



Sen. Don Harmon

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1 AMENDMENT TO HOUSE BILL 755

2 AMENDMENT NO. _____. Amend House Bill 755 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 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

1 boundaries of a high school district, and the school board of
2 any high school district having a fall, 1989 aggregate
3 enrollment of at least 2,500 but less than 6,500 pupils and
4 having boundaries that are coterminous with the boundaries of
5 an elementary school district, may, whenever the territory of
6 such school district forms a part of a Class II county school
7 unit, by proper resolution withdraw such school district from
8 the jurisdiction and authority of the trustees of schools of
9 the township in which such school district is located and from
10 the jurisdiction and authority of the township treasurer in
11 such Class II county school unit; provided that the school
12 board of any such school district shall, upon the adoption and
13 passage of such resolution, thereupon elect or appoint its own
14 school treasurer as provided in Section 8-1. Upon the adoption
15 and passage of such resolution and the election or appointment
16 by the school board of its own school treasurer: (1) the
17 trustees of schools in such township shall no longer have or
18 exercise any powers and duties with respect to the school
19 district governed by such school board or with respect to the
20 school business, operations or assets of such school district;
21 and (2) all books and records of the township trustees relating
22 to the school business and affairs of such school district
23 shall be transferred and delivered to the school board of such
24 school district. Upon the effective date of this amendatory Act
25 of 1993, the legal title to, and all right, title and interest
26 formerly held by the township trustees in any school buildings
27 and school sites used and occupied by the school board of such
28 school district for school purposes, that legal title, right,
29 title and interest thereafter having been transferred to and
30 vested in the regional board of school trustees under P.A.
31 87-473 until the abolition of that regional board of school
32 trustees by P.A. 87-969, shall be deemed transferred by
33 operation of law to and shall vest in the school board of that
34 school district.

1 Notwithstanding subsections (a) and (c) of this Section, if
2 2 elementary school districts have a combined fall 2003
3 aggregate enrollment of at least 5,000 but less than 7,000
4 pupils and a combined boundary that is coterminous with the
5 boundary of a high school district and the high school district
6 has a fall 2003 aggregate enrollment of at least 2,500 but less
7 than 5,000 pupils and a boundary that is coterminous with the
8 combined boundary of the elementary school districts and if the
9 territory of the high school district forms a part of a Class
10 II county school unit and is composed of 2 or more townships,
11 then the school board of each school district may, by proper
12 resolution, withdraw its school district from the jurisdiction
13 and authority of the trustees of schools of the township or
14 townships in which the school district is located and from the
15 jurisdiction and authority of the township treasurer, provided
16 that the school board shall, upon the adoption and passage of
17 the resolution, thereupon elect or appoint its own school
18 treasurer as provided in Section 8-1 of this Code. Upon the
19 adoption and passage of the resolution and the election or
20 appointment by the school board of its own school treasurer,
21 (i) the trustees of schools in the township or townships shall
22 no longer have or exercise any powers and duties with respect
23 to the school district or with respect to the school business,
24 operations, or assets of the school district; (ii) all books
25 and records of the township trustees and all moneys,
26 securities, loanable funds, and other assets relating to the
27 school business and affairs of the school district shall be
28 transferred and delivered to the school board; and (iii) all
29 legal title to and all rights, title, and interest formerly
30 held by the township trustees in any common school lands,
31 school buildings, and school sites used and occupied by the
32 school board and all rights of property and causes of action
33 pertaining to or constituting a part of the common school
34 lands, buildings, and sites shall be deemed transferred by

1 operation of law to and shall vest in the school board.

