



Rep. Jim Durkin

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1 AMENDMENT TO SENATE BILL 452

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 452 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 5-1 as follows:

6 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)  
7 Sec. 5-1. County school units.

8 (a) The territory in each county, exclusive of any school  
9 district governed by any special act which requires the  
10 district to appoint its own school treasurer, shall constitute  
11 a county school unit. County school units of less than  
12 2,000,000 inhabitants shall be known as Class I county school  
13 units and the office of township trustees, where existing on  
14 July 1, 1962, in such units shall be abolished on that date and  
15 all books and records of such former township trustees shall be  
16 forthwith thereafter transferred to the county board of school

1 trustees. County school units of 2,000,000 or more inhabitants  
2 shall be known as Class II county school units and shall retain  
3 the office of township trustees unless otherwise provided in  
4 subsection (b) or (c).

5 (b) Notwithstanding subsections (a) and (c), the school  
6 board of any elementary school district having a fall, 1989  
7 aggregate enrollment of at least 2,500 but less than 6,500  
8 pupils and having boundaries that are coterminous with the  
9 boundaries of a high school district, and the school board of  
10 any high school district having a fall, 1989 aggregate  
11 enrollment of at least 2,500 but less than 6,500 pupils and  
12 having boundaries that are coterminous with the boundaries of  
13 an elementary school district, may, whenever the territory of  
14 such school district forms a part of a Class II county school  
15 unit, by proper resolution withdraw such school district from  
16 the jurisdiction and authority of the trustees of schools of  
17 the township in which such school district is located and from  
18 the jurisdiction and authority of the township treasurer in  
19 such Class II county school unit; provided that the school  
20 board of any such school district shall, upon the adoption and  
21 passage of such resolution, thereupon elect or appoint its own  
22 school treasurer as provided in Section 8-1. Upon the adoption  
23 and passage of such resolution and the election or appointment  
24 by the school board of its own school treasurer: (1) the  
25 trustees of schools in such township shall no longer have or  
26 exercise any powers and duties with respect to the school

1 district governed by such school board or with respect to the  
2 school business, operations or assets of such school district;  
3 and (2) all books and records of the township trustees relating  
4 to the school business and affairs of such school district  
5 shall be transferred and delivered to the school board of such  
6 school district. Upon the effective date of this amendatory Act  
7 of 1993, the legal title to, and all right, title and interest  
8 formerly held by the township trustees in any school buildings  
9 and school sites used and occupied by the school board of such  
10 school district for school purposes, that legal title, right,  
11 title and interest thereafter having been transferred to and  
12 vested in the regional board of school trustees under P.A.  
13 87-473 until the abolition of that regional board of school  
14 trustees by P.A. 87-969, shall be deemed transferred by  
15 operation of law to and shall vest in the school board of that  
16 school district.

17 Notwithstanding subsections (a) and (c), the school boards  
18 of Oak Park & River Forest District 200, Oak Park Elementary  
19 School District 97, and River Forest School District 90 may, by  
20 proper resolution, withdraw from the jurisdiction and  
21 authority of the trustees of schools of Proviso and Cicero  
22 Townships and the township treasurer, provided that the school  
23 board shall, upon the adoption and passage of the resolution,  
24 elect or appoint its own school treasurer as provided in  
25 Section 8-1 of this Code. Upon the adoption and passage of the  
26 resolution and the election or appointment by the school board

1 of its own school treasurer: (1) the trustees of schools in the  
2 township or townships shall no longer have or exercise any  
3 powers or duties with respect to the school district or with  
4 respect to the school business, operations, or assets of the  
5 school district; (2) all books and records of the trustees of  
6 schools and all moneys, securities, loanable funds, and other  
7 assets relating to the school business and affairs of the  
8 school district shall be transferred and delivered to the  
9 school board; and (3) all legal title to and all right, title,  
10 and interest formerly held by the trustees of schools in any  
11 common school lands, school buildings, or school sites used and  
12 occupied by the school board and all rights of property and  
13 causes of action pertaining to or constituting a part of the  
14 common school lands, buildings, or sites shall be deemed  
15 transferred by operation of law to and shall vest in the school  
16 board.

