

1 AMENDMENT TO SENATE BILL 975

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 975, AS AMENDED,  
3 immediately below the enacting clause, by inserting the  
4 following:

5 "Section 3. The Election Code is amended by changing  
6 Section 12-5 as follows:

7 (10 ILCS 5/12-5) (from Ch. 46, par. 12-5)

8 Sec. 12-5. Notice for public questions. For all  
9 elections held after July 1, 1999, notice of public questions  
10 shall be required only as set forth in this Section or as set  
11 forth in Section 17-3 or 19-3 of the School Code. Not more  
12 than 30 days nor less than 10 days before the date of a  
13 regular election at which a public question is to be  
14 submitted to the voters of a political or governmental  
15 subdivision, and at least 20 days before an emergency  
16 referendum, the election authority shall publish notice of  
17 the referendum. The notice shall be published once in a  
18 local, community newspaper having general circulation in the  
19 political or governmental subdivision. The notice shall also  
20 be given at least 10 days before the date of the election by  
21 posting a copy of the notice at the principal office of the  
22 election authority. The local election official shall also

1 post a copy of the notice at the principal office of the  
2 political or governmental subdivision, or if there is no  
3 principal office at the building in which the governing body  
4 of the political or governmental subdivision held its first  
5 meeting of the calendar year in which the referendum is being  
6 held. The election authority and the political or  
7 governmental subdivision may, but are not required to, post  
8 the notice electronically on their World Wide Web pages. The  
9 notice, which shall appear over the name or title of the  
10 election authority, shall be substantially in the following  
11 form:

12 NOTICE IS HEREBY GIVEN that at the election to be  
13 held on (insert day of the week), (insert date of  
14 election), the following proposition will be submitted to  
15 the voters of (name of political or governmental  
16 subdivision):

17 (insert the public question as it will appear on the  
18 ballot)

19 The polls at the election will be open at 6:00  
20 o'clock A.M. and will continue to be open until 7:00  
21 o'clock P.M. of that day.

22 Dated (date of notice)

23 (Name or title of the election authority)

24 The notice shall also include any additional information  
25 required by the statute authorizing the public question. The  
26 notice shall set forth the precincts and polling places at  
27 which the referendum will be conducted only in the case of  
28 emergency referenda.

29 (Source: P.A. 91-57, eff. 6-30-99.); and

30 immediately below Section 5, by inserting the following:

31 "Section 10. The School Code is amended by changing  
32 Sections 17-3 and 19-3 as follows:

1 (105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

2 Sec. 17-3. Additional levies-Submission to voters. The  
3 school board in any district having a population of less than  
4 500,000 inhabitants may, by proper resolution, cause a  
5 proposition to increase, for a limited period of not less  
6 than 3 nor more than 10 years or for an unlimited period, the  
7 annual tax rate for educational purposes to be submitted to  
8 the voters of such district at a regular scheduled election  
9 as follows:

10 (1) in districts maintaining grades 1 through 8, or  
11 grades 9 through 12, the maximum rate for educational  
12 purposes shall not exceed 3.5% of the value as equalized  
13 or assessed by the Department of Revenue;

14 (2) in districts maintaining grades 1 through 12  
15 the maximum rate for educational purposes shall not  
16 exceed 4.00%, except that if a single elementary district  
17 and a secondary district having boundaries that are  
18 coterminous on the effective date of this amendatory Act  
19 form a community unit district under Section 11-6, then  
20 the maximum rate for education purposes for such district  
21 shall not exceed 6.00% of the value as equalized or  
22 assessed by the Department of Revenue.

23 If the resolution of the school board seeks to increase  
24 the annual tax rate for educational purposes for a limited  
25 period of not less than 3 nor more than 10 years, the  
26 proposition shall so state and shall identify the years for  
27 which the tax increase is sought.

28 If a majority of the votes cast on the proposition is in  
29 favor thereof at an election for which the election  
30 authorities have given notice either (i) in accordance with  
31 Section 12-5 of the Election Code or (ii) by publication of a  
32 true and legible copy of the specimen ballot label containing  
33 the proposition in the form in which it appeared or will  
34 appear on the official ballot label on the day of the

1 election at least 5 days before the day of the election in at  
2 least one newspaper published in and having a general  
3 circulation in the district, the school board may thereafter,  
4 until such authority is revoked in like manner, levy annually  
5 the tax so authorized; provided that if the proposition as  
6 approved limits the increase in the annual tax rate of the  
7 district for educational purposes to a period of not less  
8 than 3 nor more than 10 years, the district may, unless such  
9 authority is sooner revoked in like manner, levy annually the  
10 tax so authorized for the limited number of years approved by  
11 a majority of the votes cast on the proposition. Upon  
12 expiration of that limited period, the rate at which the  
13 district may annually levy its tax for educational purposes  
14 shall be the rate provided under Section 17-2, or the rate at  
15 which the district last levied its tax for educational  
16 purposes prior to approval of the proposition authorizing the  
17 levy of that tax at an increased rate, whichever is greater.

