



Rep. Tracy Katz Muhl

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1 AMENDMENT TO HOUSE BILL 305

2 AMENDMENT NO. _____. Amend House Bill 305 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 the office of township trustees in such units shall be
4 dissolved as provided ~~shall retain the office of township~~
5 ~~trustees unless otherwise provided in subsection (b), or (c), or~~
6 or (d).

7 (b) Notwithstanding subsections (a) and (c), the school
8 board of any elementary school district having a fall, 1989
9 aggregate enrollment of at least 2,500 but less than 6,500
10 pupils and having boundaries that are coterminous with the
11 boundaries of a high school district, and the school board of
12 any high school district having a fall, 1989 aggregate
13 enrollment of at least 2,500 but less than 6,500 pupils and
14 having boundaries that are coterminous with the boundaries of
15 an elementary school district, may, whenever the territory of
16 such school district forms a part of a Class II county school
17 unit, by proper resolution withdraw such school district from
18 the jurisdiction and authority of the trustees of schools of
19 the township in which such school district is located and from
20 the jurisdiction and authority of the township treasurer in
21 such Class II county school unit; provided that the school
22 board of any such school district shall, upon the adoption and
23 passage of such resolution, thereupon elect or appoint its own
24 school treasurer as provided in Section 8-1. Upon the adoption
25 and passage of such resolution and the election or appointment
26 by the school board of its own school treasurer: (1) the

1 trustees of schools in such township shall no longer have or
2 exercise any powers and duties with respect to the school
3 district governed by such school board or with respect to the
4 school business, operations or assets of such school district;
5 and (2) all books and records of the township trustees
6 relating to the school business and affairs of such school
7 district shall be transferred and delivered to the school
8 board of such school district. Upon the effective date of this
9 amendatory Act of 1993, the legal title to, and all right,
10 title and interest formerly held by the township trustees in
11 any school buildings and school sites used and occupied by the
12 school board of such school district for school purposes, that
13 legal title, right, title and interest thereafter having been
14 transferred to and vested in the regional board of school
15 trustees under P.A. 87-473 until the abolition of that
16 regional board of school trustees by P.A. 87-969, shall be
17 deemed transferred by operation of law to and shall vest in the
18 school board of that school district.

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

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

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

1 treasurer as provided in Section 8-1 of this Code. Upon the
2 adoption and passage of the resolution and the election or
3 appointment by the school board of its own school treasurer:

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

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

1 Lyons Township High School District 204 may commence, by
2 proper resolution, to withdraw from the jurisdiction and
3 authority of the trustees of schools of Lyons Township and the
4 township treasurer, provided that the school board shall, upon
5 the adoption and passage of the resolution, elect or appoint
6 its own school treasurer as provided in Section 8-1 of this
7 Code. Upon the adoption and passage of the resolution and the
8 election or appointment by the school board of its own school
9 treasurer commencing with the first day of the succeeding
10 fiscal year, but not prior to July 1, 2019: (1) the trustees of
11 schools in the township shall no longer have or exercise any
12 powers or duties with respect to the school district or with
13 respect to the school business, operations, or assets of the
14 school district; (2) all books and records of the trustees of
15 schools and all moneys, securities, loanable funds, and other
16 assets relating to the school business and affairs of the
17 school district shall be transferred and delivered to the
18 school board, allowing for a reasonable period of time not to
19 exceed 90 days to liquidate any pooled investments; and (3)
20 all legal title to and all right, title, and interest formerly
21 held by the trustees of schools in any common school lands,
22 school buildings, or school sites used and occupied by the
23 school board and all rights of property and causes of action
24 pertaining to or constituting a part of the common school
25 lands, buildings, or sites shall be deemed transferred by
26 operation of law to and shall vest in the school board. The

1 changes made to this Section by this amendatory Act of the
2 100th General Assembly are prospective only, starting from the
3 effective date of this amendatory Act of the 100th General
4 Assembly, and shall not affect any legal action pending on the
5 effective date of this amendatory Act of the 100th General
6 Assembly in the Illinois courts in which Lyons Township High
7 School District 204 is a listed party.

8 Notwithstanding subsections (a) and (c), the school boards
9 of Glenbrook High School District 225, Northbrook Elementary
10 School District 27, Northbrook School District 28, Sunset
11 Ridge School District 29, Northbrook/Glenview School District
12 30, West Northfield School District 31, and Glenview Community
13 Consolidated School District 34 may, by proper resolution,
14 withdraw from the jurisdiction and authority of the trustees
15 of schools of Northfield and Maine Townships and the township
16 treasurer, provided that the school board shall, upon the
17 adoption and passage of the resolution, elect or appoint its
18 own school treasurer as provided in Section 8-1 of this Code.
19 Upon the adoption and passage of the resolution and the
20 election or appointment by the school board of its own school
21 treasurer: (1) the trustees of schools in the township or
22 townships shall no longer have or exercise any powers or
23 duties with respect to the school district or with respect to
24 the school business, operations, or assets of the school
25 district; (2) all books and records of the trustees of schools
26 and all moneys, securities, loanable funds, and other assets

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

11 (c) Notwithstanding the provisions of subsection (a), the
12 offices of township treasurer and trustee of schools of any
13 township located in a Class II county school unit shall be
14 abolished as provided in this subsection if all of the
15 following conditions are met:

16 (1) During the same 30 day period, each school board
17 of each elementary and unit school district that is
18 subject to the jurisdiction and authority of the township
19 treasurer and trustees of schools of the township in which
20 those offices are sought to be abolished gives written
21 notice by certified mail, return receipt requested to the
22 township treasurer and trustees of schools of that
23 township of the date of a meeting of the school board, to
24 be held not more than 90 nor less than 60 days after the
25 date when the notice is given, at which meeting the school
26 board is to consider and vote upon the question of whether

1 there shall be submitted to the electors of the school
2 district a proposition to abolish the offices of township
3 treasurer and trustee of schools of that township. None of
4 the notices given under this paragraph to the township
5 treasurer and trustees of schools of a township shall be
6 deemed sufficient or in compliance with the requirements
7 of this paragraph unless all of those notices are given
8 within the same 30 day period.