17 Notwithstanding subsections (a) and (c), the respective  
18 school boards of Berwyn North School District 98, Berwyn South  
19 School District 100, Cicero School District 99, and J.S. Morton  
20 High School District 201 may, by proper resolution, withdraw  
21 from the jurisdiction and authority of the trustees of schools  
22 of Cicero Township and the township treasurer, provided that  
23 the school board shall, upon the adoption and passage of the  
24 resolution, elect or appoint its own school treasurer as  
25 provided in Section 8-1 of this Code. Upon the adoption and  
26 passage of the resolution and the election or appointment by

1 the school board of its own school treasurer: (1) the trustees  
2 of schools in the township shall no longer have or exercise any  
3 powers or duties with respect to the school district or with  
4 respect to the school business, operations, or assets of the  
5 school district; (2) all books and records of the trustees of  
6 schools and all moneys, securities, loanable funds, and other  
7 assets relating to the school business and affairs of the  
8 school district shall be transferred and delivered to the  
9 school board; and (3) all legal title to and all right, title,  
10 and interest formerly held by the trustees of schools in any  
11 common school lands, school buildings, or school sites used and  
12 occupied by the school board and all rights of property and  
13 causes of action pertaining to or constituting a part of the  
14 common school lands, buildings, or sites shall be deemed  
15 transferred by operation of law to and shall vest in the school  
16 board.

17 Notwithstanding subsections (a) and (c) of this Section and  
18 upon final judgment, including the exhaustion of all appeals or  
19 a settlement between all parties, regarding claims set forth in  
20 the case of Township Trustees of Schools Township 38 North,  
21 Range 12 East v. Lyons Township High School District No. 204  
22 case N. 13 CH 23386 pending in 2018 in the Circuit Court of  
23 Cook County, Illinois, County Department, Chancery Division,  
24 and all related pending claims, the school board of Lyons  
25 Township High School District 204 may commerce, by proper  
26 resolution, to withdraw from the jurisdiction and authority of

1 the trustees of schools of Lyons Township and the township  
2 treasurer, provided that the school board shall, upon the  
3 adoption and passage of the resolution, elect or appoint its  
4 own school treasurer as provided in Section 8-1 of this Code.  
5 Upon the adoption and passage of the resolution and the  
6 election or appointment by the school board of its own school  
7 treasurer commencing with the first day of the succeeding  
8 fiscal year, but not prior to July 1, 2019: (1) the trustees of  
9 schools in the township shall no longer have or exercise any  
10 powers or duties with respect to the school district or with  
11 respect to the school business, operations, or assets of the  
12 school district; (2) all books and records of the trustees of  
13 schools and all moneys, securities, loanable funds, and other  
14 assets relating to the school business and affairs of the  
15 school district shall be transferred and delivered to the  
16 school board, allowing for a reasonable period of time  
17 not-to-exceed 90 days to liquidate any pooled investments; and  
18 (3) all legal title to and all right, title, and interest  
19 formerly held by the trustees of schools in any common school  
20 lands, school buildings, or school sites used and occupied by  
21 the school board and all rights of property and causes of  
22 action pertaining to or constituting a part of the common  
23 school lands, buildings, or sites shall be deemed transferred  
24 by operation of law to and shall vest in the school board. The  
25 changes made to this Section by this amendatory Act of the  
26 100th General Assembly are prospective only, starting from the

1 effective date of this amendatory Act of the 100th General  
2 Assembly, and shall not affect any legal action pending on the  
3 effective date of this amendatory Act of the 100th General  
4 Assembly in the Illinois courts in which Lyons Township High  
5 School District 204 is a listed party.