18 The school board shall certify the proposition to the  
19 proper election authorities in accordance with the general  
20 election law.

21 The provisions of this Section concerning notice of the  
22 tax rate increase referendum apply only to consolidated  
23 primary elections at which not less than 55% of the voters  
24 voting on the tax rate increase proposition voted in favor of  
25 the tax rate increase proposition.

26 (Source: P.A. 88-376.)

27 (105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

28 Sec. 19-3. Boards of education. Any school district  
29 governed by a board of education and having a population of  
30 not more than 500,000 inhabitants, and not governed by a  
31 special Act may borrow money for the purpose of building,  
32 equipping, altering or repairing school buildings or  
33 purchasing or improving school sites, or acquiring and

1 equipping playgrounds, recreation grounds, athletic fields,  
2 and other buildings or land used or useful for school  
3 purposes or for the purpose of purchasing a site, with or  
4 without a building or buildings thereon, or for the building  
5 of a house or houses on such site, or for the building of a  
6 house or houses on the school site of the school district,  
7 for residential purposes of the superintendent, principal, or  
8 teachers of the school district, and issue its negotiable  
9 coupon bonds therefor signed by the president and secretary  
10 of the board, in denominations of not less than \$100 nor more  
11 than \$5,000, payable at such place and at such time or times,  
12 not exceeding 20 years from date of issuance, as the board of  
13 education may prescribe, and bearing interest at a rate not  
14 to exceed the maximum rate authorized by the Bond  
15 Authorization Act, as amended at the time of the making of  
16 the contract, payable annually, semiannually or quarterly,  
17 but no such bonds shall be issued unless the proposition to  
18 issue them is submitted to the voters of the district at a  
19 referendum held at a regularly scheduled election after the  
20 board has certified the proposition to the proper election  
21 authorities in accordance with the general election law, a  
22 majority of all the votes cast on the proposition is in favor  
23 of the proposition, and notice of such bond referendum ~~(if~~  
24 ~~heretofore-or-hereafter-held-at-any-general--or--consolidated~~  
25 ~~election)~~ has been given either (i) in accordance with the  
26 second paragraph of Section 12-1 of the Election Code  
27 irrespective of whether such notice included any reference to  
28 the public question as it appeared on the ballot, or (ii) for  
29 an election held on or after November 1, 1998, in accordance  
30 with Section 12-5 of the Election Code, or (iii) by  
31 publication of a true and legible copy of the specimen ballot  
32 label containing the proposition in the form in which it  
33 appeared or will appear on the official ballot label on the  
34 day of the election at least 5 days before the day of the

1 election in at least one newspaper published in and having a  
2 general circulation in each county in which the district is  
3 located, irrespective of any other requirements of Article 12  
4 or Section 24A-18 of the Election Code, nor shall any  
5 residential site be acquired unless such proposition to  
6 acquire a site is submitted to the voters of the district at  
7 a referendum held at a regularly scheduled election after the  
8 board has certified the proposition to the proper election  
9 authorities in accordance with the general election law and a  
10 majority of all the votes cast on the proposition is in favor  
11 of the proposition. Nothing in this Act or in any other law  
12 shall be construed to require the notice of the bond  
13 referendum to be published over the name or title of the  
14 election authority or the listing of maturity dates of any  
15 bonds either in the notice of bond election or ballot used in  
16 the bond election. The provisions of this Section concerning  
17 notice of the bond referendum apply only to (i) consolidated  
18 primary elections at which not less than 60% of the voters  
19 voting on the bond proposition voted in favor of the bond  
20 proposition, and (ii) other elections held before July 1,  
21 1999; otherwise thereafter, notices required in connection  
22 with the submission of public questions shall be as set forth  
23 in Section 12-5 of the Election Code. Such proposition may  
24 be initiated by resolution of the school board.

25 With respect to instruments for the payment of money  
26 issued under this Section either before, on, or after the  
27 effective date of this amendatory Act of 1989, it is and  
28 always has been the intention of the General Assembly (i)  
29 that the Omnibus Bond Acts are and always have been  
30 supplementary grants of power to issue instruments in  
31 accordance with the Omnibus Bond Acts, regardless of any  
32 provision of this Act that may appear to be or to have been  
33 more restrictive than those Acts, (ii) that the provisions of  
34 this Section are not a limitation on the supplementary

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

7 The proceeds of any bonds issued under authority of this  
8 Section shall be deposited and accounted for separately  
9 within the Site and Construction/Capital Improvements Fund.

10 (Source: P.A. 90-811, eff. 1-26-99; 90-812, eff. 1-26-99;  
11 91-57, eff. 6-30-99.)".