4,000,000 even

1 though the amount of the additional indebtedness authorized
2 by this subsection (k), when incurred and added to the
3 aggregate amount of indebtedness of the school district
4 existing immediately prior to the school district incurring
5 such additional indebtedness, causes the aggregate
6 indebtedness of the school district to exceed or increases
7 the amount by which the aggregate indebtedness of the
8 district already exceeds the debt limitation otherwise
9 applicable to that school district under subsection (a):

10 (1) the school district is located in 2 counties,
11 and a referendum to authorize the additional indebtedness
12 was approved by a majority of the voters of the school
13 district voting on the proposition to authorize that
14 indebtedness;

15 (2) the additional indebtedness is for the purpose
16 of financing a multi-purpose room addition to the
17 existing high school;

18 (3) the additional indebtedness, together with the
19 existing indebtedness of the school district, shall not
20 exceed 17.4% of the value of the taxable property in the
21 school district, to be ascertained by the last assessment
22 for State and county taxes; and

23 (4) the bonds evidencing the additional
24 indebtedness are issued, if at all, within 120 days of
25 the effective date of this amendatory Act of 1998.

26 (1) Notwithstanding any other provisions of this Section
27 or the provisions of any other law, until January 1, 2000, a
28 school district maintaining grades kindergarten through 8 may
29 issue bonds up to an amount, including existing indebtedness,
30 not exceeding 15% of the equalized assessed value of the
31 taxable property in the district if all of the following
32 conditions are met:

33 (i) the district has an equalized assessed
34 valuation for calendar year 1996 of less than

1 \$10,000,000;

2 (ii) the bonds are issued for capital improvement,
3 renovation, rehabilitation, or replacement of one or more
4 school buildings of the district, which buildings were
5 originally constructed not less than 70 years ago;

6 (iii) the voters of the district approve a
7 proposition for the issuance of the bonds at a referendum
8 held on or after March 17, 1998; and

9 (iv) the bonds are issued pursuant to Sections 19-2
10 through 19-7 of this Code.

11 (m) Notwithstanding any other provisions of this Section
12 or the provisions of any other law, until January 1, 1999, an
13 elementary school district maintaining grades K through 8 may
14 issue bonds up to an amount, excluding existing indebtedness,
15 not exceeding 18% of the equalized assessed value of the
16 taxable property in the district, if all of the following
17 conditions are met:

18 (i) The school district has an equalized assessed
19 valuation for calendar year 1995 or less than \$7,700,000;

20 (ii) The school district operates 2 elementary
21 attendance centers that until 1976 were operated as the
22 attendance centers of 2 separate and distinct school
23 districts;

24 (iii) The bonds are issued for the construction of
25 a new elementary school building to replace an existing
26 multi-level elementary school building of the school
27 district that is not handicapped accessible at all levels
28 and parts of which were constructed more than 75 years
29 ago;

30 (iv) The voters of the school district approve a
31 proposition for the issuance of the bonds at a referendum
32 held after July 1, 1998; and

33 (v) The bonds are issued pursuant to Sections 19-2
34 through 19-7 of this Code.

1 (n) Notwithstanding the debt limitation prescribed in
2 subsection (a) of this Section or any other provisions of
3 this Section or of any other law, a school district that
4 meets all of the criteria set forth in paragraphs (i) through
5 (vi) of this subsection (n) may incur additional indebtedness
6 by the issuance of bonds in an amount not exceeding the
7 amount certified by the Capital Development Board to the
8 school district as provided in paragraph (iii) of this
9 subsection (n), even though the amount of the additional
10 indebtedness so authorized, when incurred and added to the
11 aggregate amount of indebtedness of the district existing
12 immediately prior to the district incurring the additional
13 indebtedness authorized by this subsection (n), causes the
14 aggregate indebtedness of the district to exceed the debt
15 limitation otherwise applicable by law to that district:

16 (i) The school district applies to the State Board
17 of Education for a school construction project grant and
18 submits a district facilities plan in support of its
19 application pursuant to Section 5-20 of the School
20 Construction Law.

21 (ii) The school district's application and
22 facilities plan are approved by, and the district
23 receives a grant entitlement for a school construction
24 project issued by, the State Board of Education under the
25 School Construction Law.

26 (iii) The school district has exhausted its bonding
27 capacity or the unused bonding capacity of the district
28 is less than the amount certified by the Capital
29 Development Board to the district under Section 5-15 of
30 the School Construction Law as the dollar amount of the
31 school construction project's cost that the district will
32 be required to finance with non-grant funds in order to
33 receive a school construction project grant under the
34 School Construction Law.

1 (iv) The bonds are issued for a "school
2 construction project", as that term is defined in Section
3 5-5 of the School Construction Law, in an amount that
4 does not exceed the dollar amount certified, as provided
5 in paragraph (iii) of this subsection (n), by the Capital
6 Development Board to the school district under Section
7 5-15 of the School Construction Law.

8 (v) The voters of the district approve a
9 proposition for the issuance of the bonds at a referendum
10 held after the criteria specified in paragraphs (i) and
11 (iii) of this subsection (n) are met.

12 (vi) The bonds are issued pursuant to Sections 19-2
13 through 19-7 of the School Code.

14 (Source: P.A. 90-570, eff. 1-28-98; 90-757, eff. 8-14-98;
15 91-55, eff. 6-30-99.)

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

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INDEX

Statutes amended in order of appearance

- 35 ILCS 200/18-185
- 35 ILCS 200/18-201 new
- 35 ILCS 200/18-200 rep.
- 105 ILCS 5/2-3.12 from Ch. 122, par. 2-3.12
- 105 ILCS 5/10-22.14 from Ch. 122, par. 10-22.14
- 105 ILCS 5/17-2.2 from Ch. 122, par. 17-2.2
- 105 ILCS 5/17-2.11 from Ch. 122, par. 17-2.11
- 105 ILCS 5/19-1 from Ch. 122, par. 19-1