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

26 (2) Each school board of each elementary and unit
27 school district that is subject to the jurisdiction and
28 authority of the township treasurer and trustees of schools
29 of the township in which those offices are sought to be
30 abolished, by the affirmative vote of at least 5 members of
31 the school board at a school board meeting of which notice
32 is given as required by paragraph (1) of this subsection,
33 adopts a resolution requiring the secretary of the school
34 board to certify to the proper election authorities for

1 submission to the electors of the school district at the
 2 next consolidated election in accordance with the general
 3 election law a proposition to abolish the offices of
 4 township treasurer and trustee of schools of that township.
 5 None of the resolutions adopted under this paragraph by any
 6 elementary or unit school districts that are subject to the
 7 jurisdiction and authority of the township treasurer and
 8 trustees of schools of the township in which those offices
 9 are sought to be abolished shall be deemed in compliance
 10 with the requirements of this paragraph or sufficient to
 11 authorize submission of the proposition to abolish those
 12 offices to a referendum of the electors in any such school
 13 district unless all of the school boards of all of the
 14 elementary and unit school districts that are subject to
 15 the jurisdiction and authority of the township treasurer
 16 and trustees of schools of that township adopt such a
 17 resolution in accordance with the provisions of this
 18 paragraph.

19 (3) The school boards of all of the elementary and unit
 20 school districts that are subject to the jurisdiction and
 21 authority of the township treasurer and trustees of schools
 22 of the township in which those offices are sought to be
 23 abolished submit a proposition to abolish the offices of
 24 township treasurer and trustee of schools of that township
 25 to the electors of their respective school districts at the
 26 same consolidated election in accordance with the general
 27 election law, the ballot in each such district to be in
 28 substantially the following form:

29 -----

30 OFFICIAL BALLOT

31	Shall the offices of township	
32	treasurer and	YES
33	trustee of	-----
34	schools of Township	NO

1 Range be abolished?

2 -----

3 (4) At the consolidated election at which the
4 proposition to abolish the offices of township treasurer
5 and trustee of schools of a township is submitted to the
6 electors of each elementary and unit school district that
7 is subject to the jurisdiction and authority of the
8 township treasurer and trustee of schools of that township,
9 a majority of the electors voting on the proposition in
10 each such elementary and unit school district votes in
11 favor of the proposition as submitted to 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 vote
24 of the electors in any other such elementary or unit school
25 district on that proposition the proposition shall not be
26 deemed to have passed in any of those elementary or unit school
27 districts, and the offices of township treasurer and trustee of
28 schools of the township in which those offices were sought to
29 be abolished shall not be abolished, unless in each of those
30 elementary and unit school districts remaining subject to the
31 jurisdiction and authority of the township treasurer and
32 trustees of schools of that township proceedings are again
33 initiated to abolish those offices and all of the proceedings
34 and conditions prescribed in paragraphs (1) through (4) of this

1 subsection are repeated and met in each of those elementary and
2 unit school districts.

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

12 The electors in all of the school districts subject to
13 the jurisdiction and authority of the township treasurer
14 and trustees of schools of the township in which those
15 offices are sought to be abolished shall vote at the
16 consolidated election on the proposition to abolish the
17 offices of township treasurer and trustee of schools of
18 that township. If a majority of the electors in all of the
19 school districts combined voting on the proposition vote in
20 favor of the proposition, then the proposition shall be
21 deemed to have passed; but if a majority of the electors
22 voting on the proposition in all of the school district
23 fails to vote in favor of the proposition as submitted to
24 them, then the proposition shall not be deemed to have
25 passed and the offices of township treasurer and trustee of
26 schools of the township in which those offices were sought
27 to be abolished shall not be abolished, unless and until
28 the proceedings detailed in paragraphs (1) through (3) of
29 this subsection and the conditions set forth in this
30 paragraph are met.

31 If the proposition to abolish the offices of township
32 treasurer and trustee of schools of a township is deemed to
33 have passed at the consolidated election as provided in this
34 subsection, those offices shall be deemed abolished by

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

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

33 Upon abolition of the offices of township treasurer and
34 trustee of schools of a township as provided in this

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

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

23 (d) Notwithstanding Section 2-3.25g of this Code, a waiver
24 of a mandate established under this Section may not be
25 requested.

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."