



Sen. John F. Curran

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10300SB0990sam001

LRB103 05409 RJT 59985 a

1 AMENDMENT TO SENATE BILL 990

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 990 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 5-22 as follows:

6 (105 ILCS 5/5-22) (from Ch. 122, par. 5-22)

7 Sec. 5-22. Sales of school sites, buildings or other real  
8 estate. When, in the opinion of the school board, a school  
9 site, or portion thereof, building, or site with building  
10 thereon or any other real estate of the district has become  
11 unnecessary, unsuitable, or inconvenient for a school or  
12 unnecessary for the uses of the district, the school board, by  
13 a resolution adopted by at least two-thirds of the board  
14 members, may sell or direct that the property be sold in the  
15 manner provided in the Local Government Property Transfer Act  
16 or in the manner herein provided or, in the case of residential

1 property constructed or renovated by students as part of a  
2 curricular program, may engage the services of a licensed real  
3 estate broker to sell the property for a commission not to  
4 exceed 7%, contingent on the public listing of the property on  
5 a multiple listing service for a minimum of 14 calendar days  
6 and the sale of the property within 120 days.

7 Unless legal title to the land is held by the school board,  
8 the school board shall forthwith notify the trustees of  
9 schools or other school officials having legal title to such  
10 land of the terms upon which they desire the property to be  
11 sold. If the property is to be sold to another unit of local  
12 government or school district, the school board, trustees of  
13 schools, or other school officials having legal title to the  
14 land shall proceed in the manner provided in the Local  
15 Government Property Transfer Act. In all other cases, except  
16 if the property is to be sold to a tenant that has leased the  
17 property for 10 or more years and that tenant is a non-profit  
18 agency, the school board, trustees of schools, or other school  
19 officials having legal title to the land shall, within 60 days  
20 after adoption of the resolution (if the school board holds  
21 legal title to the land), or within 60 days after the trustees  
22 of school or other school officials having legal title receive  
23 the notice (if the school board does not hold legal title to  
24 the land), sell the property at public sale, by auction or  
25 sealed bids, after first giving notice of the time, place, and  
26 terms thereof by notice published once each week for 3

1 successive weeks prior to the date of the sale if sale is by  
2 auction, or prior to the final date of acceptance of bids if  
3 sale is by sealed bids, in a newspaper published in the  
4 district or, if no such newspaper is published in the  
5 district, then in a newspaper published in the county and  
6 having a general circulation in the district; however, if  
7 territory containing a school site, building, or site with  
8 building thereon, is detached from the school district of  
9 which it is a part after proceedings have been commenced under  
10 this Section for the sale of that school site, building, or  
11 site with building thereon, but before the sale is held, then  
12 the school board, trustees of schools, or other school  
13 officials having legal title shall not advertise or sell that  
14 school site, building, or site with building thereon, pursuant  
15 to those proceedings. The notices may be in the following  
16 form:

17 NOTICE OF SALE

18 Notice is hereby given that on (insert date), the (here  
19 insert title of the school board, trustees of school, or other  
20 school officials holding legal title) of (county) (Township  
21 No. ...., Range No. .... P.M. ....) will sell at public sale  
22 (use applicable alternative) (at ..... (state location of  
23 sale which shall be within the district), at .... ..M.,) (by  
24 taking sealed bids which shall be accepted until .... ..M., on  
25 (insert date), at (here insert location where bids will be  
26 accepted which shall be within the district) which bids will

1 be opened at .... ..M. on (insert date) at (here insert  
2 location where bids will be opened which shall be within the  
3 district)) the following described property: (here describe  
4 the property), which sale will be made on the following terms  
5 to-wit: (here insert terms of sale)

6 . . . .

7 . . . .

8 . . . .

9 (Here insert title of school  
10 officials holding legal title)

11 For purposes of determining "terms of sale" under this  
12 Section, the General Assembly declares by this clarifying and  
13 amendatory Act of 1983 that "terms of sale" are not limited to  
14 sales for cash only but include contracts for deed, mortgages,  
15 and such other seller financed terms as may be specified by the  
16 school board.

