



Sen. John J. Cullerton

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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 regarding claims set forth in the case of  
19 Township Trustees of Schools Township 38 North, Range 12 East  
20 v. Lyons Township High School District No. 204 case N. 13 CH  
21 23386 pending in the Circuit Court of Cook County, Illinois,  
22 County Department, Chancery Division, the school board of Lyons  
23 Township High School District 204 may, by proper resolution,  
24 withdraw from the jurisdiction and authority of the trustees of  
25 schools of Lyons Township and the township treasurer, provided  
26 that the school board shall, upon the adoption and passage of

1 the resolution, elect or appoint its own school treasurer as  
2 provided in Section 8-1 of this Code. Upon the adoption and  
3 passage of the resolution and the election or appointment by  
4 the school board of its own school treasurer: (1) the trustees  
5 of schools in the township shall no longer have or exercise any  
6 powers or duties with respect to the school district or with  
7 respect to the school business, operations, or assets of the  
8 school district; (2) all books and records of the trustees of  
9 schools and all moneys, securities, loanable funds, and other  
10 assets relating to the school business and affairs of the  
11 school district shall be transferred and delivered to the  
12 school board; and (3) all legal title to and all right, title,  
13 and interest formerly held by the trustees of schools in any  
14 common school lands, school buildings, or school sites used and  
15 occupied by the school board and all rights of property and  
16 causes of action pertaining to or constituting a part of the  
17 common school lands, buildings, or sites shall be deemed  
18 transferred by operation of law to and shall vest in the school  
19 board. The changes made to this Section by this amendatory Act  
20 of the 100th General Assembly are prospective only, starting  
21 from the effective date of this amendatory Act of the 100th  
22 General Assembly, and shall not affect any legal action pending  
23 on the effective date of this amendatory Act of the 100th  
24 General Assembly in the Illinois courts in which Lyons Township  
25 High School District 204 is a listed party.

26 (c) Notwithstanding the provisions of subsection (a), the

1 offices of township treasurer and trustee of schools of any  
2 township located in a Class II county school unit shall be  
3 abolished as provided in this subsection if all of the  
4 following conditions are met:

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

24 (2) Each school board of each elementary and unit  
25 school district that is subject to the jurisdiction and  
26 authority of the township treasurer and trustees of schools

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

25 (3) The school boards of all of the elementary and unit  
26 school districts that are subject to the jurisdiction and



1 authority of the township treasurer and trustees of schools  
 2 of the township in which those offices are sought to be  
 3 abolished submit a proposition to abolish the offices of  
 4 township treasurer and trustee of schools of that township  
 5 to the electors of their respective school districts at the  
 6 same consolidated election in accordance with the general  
 7 election law, the ballot in each such district to be in  
 8 substantially the following form:

9 -----

10 OFFICIAL BALLOT

11	Shall the offices of township	
12	treasurer and	YES
13	trustee of	-----
14	schools of Township .....	NO
15	Range ..... be abolished?	

16 -----

17 (4) At the consolidated election at which the  
 18 proposition to abolish the offices of township treasurer  
 19 and trustee of schools of a township is submitted to the  
 20 electors of each elementary and unit school district that  
 21 is subject to the jurisdiction and authority of the  
 22 township treasurer and trustee of schools of that township,  
 23 a majority of the electors voting on the proposition in  
 24 each such elementary and unit school district votes in  
 25 favor of the proposition as submitted to them.

26 If in each elementary and unit school district that is

1 subject to the jurisdiction and authority of the township  
2 treasurer and trustees of schools of the township in which  
3 those offices are sought to be abolished a majority of the  
4 electors in each such district voting at the consolidated  
5 election on the proposition to abolish the offices of township  
6 treasurer and trustee of schools of that township votes in  
7 favor of the proposition as submitted to them, the proposition  
8 shall be deemed to have passed; but if in any such elementary  
9 or unit school district a majority of the electors voting on  
10 that proposition in that district fails to vote in favor of the  
11 proposition as submitted to them, then notwithstanding the vote  
12 of the electors in any other such elementary or unit school  
13 district on that proposition the proposition shall not be  
14 deemed to have passed in any of those elementary or unit school  
15 districts, and the offices of township treasurer and trustee of  
16 schools of the township in which those offices were sought to  
17 be abolished shall not be abolished, unless in each of those  
18 elementary and unit school districts remaining subject to the  
19 jurisdiction and authority of the township treasurer and  
20 trustees of schools of that township proceedings are again  
21 initiated to abolish those offices and all of the proceedings  
22 and conditions prescribed in paragraphs (1) through (4) of this  
23 subsection are repeated and met in each of those elementary and  
24 unit school districts.

