



Rep. William Davis

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10200HB2594ham001

LRB102 15000 CMG 24565 a

1 AMENDMENT TO HOUSE BILL 2594

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2594 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  
16 be forthwith thereafter transferred to the county board of

1 school trustees. County school units of 2,000,000 or more  
2 inhabitants shall be known as Class II county school units and  
3 shall retain the office of township trustees unless otherwise  
4 provided in 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  
4 relating to the school business and affairs of such school  
5 district shall be transferred and delivered to the school  
6 board of such school district. Upon the effective date of this  
7 amendatory Act of 1993, the legal title to, and all right,  
8 title and interest formerly held by the township trustees in  
9 any school buildings and school sites used and occupied by the  
10 school board of such school district for school purposes, that  
11 legal title, right, title and interest thereafter having been  
12 transferred to and vested in the regional board of school  
13 trustees under P.A. 87-473 until the abolition of that  
14 regional board of school trustees by P.A. 87-969, shall be  
15 deemed transferred by operation of law to and shall vest in the  
16 school board of that 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,  
20 by 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  
12 and 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.  
20 Morton High School District 201 may, by proper resolution,  
21 withdraw from the jurisdiction and authority of the trustees  
22 of schools of Cicero Township and the township treasurer,  
23 provided that the school board shall, upon the adoption and  
24 passage of the resolution, elect or appoint its own school  
25 treasurer as provided in Section 8-1 of this Code. Upon the  
26 adoption and passage of the resolution and the election or

1 appointment by the school board of its own school treasurer:

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

17 Notwithstanding subsections (a) and (c), the school board  
18 of Lyons Township High School District 204 may, by proper  
19 resolution, withdraw from the jurisdiction and authority of  
20 the trustees of schools of Lyons Township and the township  
21 treasurer, provided that the school board shall, upon the  
22 adoption and passage of the resolution, elect or appoint its  
23 own school treasurer as provided in Section 8-1 of this Code.  
24 Upon the adoption and passage of the resolution and the  
25 election or appointment by the school board of its own school  
26 treasurer: (1) the trustees of schools in the township shall

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

15 Notwithstanding subsections (a) and (c), the school board  
16 of South Holland School District 151 may, by proper  
17 resolution, withdraw from the jurisdiction and authority of  
18 the trustees of schools of Thornton Township and the township  
19 treasurer, provided that the school board shall, upon the  
20 adoption and passage of the resolution, elect or appoint its  
21 own school treasurer as provided in Section 8-1 of this Code.  
22 Upon the adoption and passage of the resolution and the  
23 election or appointment by the school board of its own school  
24 treasurer: (1) the trustees of schools in the township shall  
25 no longer have or exercise any powers or duties with respect to  
26 the school district or with respect to the school business,

1 operations, or assets of the school district; (2) all books  
2 and records of the trustees of schools and all moneys,  
3 securities, loanable funds, and other assets relating to the  
4 school business and affairs of the school district shall be  
5 transferred and delivered to the school board; and (3) all  
6 legal title to and all right, title, and interest formerly  
7 held by the trustees of schools in any common school lands,  
8 school buildings, or school sites used and occupied by the  
9 school board and all rights of property and causes of action  
10 pertaining to or constituting a part of the common school  
11 lands, buildings, or sites shall be deemed transferred by  
12 operation of law to and shall vest in the school board.

13 ~~Notwithstanding subsections (a) and (c) of this Section~~  
14 ~~and upon final judgment, including the exhaustion of all~~  
15 ~~appeals or a settlement between all parties, regarding claims~~  
16 ~~set forth in the case of Township Trustees of Schools Township~~  
17 ~~38 North, Range 12 East v. Lyons Township High School District~~  
18 ~~No. 204 case N. 13 CH 23386 pending in 2018 in the Circuit~~  
19 ~~Court of Cook County, Illinois, County Department, Chancery~~  
20 ~~Division, and all related pending claims, the school board of~~  
21 ~~Lyons Township High School District 204 may commence, by~~  
22 ~~proper resolution, to withdraw from the jurisdiction and~~  
23 ~~authority of the trustees of schools of Lyons Township and the~~  
24 ~~township treasurer, provided that the school board shall, upon~~  
25 ~~the adoption and passage of the resolution, elect or appoint~~  
26 ~~its own school treasurer as provided in Section 8-1 of this~~

1 ~~Code. Upon the adoption and passage of the resolution and the~~  
2 ~~election or appointment by the school board of its own school~~  
3 ~~treasurer commencing with the first day of the succeeding~~  
4 ~~fiscal year, but not prior to July 1, 2019: (1) the trustees of~~  
5 ~~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, allowing for a reasonable period of time not to~~  
13 ~~exceed 90 days to liquidate any pooled investments; and (3)~~  
14 ~~all legal title to and all right, title, and interest formerly~~  
15 ~~held by the trustees of schools in any common school lands,~~  
16 ~~school buildings, or school sites used and occupied by the~~  
17 ~~school board and all rights of property and causes of action~~  
18 ~~pertaining to or constituting a part of the common school~~  
19 ~~lands, buildings, or sites shall be deemed transferred by~~  
20 ~~operation of law to and shall vest in the school board. The~~  
21 ~~changes made to this Section by this amendatory Act of the~~  
22 ~~100th General Assembly are prospective only, starting from the~~  
23 ~~effective date of this amendatory Act of the 100th General~~  
24 ~~Assembly, and shall not affect any legal action pending on the~~  
25 ~~effective date of this amendatory Act of the 100th General~~  
26 ~~Assembly in the Illinois courts in which Lyons Township High~~



1 ~~School District 204 is a listed party.~~

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

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

26 (2) Each school board of each elementary and unit

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



1 district votes in favor of the proposition as submitted to  
2 them.

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

1 those elementary and unit school districts.

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

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

1           until the proceedings detailed in paragraphs (1) through  
2           (3) of this subsection and the conditions set forth in  
3           this paragraph are met.

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

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

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

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



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

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

1 Code.

2 Notwithstanding Section 2-3.25g of this Code, a waiver of  
3 a mandate established under this Section may not be requested.  
4 (Source: P.A. 100-374, eff. 8-25-17; 100-921, eff. 8-17-18.)

5 Section 99. Effective date. This Act takes effect July 1,  
6 2021.".