17 If a school board specifies a reasonable minimum selling  
18 price and that price is not met or if no bids are received, the  
19 school board may adopt a resolution determining or directing  
20 that the services of a licensed real estate broker be engaged  
21 to sell the property for a commission not to exceed 7%,  
22 contingent on the sale of the property within 120 days. If  
23 legal title to the property is not held by the school board,  
24 the trustees of schools or other school officials having legal  
25 title shall, upon receipt of the resolution, engage the

1 services of a licensed real estate broker as directed in the  
2 resolution. The board may accept a written offer equal to or  
3 greater than the established minimum selling price for the  
4 described property. The services of a licensed real estate  
5 broker may be utilized to seek a buyer. If the board lowers the  
6 minimum selling price on the described property, the public  
7 sale procedures set forth in this Section must be followed.  
8 The board may raise the minimum selling price without  
9 repeating the public sale procedures.

10 If a school board decides to sell property under this  
11 Section or direct the property to be sold in the manner  
12 provided in the Local Government Property Transfer Act or in  
13 the manner herein provided or engage a broker under this  
14 Section, the school board shall obtain a minimum of 3  
15 appraisals of the property at the property's current zoning.  
16 The appraisals shall be conducted by a appraiser certified by  
17 the Department of Financial and Professional Regulation.

18 If a school board decides to sell property under this  
19 Section or direct the property to be sold in the manner  
20 provided in the Local Government Property Transfer Act or in  
21 the manner herein provided or engage a broker under this  
22 Section, the school board shall offer the municipality,  
23 township, and park district in which the property is located  
24 the option to purchase the property being sold at the  
25 property's median appraised value from the required 3  
26 appraisals under this Section before the property is otherwise

1 offered for sale. A municipality, township, or park district  
2 that purchases property under this Section may do so with  
3 other units of local government.

4 In the case of a sale of property to a tenant that has  
5 leased the property for 10 or more years and that is a  
6 non-profit agency, an appraisal is required prior to the sale.  
7 If the non-profit agency purchases the property for less than  
8 the appraised value and subsequently sells the property, the  
9 agency may retain only a percentage of the profits that is  
10 proportional to the percentage of the appraisal, plus any  
11 improvements made by the agency while the agency was the  
12 owner, that the agency paid in the initial sale. The remaining  
13 portion of the profits made by the non-profit agency shall  
14 revert to the school district.

15 The deed of conveyance shall be executed by the president  
16 and clerk or secretary of the school board, trustees of  
17 schools, or other school officials having legal title to the  
18 land, and the proceeds paid to the school treasurer for the  
19 benefit of the district. The school board shall use the  
20 proceeds from the sale first to pay the principal and interest  
21 on any outstanding bonds on the property being sold, and after  
22 all such bonds have been retired, the remaining proceeds from  
23 the sale next shall be used by the school board to meet any  
24 urgent district needs as determined under Sections 2-3.12 and  
25 17-2.11 and then for any other authorized purpose and for  
26 deposit into any district fund. But whenever the school board

1 of any school district determines that any schoolhouse site  
2 with or without a building thereon is of no further use to the  
3 district, and agrees with the school board of any other school  
4 district within the boundaries of which the site is situated,  
5 upon the sale thereof to that district, and agrees upon the  
6 price to be paid therefor, and the site is selected by the  
7 purchasing district in the manner required by law, then after  
8 the payment of the compensation the school board, township  
9 trustees, or other school officials having legal title to the  
10 land of the schools shall, by proper instrument in writing,  
11 convey the legal title of the site to the school board of the  
12 purchasing district, or to the trustees of schools for the use  
13 of the purchasing district, in accordance with law. The  
14 provisions of this Section shall not apply to any sale made  
15 pursuant to Section 5-23 or Section 5-24 or Section 32-4.

16 (Source: P.A. 99-794, eff. 1-1-17; 100-963, eff. 1-1-19.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."