25 Notwithstanding the foregoing provisions of this Section  
26 or any other provision of the School Code, the offices of

1 township treasurer and trustee of schools of a township that  
2 has a population of less than 200,000 and that contains a unit  
3 school district and is located in a Class II county school unit  
4 shall also be abolished as provided in this subsection if all  
5 of the conditions set forth in paragraphs (1), (2), and (3) of  
6 this subsection are met and if the following additional  
7 condition is met:

8           The electors in all of the school districts subject to  
9 the jurisdiction and authority of the township treasurer  
10 and trustees of schools of the township in which those  
11 offices are sought to be abolished shall vote at the  
12 consolidated election on the proposition to abolish the  
13 offices of township treasurer and trustee of schools of  
14 that township. If a majority of the electors in all of the  
15 school districts combined voting on the proposition vote in  
16 favor of the proposition, then the proposition shall be  
17 deemed to have passed; but if a majority of the electors  
18 voting on the proposition in all of the school district  
19 fails to vote in favor of the proposition as submitted to  
20 them, then the proposition shall not be deemed to have  
21 passed and the offices of township treasurer and trustee of  
22 schools of the township in which those offices were sought  
23 to be abolished shall not be abolished, unless and until  
24 the proceedings detailed in paragraphs (1) through (3) of  
25 this subsection and the conditions set forth in this  
26 paragraph are met.

1           If the proposition to abolish the offices of township  
2 treasurer and trustee of schools of a township is deemed to  
3 have passed at the consolidated election as provided in this  
4 subsection, those offices shall be deemed abolished by  
5 operation of law effective on January 1 of the calendar year  
6 immediately following the calendar year in which that  
7 consolidated election is held, provided that if after the  
8 election, the trustees of schools by resolution elect to  
9 abolish the offices of township treasurer and trustee of  
10 schools effective on July 1 immediately following the election,  
11 then the offices shall be abolished on July 1 immediately  
12 following the election. On the date that the offices of  
13 township treasurer and trustee of schools of a township are  
14 deemed abolished by operation of law, the school board of each  
15 elementary and unit school district and the school board of  
16 each high school district that is subject to the jurisdiction  
17 and authority of the township treasurer and trustees of schools  
18 of that township at the time those offices are abolished: (i)  
19 shall appoint its own school treasurer as provided in Section  
20 8-1; and (ii) unless the term of the contract of a township  
21 treasurer expires on the date that the office of township  
22 treasurer is abolished, shall pay to the former township  
23 treasurer its proportionate share of any aggregate  
24 compensation that, were the office of township treasurer not  
25 abolished at that time, would have been payable to the former  
26 township treasurer after that date over the remainder of the

1 term of the contract of the former township treasurer that  
2 began prior to but ends after that date. In addition, on the  
3 date that the offices of township treasurer and trustee of  
4 schools of a township are deemed abolished as provided in this  
5 subsection, the school board of each elementary school, high  
6 school and unit school district that until that date is subject  
7 to the jurisdiction and authority of the township treasurer and  
8 trustees of schools of that township shall be deemed by  
9 operation of law to have agreed and assumed to pay and, when  
10 determined, shall pay to the Illinois Municipal Retirement Fund  
11 a proportionate share of the unfunded liability existing in  
12 that Fund at the time these offices are abolished in that  
13 calendar year for all annuities or other benefits then or  
14 thereafter to become payable from that Fund with respect to all  
15 periods of service performed prior to that date as a  
16 participating employee in that Fund by persons serving during  
17 those periods of service as a trustee of schools, township  
18 treasurer or regular employee in the office of the township  
19 treasurer of that township. That unfunded liability shall be  
20 actuarially determined by the board of trustees of the Illinois  
21 Municipal Retirement Fund, and the board of trustees shall  
22 thereupon notify each school board required to pay a  
23 proportionate share of that unfunded liability of the aggregate  
24 amount of the unfunded liability so determined. The amount so  
25 paid to the Illinois Municipal Retirement Fund by each of those  
26 school districts shall be credited to the account of the

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

18 Upon abolition of the offices of township treasurer and  
19 trustee of schools of a township as provided in this  
20 subsection: (i) the regional board of school trustees, in its  
21 corporate capacity, shall be deemed the successor in interest  
22 to the former trustees of schools of that township with respect  
23 to the common school lands and township loanable funds of the  
24 township; (ii) all right, title and interest existing or vested  
25 in the former trustees of schools of that township in the  
26 common school lands and township loanable funds of the

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

1 treasurers of township land commissioners, and perform the  
2 duties and exercise the powers of treasurers of township land  
3 commissioners; (iv) the regional board of school trustees shall  
4 designate in the manner provided by Section 8-7, insofar as  
5 applicable, a depository for its treasurer, and the proceeds of  
6 all rents, issues and profits from the common school lands and  
7 township loanable funds of that township shall be deposited and  
8 held in the account maintained for those purposes with that  
9 depository and shall be expended and distributed therefrom as  
10 provided in Section 15-24 and other applicable provisions of  
11 this Code; and (v) whenever there is vested in the trustees of  
12 schools of a township at the time that office is abolished  
13 under this subsection the legal title to any school buildings  
14 or school sites used or occupied for school purposes by any  
15 elementary school, high school or unit school district subject  
16 to the jurisdiction and authority of those trustees of school  
17 at the time that office is abolished, the legal title to those  
18 school buildings and school sites shall be deemed transferred  
19 by operation of law to and invested in the school board of that  
20 school district, in its corporate capacity under Section  
21 10-22.35B of this Code, the same to be held, sold, exchanged  
22 leased or otherwise transferred in accordance with applicable  
23 provisions of this Code.

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

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



1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".