



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1492**

Introduced 2/23/2005, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/5-1

from Ch. 122, par. 5-1

Amends the School Code with regard to county school units. Allows the school board of any school district whose territory forms a part of a Class II county school unit (now, allowed only for certain school districts) to withdraw that school district from the jurisdiction and authority of the trustees of schools of the township or townships in which the school district is located and from the jurisdiction and authority of the township treasurer in the Class II county school unit, provided that the school board of the school district elects or appoints its own school treasurer. Effective immediately.

LRB094 05146 RAS 35186 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 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 school district whose territory forms a part of a  
23 Class II county school unit may, by proper resolution, withdraw  
24 that school district from the jurisdiction and authority of the  
25 trustees of schools of the township or townships in which the  
26 school district is located and from the jurisdiction and  
27 authority of the township treasurer in the Class II county  
28 school unit, provided that the school board of the school  
29 district shall, upon the adoption and passage of the  
30 resolution, elect or appoint its own school treasurer as  
31 provided in Section 8-1 of this Code. Upon the adoption and  
32 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 or townships shall no longer have or  
3 exercise any powers or duties with respect to the school  
4 district governed by the school board or with respect to the  
5 school business, operations, or assets of the school district;  
6 (2) all books and records of the township trustees and all  
7 moneys, securities, loanable funds, and other assets relating  
8 to the school business and affairs of the school district shall  
9 be transferred and delivered to the school board of the school  
10 district; and (3) all legal title to and all right, title, and  
11 interest formerly held by the township trustees in any common  
12 school lands, school buildings, or school sites used and  
13 occupied by the school board of the school district and all  
14 rights of property and causes of action pertaining to or  
15 constituting a part of the common school lands, buildings, or  
16 sites shall be deemed transferred by operation of law to, and  
17 shall vest in, the school board of the school district.

18 ~~Notwithstanding subsections (a) and (c), the school board of~~  
19 ~~any elementary school district having a fall, 1989 aggregate~~  
20 ~~enrollment of at least 2,500 but less than 6,500 pupils and~~  
21 ~~having boundaries that are coterminous with the boundaries of a~~  
22 ~~high school district, and the school board of any high school~~  
23 ~~district having a fall, 1989 aggregate enrollment of at least~~  
24 ~~2,500 but less than 6,500 pupils and having boundaries that are~~  
25 ~~coterminous with the boundaries of an elementary school~~  
26 ~~district, may, whenever the territory of such school district~~  
27 ~~forms a part of a Class II county school unit, by proper~~  
28 ~~resolution withdraw such school district from the jurisdiction~~  
29 ~~and authority of the trustees of schools of the township in~~  
30 ~~which such school district is located and from the jurisdiction~~  
31 ~~and authority of the township treasurer in such Class II county~~  
32 ~~school unit; provided that the school board of any such school~~  
33 ~~district shall, upon the adoption and passage of such~~  
34 ~~resolution, thereupon elect or appoint its own school treasurer~~  
35 ~~as provided in Section 8-1. Upon the adoption and passage of~~  
36 ~~such resolution and the election or appointment by the school~~

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

20 (c) Notwithstanding the provisions of subsection (a), the  
21 offices of township treasurer and trustee of schools of any  
22 township located in a Class II county school unit shall be  
23 abolished as provided in this subsection if all of the  
24 following conditions are met:

25 (1) During the same 30 day period, each school board of  
26 each elementary and unit school district that is subject to  
27 the jurisdiction and authority of the township treasurer  
28 and trustees of schools of the township in which those  
29 offices are sought to be abolished gives written notice by  
30 certified mail, return receipt requested to the township  
31 treasurer and trustees of schools of that township of the  
32 date of a meeting of the school board, to be held not more  
33 than 90 nor less than 60 days after the date when the  
34 notice is given, at which meeting the school board is to  
35 consider and vote upon the question of whether there shall  
36 be submitted to the electors of the school district a

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

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

35 (3) The school boards of all of the elementary and unit  
36 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  
 27 subject to the jurisdiction and authority of the township  
 28 treasurer and trustees of schools of the township in which  
 29 those offices are sought to be abolished a majority of the  
 30 electors in each such district voting at the consolidated  
 31 election on the proposition to abolish the offices of township  
 32 treasurer and trustee of schools of that township votes in  
 33 favor of the proposition as submitted to them, the proposition  
 34 shall be deemed to have passed; but if in any such elementary  
 35 or unit school district a majority of the electors voting on  
 36 that proposition in that district fails to vote in favor of the

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

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

24 The electors in all of the school districts subject to  
25 the jurisdiction and authority of the township treasurer  
26 and trustees of schools of the township in which those  
27 offices are sought to be abolished shall vote at the  
28 consolidated election on the proposition to abolish the  
29 offices of township treasurer and trustee of schools of  
30 that township. If a majority of the electors in all of the  
31 school districts combined voting on the proposition vote in  
32 favor of the proposition, then the proposition shall be  
33 deemed to have passed; but if a majority of the electors  
34 voting on the proposition in all of the school district  
35 fails to vote in favor of the proposition as submitted to  
36 them, then the proposition shall not be deemed to have

1 passed and the offices of township treasurer and trustee of  
2 schools of the township in which those offices were sought  
3 to be abolished shall not be abolished, unless and until  
4 the proceedings detailed in paragraphs (1) through (3) of  
5 this subsection and the conditions set forth in this  
6 paragraph are met.

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



1 subsection, the school board of each elementary school, high  
2 school and unit school district that until that date is subject  
3 to the jurisdiction and authority of the township treasurer and  
4 trustees of schools of that township shall be deemed by  
5 operation of law to have agreed and assumed to pay and, when  
6 determined, shall pay to the Illinois Municipal Retirement Fund  
7 a proportionate share of the unfunded liability existing in  
8 that Fund at the time these offices are abolished in that  
9 calendar year for all annuities or other benefits then or  
10 thereafter to become payable from that Fund with respect to all  
11 periods of service performed prior to that date as a  
12 participating employee in that Fund by persons serving during  
13 those periods of service as a trustee of schools, township  
14 treasurer or regular employee in the office of the township  
15 treasurer of that township. That unfunded liability shall be  
16 actuarially determined by the board of trustees of the Illinois  
17 Municipal Retirement Fund, and the board of trustees shall  
18 thereupon notify each school board required to pay a  
19 proportionate share of that unfunded liability of the aggregate  
20 amount of the unfunded liability so determined. The amount so  
21 paid to the Illinois Municipal Retirement Fund by each of those  
22 school districts shall be credited to the account of the  
23 township in that Fund. For each elementary school, high school  
24 and unit school district under the jurisdiction and authority  
25 of a township treasurer and trustees of schools of a township  
26 in which those offices are abolished as provided in this  
27 subsection, each such district's proportionate share of the  
28 aggregate compensation payable to the former township  
29 treasurer as provided in this paragraph and each such  
30 district's proportionate share of the aggregate amount of the  
31 unfunded liability payable to the Illinois Municipal  
32 Retirement Fund as provided in this paragraph shall be computed  
33 in accordance with the ratio that the number of pupils in  
34 average daily attendance in each such district as reported in  
35 schedules prepared under Section 24-19 for the school year last  
36 ending prior to the date on which the offices of township

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

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

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

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

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.