



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Don Harmon

SYNOPSIS AS INTRODUCED:

105 ILCS 5/5-1

from Ch. 122, par. 5-1

Amends the School Code. Makes a technical change in a Section concerning trustees of schools.

LRB093 21010 NHT 47020 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 that ~~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
17 trustees. County school units of 2,000,000 or more inhabitants
18 shall be known as Class II county school units and shall retain
19 the office of township trustees unless otherwise provided in
20 subsection (b) or (c).

21 (b) Notwithstanding subsections (a) and (c), the school
22 board of any elementary school district having a fall, 1989
23 aggregate enrollment of at least 2,500 but less than 6,500
24 pupils and having boundaries that are coterminous with the
25 boundaries of a high school district, and the school board of
26 any high school district having a fall, 1989 aggregate
27 enrollment of at least 2,500 but less than 6,500 pupils and
28 having boundaries that are coterminous with the boundaries of
29 an elementary school district, may, whenever the territory of
30 such school district forms a part of a Class II county school
31 unit, by proper resolution withdraw such school district from
32 the jurisdiction and authority of the trustees of schools of

1 the township in which such school district is located and from
2 the jurisdiction and authority of the township treasurer in
3 such Class II county school unit; provided that the school
4 board of any such school district shall, upon the adoption and
5 passage of such resolution, thereupon elect or appoint its own
6 school treasurer as provided in Section 8-1. Upon the adoption
7 and passage of such resolution and the election or appointment
8 by the school board of its own school treasurer: (1) the
9 trustees of schools in such township shall no longer have or
10 exercise any powers and duties with respect to the school
11 district governed by such school board or with respect to the
12 school business, operations or assets of such school district;
13 and (2) all books and records of the township trustees relating
14 to the school business and affairs of such school district
15 shall be transferred and delivered to the school board of such
16 school district. Upon the effective date of this amendatory Act
17 of 1993, the legal title to, and all right, title and interest
18 formerly held by the township trustees in any school buildings
19 and school sites used and occupied by the school board of such
20 school district for school purposes, that legal title, right,
21 title and interest thereafter having been transferred to and
22 vested in the regional board of school trustees under P.A.
23 87-473 until the abolition of that regional board of school
24 trustees by P.A. 87-969, shall be deemed transferred by
25 operation of law to and shall vest in the school board of that
26 school district.

27 (c) Notwithstanding the provisions of subsection (a), the
28 offices of township treasurer and trustee of schools of any
29 township located in a Class II county school unit shall be
30 abolished as provided in this subsection if all of the
31 following conditions are met:

32 (1) During the same 30 day period, each school board of
33 each elementary and unit school district that is subject to
34 the jurisdiction and authority of the township treasurer
35 and trustees of schools of the township in which those
36 offices are sought to be abolished gives written notice by

1 certified mail, return receipt requested to the township
2 treasurer and trustees of schools of that township of the
3 date of a meeting of the school board, to be held not more
4 than 90 nor less than 60 days after the date when the
5 notice is given, at which meeting the school board is to
6 consider and vote upon the question of whether there shall
7 be submitted to the electors of the school district a
8 proposition to abolish the offices of township treasurer
9 and trustee of schools of that township. None of the
10 notices given under this paragraph to the township
11 treasurer and trustees of schools of a township shall be
12 deemed sufficient or in compliance with the requirements of
13 this paragraph unless all of those notices are given within
14 the same 30 day period.

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

1 elementary and unit school districts that are subject to
 2 the jurisdiction and authority of the township treasurer
 3 and trustees of schools of that township adopt such a
 4 resolution in accordance with the provisions of this
 5 paragraph.

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

16 -----
 17 OFFICIAL BALLOT
 18 Shall the offices of township
 19 treasurer and YES
 20 trustee of -----
 21 schools of Township NO
 22 Range be abolished?
 23 -----

24 (4) At the consolidated election at which the
 25 proposition to abolish the offices of township treasurer
 26 and trustee of schools of a township is submitted to the
 27 electors of each elementary and unit school district that
 28 is subject to the jurisdiction and authority of the
 29 township treasurer and trustee of schools of that township,
 30 a majority of the electors voting on the proposition in
 31 each such elementary and unit school district votes in
 32 favor of the proposition as submitted to them.

