



Rep. JoAnn D. Osmond

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09800HB0160ham003

LRB098 02682 NHT 42560 a

1 AMENDMENT TO HOUSE BILL 160

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 160 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 17-2A as follows:

6 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

7 Sec. 17-2A. Interfund Transfers.

8 (a) The school board of any district having a population of  
9 less than 500,000 inhabitants may, by proper resolution  
10 following a public hearing set by the school board or the  
11 president of the school board (that is preceded (i) by at least  
12 one published notice over the name of the clerk or secretary of  
13 the board, occurring at least 7 days and not more than 30 days  
14 prior to the hearing, in a newspaper of general circulation  
15 within the school district and (ii) by posted notice over the  
16 name of the clerk or secretary of the board, at least 48 hours

1 before the hearing, at the principal office of the school board  
2 or at the building where the hearing is to be held if a  
3 principal office does not exist, with both notices setting  
4 forth the time, date, place, and subject matter of the  
5 hearing), transfer money from (1) the Educational Fund to the  
6 Operations and Maintenance Fund or the Transportation Fund, (2)  
7 the Operations and Maintenance Fund to the Educational Fund or  
8 the Transportation Fund, or (3) the Transportation Fund to the  
9 Educational Fund or the Operations and Maintenance Fund of said  
10 district, provided that, except during the period from July 1,  
11 2003 through June 30, 2016 ~~2013~~, such transfer is made solely  
12 for the purpose of meeting one-time, non-recurring expenses.  
13 Except during the period from July 1, 2003 through June 30,  
14 2016 and except as otherwise provided in subsection (b) of this  
15 Section ~~2013~~, any other permanent interfund transfers  
16 authorized by any provision or judicial interpretation of this  
17 Code for which the transferee fund is not precisely and  
18 specifically set forth in the provision of this Code  
19 authorizing such transfer shall be made to the fund of the  
20 school district most in need of the funds being transferred, as  
21 determined by resolution of the school board.

22 (b) Notwithstanding subsection (a) of this Section or any  
23 other provision of this Code to the contrary, the school board  
24 of any school district (i) that is subject to the Property Tax  
25 Extension Limitation Law, (ii) that has a population of less  
26 than 500,000 inhabitants, (iii) that is levying at its maximum

1 tax rate, (iv) whose total equalized assessed valuation has  
2 declined 20% in the prior 2 years, (v) in which 80% or more of  
3 its students receive free or reduced-price lunch, and (vi) that  
4 had an equalized assessed valuation of less than \$207 million  
5 but more than \$203 million in the 2011 levy year may annually,  
6 until July 1, 2016, transfer money from any fund of the  
7 district, other than the Illinois Municipal Retirement Fund and  
8 the Bonds and Interest Fund, to the educational fund, the  
9 operations and maintenance fund, or the transportation fund of  
10 the district by proper resolution following a public hearing  
11 set by the school board or the president of the school board,  
12 with notice as provided in subsection (a) of this Section, so  
13 long as the district meets the qualifications set forth in this  
14 subsection (b) on the effective date of this amendatory Act of  
15 the 98th General Assembly even if the district does not meet  
16 those qualifications at the time a given transfer is made.

17 (Source: P.A. 95-53, eff. 8-10-07; 96-1201, eff. 7-22-10.)

18 Section 10. The Tort Liability of Schools Act is amended by  
19 adding Section 9.5 as follows:

20 (745 ILCS 25/9.5 new)

21 Sec. 9.5. Tort immunity fund transfers. Notwithstanding  
22 any provision of the School Code to the contrary, if a school  
23 board determines that there are educational needs that will go  
24 unmet because of a lack of funds in the district's educational,

1 operations and maintenance, and transportation funds, that  
2 there exists a sufficient fund balance in the district's tort  
3 immunity fund to meet those educational needs, and that a  
4 transfer will not cause the district to realize increased tort  
5 exposure, then the school board of any school district (i) that  
6 is subject to the Property Tax Extension Limitation Law, (ii)  
7 that has a population of less than 500,000 inhabitants, (iii)  
8 that is levying at its maximum tax rate, (iv) whose total  
9 equalized assessed valuation has declined 20% in the prior 2  
10 years, (v) in which 80% or more of its students receive free or  
11 reduced-price lunch, and (vi) that had an equalized assessed  
12 valuation of less than \$207 million but more than \$203 million  
13 in the 2011 levy year may annually, until July 1, 2016,  
14 transfer money from the tort immunity fund of the district to  
15 the educational fund, the operations and maintenance fund, or  
16 the transportation fund of the district by proper resolution  
17 following a public hearing set by the school board or the  
18 president of the school board, with notice as provided in  
19 subsection (a) of Section 17-2A of the School Code, so long as  
20 the district meets the qualifications set forth in this Section  
21 on the effective date of this amendatory Act of the 98th  
22 General Assembly even if the district does not meet those  
23 qualifications at the time a given transfer is made."