6 (c) Notwithstanding the provisions of subsection (a), the  
7 offices of township treasurer and trustee of schools of any  
8 township located in a Class II county school unit shall be  
9 abolished as provided in this subsection if all of the  
10 following conditions are met:

11 (1) During the same 30 day period, each school board of  
12 each elementary and unit school district that is subject to  
13 the jurisdiction and authority of the township treasurer  
14 and trustees of schools of the township in which those  
15 offices are sought to be abolished gives written notice by  
16 certified mail, return receipt requested to the township  
17 treasurer and trustees of schools of that township of the  
18 date of a meeting of the school board, to be held not more  
19 than 90 nor less than 60 days after the date when the  
20 notice is given, at which meeting the school board is to  
21 consider and vote upon the question of whether there shall  
22 be submitted to the electors of the school district a  
23 proposition to abolish the offices of township treasurer  
24 and trustee of schools of that township. None of the  
25 notices given under this paragraph to the township  
26 treasurer and trustees of schools of a township shall be

1 deemed sufficient or in compliance with the requirements of  
2 this paragraph unless all of those notices are given within  
3 the same 30 day period.

4 (2) Each school board of each elementary and unit  
5 school district that is subject to the jurisdiction and  
6 authority of the township treasurer and trustees of schools  
7 of the township in which those offices are sought to be  
8 abolished, by the affirmative vote of at least 5 members of  
9 the school board at a school board meeting of which notice  
10 is given as required by paragraph (1) of this subsection,  
11 adopts a resolution requiring the secretary of the school  
12 board to certify to the proper election authorities for  
13 submission to the electors of the school district at the  
14 next consolidated election in accordance with the general  
15 election law a proposition to abolish the offices of  
16 township treasurer and trustee of schools of that township.  
17 None of the resolutions adopted under this paragraph by any  
18 elementary or unit school districts that are subject to the  
19 jurisdiction and authority of the township treasurer and  
20 trustees of schools of the township in which those offices  
21 are sought to be abolished shall be deemed in compliance  
22 with the requirements of this paragraph or sufficient to  
23 authorize submission of the proposition to abolish those  
24 offices to a referendum of the electors in any such school  
25 district unless all of the school boards of all of the  
26 elementary and unit school districts that are subject to



1 the jurisdiction and authority of the township treasurer  
 2 and trustees of schools of that township adopt such a  
 3 resolution in accordance with the provisions of this  
 4 paragraph.

5 (3) The school boards of all of the elementary and unit  
 6 school districts that are subject to the jurisdiction and  
 7 authority of the township treasurer and trustees of schools  
 8 of the township in which those offices are sought to be  
 9 abolished submit a proposition to abolish the offices of  
 10 township treasurer and trustee of schools of that township  
 11 to the electors of their respective school districts at the  
 12 same consolidated election in accordance with the general  
 13 election law, the ballot in each such district to be in  
 14 substantially the following form:

15 -----

16 OFFICIAL BALLOT

17	Shall the offices of township	
18	treasurer and	YES
19	trustee of	-----
20	schools of Township .....	NO
21	Range ..... be abolished?	

22 -----

23 (4) At the consolidated election at which the  
 24 proposition to abolish the offices of township treasurer  
 25 and trustee of schools of a township is submitted to the  
 26 electors of each elementary and unit school district that

1 is subject to the jurisdiction and authority of the  
2 township treasurer and trustee of schools of that township,  
3 a majority of the electors voting on the proposition in  
4 each such elementary and unit school district votes in  
5 favor of the proposition as submitted to them.

6 If in each elementary and unit school district that is  
7 subject to the jurisdiction and authority of the township  
8 treasurer and trustees of schools of the township in which  
9 those offices are sought to be abolished a majority of the  
10 electors in each such district voting at the consolidated  
11 election on the proposition to abolish the offices of township  
12 treasurer and trustee of schools of that township votes in  
13 favor of the proposition as submitted to them, the proposition  
14 shall be deemed to have passed; but if in any such elementary  
15 or unit school district a majority of the electors voting on  
16 that proposition in that district fails to vote in favor of the  
17 proposition as submitted to them, then notwithstanding the vote  
18 of the electors in any other such elementary or unit school  
19 district on that proposition the proposition shall not be  
20 deemed to have passed in any of those elementary or unit school  
21 districts, and the offices of township treasurer and trustee of  
22 schools of the township in which those offices were sought to  
23 be abolished shall not be abolished, unless in each of those  
24 elementary and unit school districts remaining subject to the  
25 jurisdiction and authority of the township treasurer and  
26 trustees of schools of that township proceedings are again

1 initiated to abolish those offices and all of the proceedings  
2 and conditions prescribed in paragraphs (1) through (4) of this  
3 subsection are repeated and met in each of those elementary and  
4 unit school districts.