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

1 deemed in compliance with the requirements of this
 2 paragraph or sufficient to authorize submission of the
 3 proposition to abolish those offices to a referendum of
 4 the electors in any such school district unless all of the
 5 school boards of all of the elementary and unit school
 6 districts that are subject to the jurisdiction and
 7 authority of the township treasurer and trustees of
 8 schools of that township adopt such a resolution in
 9 accordance with the provisions of this paragraph.

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

20 -----
 21 OFFICIAL BALLOT
 22 Shall the offices of township
 23 treasurer and YES
 24 trustee of -----
 25 schools of Township NO
 26 Range be abolished?

1 -----
2 (4) At the consolidated election at which the
3 proposition to abolish the offices of township treasurer
4 and trustee of schools of a township is submitted to the
5 electors of each elementary and unit school district that
6 is subject to the jurisdiction and authority of the
7 township treasurer and trustee of schools of that
8 township, a majority of the electors voting on the
9 proposition in each such elementary and unit school
10 district votes in favor of the proposition as submitted to
11 them.

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

1 school districts, and the offices of township treasurer and
2 trustee of schools of the township in which those offices were
3 sought to be abolished shall not be abolished, unless in each
4 of those elementary and unit school districts remaining
5 subject to the jurisdiction and authority of the township
6 treasurer and trustees of schools of that township proceedings
7 are again initiated to abolish those offices and all of the
8 proceedings and conditions prescribed in paragraphs (1)
9 through (4) of this subsection are repeated and met in each of
10 those elementary and unit school districts.

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

20 The electors in all of the school districts subject to
21 the jurisdiction and authority of the township treasurer
22 and trustees of schools of the township in which those
23 offices are sought to be abolished shall vote at the
24 consolidated election on the proposition to abolish the
25 offices of township treasurer and trustee of schools of
26 that township. If a majority of the electors in all of the

1 school districts combined voting on the proposition vote
2 in favor of the proposition, then the proposition shall be
3 deemed to have passed; but if a majority of the electors
4 voting on the proposition in all of the school district
5 fails to vote in favor of the proposition as submitted to
6 them, then the proposition shall not be deemed to have
7 passed and the offices of township treasurer and trustee
8 of schools of the township in which those offices were
9 sought to be abolished shall not be abolished, unless and
10 until the proceedings detailed in paragraphs (1) through
11 (3) of this subsection and the conditions set forth in
12 this paragraph are met.

13 If the proposition to abolish the offices of township
14 treasurer and trustee of schools of a township is deemed to
15 have passed at the consolidated election as provided in this
16 subsection, those offices shall be deemed abolished by
17 operation of law effective on January 1 of the calendar year
18 immediately following the calendar year in which that
19 consolidated election is held, provided that if after the
20 election, the trustees of schools by resolution elect to
21 abolish the offices of township treasurer and trustee of
22 schools effective on July 1 immediately following the
23 election, then the offices shall be abolished on July 1
24 immediately following the election. On the date that the
25 offices of township treasurer and trustee of schools of a
26 township are deemed abolished by operation of law, the school

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

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

1 township are abolished bears to the aggregate number of pupils
2 in average daily attendance in all of those districts as so
3 reported for that school year.

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

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

1 for school purposes by any elementary school, high school or
2 unit school district subject to the jurisdiction and authority
3 of those trustees of school at the time that office is
4 abolished, the legal title to those school buildings and
5 school sites shall be deemed transferred by operation of law
6 to and invested in the school board of that school district, in
7 its corporate capacity under Section 10-22.35B of this Code,
8 the same to be held, sold, exchanged leased or otherwise
9 transferred in accordance with applicable provisions of this
10 Code.

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

13 (d) Within 3 years after the effective date of this
14 amendatory Act of the 103rd General Assembly, all remaining
15 Class II county school units shall, by proper resolution,
16 withdraw from the jurisdiction and authority of the trustees
17 of schools of the township and the township treasurer. Each
18 school board shall, upon the adoption and passage of this
19 resolution, either (1) elect or appoint its own school
20 treasurer as provided in Section 8-1 of this Code, or (2) enter
21 into a contractual or intergovernmental agreement for these
22 services. The office of township trustees shall dissolve upon
23 the passage of the school board resolution or, if no action is
24 taken, 3 years after the effective date of this amendatory Act
25 of the 103rd General Assembly.

26 Upon adoption and passage of the resolution and the

1 election or appointment by the school board of its own school
2 treasurer, the signing of the contractual or intergovernmental
3 agreement, or upon the statutory dissolution of the office of
4 township trustees: (1) the trustees of schools in the township
5 or townships shall no longer have or exercise any powers or
6 duties with respect to the school district or with respect to
7 the school business, operations, or assets of the school
8 district; (2) all books and records of the trustees of schools
9 and all moneys, securities, loanable funds, and other assets
10 relating to the school business and affairs of the school
11 district shall be transferred and delivered to the school
12 board; and (3) all legal title to and all right, title, and
13 interest formerly held by the trustees of schools in any
14 common school lands, school buildings, or school sites used
15 and 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.

20 (Source: P.A. 103-144, eff. 6-30-23.)".