33 If in each elementary and unit school district that is
 34 subject to the jurisdiction and authority of the township
 35 treasurer and trustees of schools of the township in which
 36 those offices are sought to be abolished a majority of the

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

22 Notwithstanding the foregoing provisions of this Section
23 or any other provision of the School Code, the offices of
24 township treasurer and trustee of schools of a township that
25 has a population of less than 200,000 and that contains a unit
26 school district and is located in a Class II county school unit
27 shall also be abolished as provided in this subsection if all
28 of the conditions set forth in paragraphs (1), (2), and (3) of
29 this subsection are met and if the following additional
30 condition is met:

31 The electors in all of the school districts subject to
32 the jurisdiction and authority of the township treasurer
33 and trustees of schools of the township in which those
34 offices are sought to be abolished shall vote at the
35 consolidated election on the proposition to abolish the
36 offices of township treasurer and trustee of schools of

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

14 If the proposition to abolish the offices of township
15 treasurer and trustee of schools of a township is deemed to
16 have passed at the consolidated election as provided in this
17 subsection, those offices shall be deemed abolished by
18 operation of law effective on January 1 of the calendar year
19 immediately following the calendar year in which that
20 consolidated election is held, provided that if after the
21 election, the trustees of schools by resolution elect to
22 abolish the offices of township treasurer and trustee of
23 schools effective on July 1 immediately following the election,
24 then the offices shall be abolished on July 1 immediately
25 following the election. On the date that the offices of
26 township treasurer and trustee of schools of a township are
27 deemed abolished by operation of law, the school board of each
28 elementary and unit school district and the school board of
29 each high school district that is subject to the jurisdiction
30 and authority of the township treasurer and trustees of schools
31 of that township at the time those offices are abolished: (i)
32 shall appoint its own school treasurer as provided in Section
33 8-1; and (ii) unless the term of the contract of a township
34 treasurer expires on the date that the office of township
35 treasurer is abolished, shall pay to the former township
36 treasurer its proportionate share of any aggregate

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

1 district's proportionate share of the aggregate amount of the
2 unfunded liability payable to the Illinois Municipal
3 Retirement Fund as provided in this paragraph shall be computed
4 in accordance with the ratio that the number of pupils in
5 average daily attendance in each such district as reported in
6 schedules prepared under Section 24-19 for the school year last
7 ending prior to the date on which the offices of township
8 treasurer and trustee of schools of that township are abolished
9 bears to the aggregate number of pupils in average daily
10 attendance in all of those districts as so reported for that
11 school year.

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

1 treasurer of any school district that was subject to the
2 jurisdiction and authority of the township treasurer and
3 trustees of schools of that township at the time those offices
4 were abolished, and the person selected to also serve as
5 treasurer of the regional board of school trustees shall have
6 his compensation for services in that capacity fixed by the
7 regional board of school trustees, to be paid from the township
8 loanable funds, and shall make to the regional board of school
9 trustees the reports required to be made by treasurers of
10 township land commissioners, give bond as required by
11 treasurers of township land commissioners, and perform the
12 duties and exercise the powers of treasurers of township land
13 commissioners; (iv) the regional board of school trustees shall
14 designate in the manner provided by Section 8-7, insofar as
15 applicable, a depository for its treasurer, and the proceeds of
16 all rents, issues and profits from the common school lands and
17 township loanable funds of that township shall be deposited and
18 held in the account maintained for those purposes with that
19 depository and shall be expended and distributed therefrom as
20 provided in Section 15-24 and other applicable provisions of
21 this Code; and (v) whenever there is vested in the trustees of
22 schools of a township at the time that office is abolished
23 under this subsection the legal title to any school buildings
24 or school sites used or occupied for school purposes by any
25 elementary school, high school or unit school district subject
26 to the jurisdiction and authority of those trustees of school
27 at the time that office is abolished, the legal title to those
28 school buildings and school sites shall be deemed transferred
29 by operation of law to and invested in the school board of that
30 school district, in its corporate capacity Section 7-28, the
31 same to be held, sold, exchanged leased or otherwise
32 transferred in accordance with applicable provisions of this
33 Code.

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

36 (Source: P.A. 91-269, eff. 7-23-99; 92-448, eff. 8-21-01.)