5 Notwithstanding the foregoing provisions of this Section  
6 or any other provision of the School Code, the offices of  
7 township treasurer and trustee of schools of a township that  
8 has a population of less than 200,000 and that contains a unit  
9 school district and is located in a Class II county school unit  
10 shall also be abolished as provided in this subsection if all  
11 of the conditions set forth in paragraphs (1), (2), and (3) of  
12 this subsection are met and if the following additional  
13 condition is met:

14 The electors in all of the school districts subject to  
15 the jurisdiction and authority of the township treasurer  
16 and trustees of schools of the township in which those  
17 offices are sought to be abolished shall vote at the  
18 consolidated election on the proposition to abolish the  
19 offices of township treasurer and trustee of schools of  
20 that township. If a majority of the electors in all of the  
21 school districts combined voting on the proposition vote in  
22 favor of the proposition, then the proposition shall be  
23 deemed to have passed; but if a majority of the electors  
24 voting on the proposition in all of the school district  
25 fails to vote in favor of the proposition as submitted to  
26 them, then the proposition shall not be deemed to have

1           passed and the offices of township treasurer and trustee of  
2           schools of the township in which those offices were sought  
3           to be abolished shall not be abolished, unless and until  
4           the proceedings detailed in paragraphs (1) through (3) of  
5           this subsection and the conditions set forth in this  
6           paragraph are met.

7           If the proposition to abolish the offices of township  
8           treasurer and trustee of schools of a township is deemed to  
9           have passed at the consolidated election as provided in this  
10          subsection, those offices shall be deemed abolished by  
11          operation of law effective on January 1 of the calendar year  
12          immediately following the calendar year in which that  
13          consolidated election is held, provided that if after the  
14          election, the trustees of schools by resolution elect to  
15          abolish the offices of township treasurer and trustee of  
16          schools effective on July 1 immediately following the election,  
17          then the offices shall be abolished on July 1 immediately  
18          following the election. On the date that the offices of  
19          township treasurer and trustee of schools of a township are  
20          deemed abolished by operation of law, the school board of each  
21          elementary and unit school district and the school board of  
22          each high school district that is subject to the jurisdiction  
23          and authority of the township treasurer and trustees of schools  
24          of that township at the time those offices are abolished: (i)  
25          shall appoint its own school treasurer as provided in Section  
26          8-1; and (ii) unless the term of the contract of a township

1 treasurer expires on the date that the office of township  
2 treasurer is abolished, shall pay to the former township  
3 treasurer its proportionate share of any aggregate  
4 compensation that, were the office of township treasurer not  
5 abolished at that time, would have been payable to the former  
6 township treasurer after that date over the remainder of the  
7 term of the contract of the former township treasurer that  
8 began prior to but ends after that date. In addition, on the  
9 date that the offices of township treasurer and trustee of  
10 schools of a township are deemed abolished as provided in this  
11 subsection, the school board of each elementary school, high  
12 school and unit school district that until that date is subject  
13 to the jurisdiction and authority of the township treasurer and  
14 trustees of schools of that township shall be deemed by  
15 operation of law to have agreed and assumed to pay and, when  
16 determined, shall pay to the Illinois Municipal Retirement Fund  
17 a proportionate share of the unfunded liability existing in  
18 that Fund at the time these offices are abolished in that  
19 calendar year for all annuities or other benefits then or  
20 thereafter to become payable from that Fund with respect to all  
21 periods of service performed prior to that date as a  
22 participating employee in that Fund by persons serving during  
23 those periods of service as a trustee of schools, township  
24 treasurer or regular employee in the office of the township  
25 treasurer of that township. That unfunded liability shall be  
26 actuarially determined by the board of trustees of the Illinois

1 Municipal Retirement Fund, and the board of trustees shall  
2 thereupon notify each school board required to pay a  
3 proportionate share of that unfunded liability of the aggregate  
4 amount of the unfunded liability so determined. The amount so  
5 paid to the Illinois Municipal Retirement Fund by each of those  
6 school districts shall be credited to the account of the  
7 township in that Fund. For each elementary school, high school  
8 and unit school district under the jurisdiction and authority  
9 of a township treasurer and trustees of schools of a township  
10 in which those offices are abolished as provided in this  
11 subsection, each such district's proportionate share of the  
12 aggregate compensation payable to the former township  
13 treasurer as provided in this paragraph and each such  
14 district's proportionate share of the aggregate amount of the  
15 unfunded liability payable to the Illinois Municipal  
16 Retirement Fund as provided in this paragraph shall be computed  
17 in accordance with the ratio that the number of pupils in  
18 average daily attendance in each such district for the school  
19 year last ending prior to the date on which the offices of  
20 township treasurer and trustee of schools of that township are  
21 abolished bears to the aggregate number of pupils in average  
22 daily attendance in all of those districts as so reported for  
23 that school year.

24 Upon abolition of the offices of township treasurer and  
25 trustee of schools of a township as provided in this  
26 subsection: (i) the regional board of school trustees, in its

1 corporate capacity, shall be deemed the successor in interest  
2 to the former trustees of schools of that township with respect  
3 to the common school lands and township loanable funds of the  
4 township; (ii) all right, title and interest existing or vested  
5 in the former trustees of schools of that township in the  
6 common school lands and township loanable funds of the  
7 township, and all records, moneys, securities and other assets,  
8 rights of property and causes of action pertaining to or  
9 constituting a part of those common school lands or township  
10 loanable funds, shall be transferred to and deemed vested by  
11 operation of law in the regional board of school trustees,  
12 which shall hold legal title to, manage and operate all common  
13 school lands and township loanable funds of the township,  
14 receive the rents, issues and profits therefrom, and have and  
15 exercise with respect thereto the same powers and duties as are  
16 provided by this Code to be exercised by regional boards of  
17 school trustees when acting as township land commissioners in  
18 counties having at least 220,000 but fewer than 2,000,000  
19 inhabitants; (iii) the regional board of school trustees shall  
20 select to serve as its treasurer with respect to the common  
21 school lands and township loanable funds of the township a  
22 person from time to time also serving as the appointed school  
23 treasurer of any school district that was subject to the  
24 jurisdiction and authority of the township treasurer and  
25 trustees of schools of that township at the time those offices  
26 were abolished, and the person selected to also serve as

1 treasurer of the regional board of school trustees shall have  
2 his compensation for services in that capacity fixed by the  
3 regional board of school trustees, to be paid from the township  
4 loanable funds, and shall make to the regional board of school  
5 trustees the reports required to be made by treasurers of  
6 township land commissioners, give bond as required by  
7 treasurers of township land commissioners, and perform the  
8 duties and exercise the powers of treasurers of township land  
9 commissioners; (iv) the regional board of school trustees shall  
10 designate in the manner provided by Section 8-7, insofar as  
11 applicable, a depository for its treasurer, and the proceeds of  
12 all rents, issues and profits from the common school lands and  
13 township loanable funds of that township shall be deposited and  
14 held in the account maintained for those purposes with that  
15 depository and shall be expended and distributed therefrom as  
16 provided in Section 15-24 and other applicable provisions of  
17 this Code; and (v) whenever there is vested in the trustees of  
18 schools of a township at the time that office is abolished  
19 under this subsection the legal title to any school buildings  
20 or school sites used or occupied for school purposes by any  
21 elementary school, high school or unit school district subject  
22 to the jurisdiction and authority of those trustees of school  
23 at the time that office is abolished, the legal title to those  
24 school buildings and school sites shall be deemed transferred  
25 by operation of law to and invested in the school board of that  
26 school district, in its corporate capacity under Section



1 10-22.35B of this Code, the same to be held, sold, exchanged  
2 leased or otherwise transferred in accordance with applicable  
3 provisions of this Code.

4 Notwithstanding Section 2-3.25g of this Code, a waiver of a  
5 mandate established under this Section may not be requested.

6 (Source: P.A. 100-374, eff. 8-25-17.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".