



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3152

by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/5-1

from Ch. 122, par. 5-1

Amends the Trustees of Schools Article of the School Code. Allows the school board of Lyons Township High School District 204 to withdraw from the jurisdiction and authority of the trustees of schools of Lyons Township and the township treasurer, provided that the school board elects or appoints its own school treasurer. Effective immediately.

LRB098 08278 NHT 38380 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 elementary school district having a fall, 1989  
23 aggregate enrollment of at least 2,500 but less than 6,500

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

1 formerly held by the township trustees in any school buildings  
2 and school sites used and occupied by the school board of such  
3 school district for school purposes, that legal title, right,  
4 title and interest thereafter having been transferred to and  
5 vested in the regional board of school trustees under P.A.  
6 87-473 until the abolition of that regional board of school  
7 trustees by P.A. 87-969, shall be deemed transferred by  
8 operation of law to and shall vest in the school board of that  
9 school district.

10 Notwithstanding subsections (a) and (c), the school boards  
11 of Oak Park & River Forest District 200, Oak Park Elementary  
12 School District 97, and River Forest School District 90 may, by  
13 proper resolution, withdraw from the jurisdiction and  
14 authority of the trustees of schools of Proviso and Cicero  
15 Townships and the township treasurer, provided that the school  
16 board shall, upon the adoption and passage of the resolution,  
17 elect or appoint its own school treasurer as provided in  
18 Section 8-1 of this Code. Upon the adoption and passage of the  
19 resolution and the election or appointment by the school board  
20 of its own school treasurer: (1) the trustees of schools in the  
21 township or townships shall no longer have or exercise any  
22 powers or duties with respect to the school district or with  
23 respect to the school business, operations, or assets of the  
24 school district; (2) all books and records of the trustees of  
25 schools and all moneys, securities, loanable funds, and other  
26 assets relating to the school business and affairs of the

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

10 Notwithstanding subsections (a) and (c), the respective  
11 school boards of Berwyn North School District 98, Berwyn South  
12 School District 100, Cicero School District 99, and J.S. Morton  
13 High School District 201 may, by proper resolution, withdraw  
14 from the jurisdiction and authority of the trustees of schools  
15 of Cicero Township and the township treasurer, provided that  
16 the school board shall, upon the adoption and passage of the  
17 resolution, elect or appoint its own school treasurer as  
18 provided in Section 8-1 of this Code. Upon the adoption and  
19 passage of the resolution and the election or appointment by  
20 the school board of its own school treasurer: (1) the trustees  
21 of schools in the township shall no longer have or exercise any  
22 powers or duties with respect to the school district or with  
23 respect to the school business, operations, or assets of the  
24 school district; (2) all books and records of the trustees of  
25 schools and all moneys, securities, loanable funds, and other  
26 assets relating to the school business and affairs of the

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

10 Notwithstanding subsections (a) and (c) of this Section,  
11 the school board of Lyons Township High School District 204  
12 may, by proper resolution, withdraw from the jurisdiction and  
13 authority of the trustees of schools of Lyons Township and the  
14 township treasurer, provided that the school board shall, upon  
15 the adoption and passage of the resolution, elect or appoint  
16 its own school treasurer as provided in Section 8-1 of this  
17 Code. Upon the adoption and passage of the resolution and the  
18 election or appointment by the school board of its own school  
19 treasurer: (1) the trustees of schools in the township shall no  
20 longer have or exercise any powers or duties with respect to  
21 the school district or with respect to the school business,  
22 operations, or assets of the school district; (2) all books and  
23 records of the trustees of schools and all moneys, securities,  
24 loanable funds, and other assets relating to the school  
25 business and affairs of the school district shall be  
26 transferred and delivered to the school board; and (3) all

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

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

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

1 notices given under this paragraph to the township  
2 treasurer and trustees of schools of a township shall be  
3 deemed sufficient or in compliance with the requirements of  
4 this paragraph unless all of those notices are given within  
5 the same 30 day period.

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



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

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

17 -----

18 OFFICIAL BALLOT

19	Shall the offices of township	
20	treasurer and	YES
21	trustee of	-----
22	schools of Township .....	NO
23	Range ..... be abolished?	

24 -----

25 (4) At the consolidated election at which the  
 26 proposition to abolish the offices of township treasurer

1           and trustee of schools of a township is submitted to the  
2           electors of each elementary and unit school district that  
3           is subject to the jurisdiction and authority of the  
4           township treasurer and trustee of schools of that township,  
5           a majority of the electors voting on the proposition in  
6           each such elementary and unit school district votes in  
7           favor of the proposition as submitted to them.

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

1 jurisdiction and authority of the township treasurer and  
2 trustees of schools of that township proceedings are again  
3 initiated to abolish those offices and all of the proceedings  
4 and conditions prescribed in paragraphs (1) through (4) of this  
5 subsection are repeated and met in each of those elementary and  
6 unit school districts.

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

16 The electors in all of the school districts subject to  
17 the jurisdiction and authority of the township treasurer  
18 and trustees of schools of the township in which those  
19 offices are sought to be abolished shall vote at the  
20 consolidated election on the proposition to abolish the  
21 offices of township treasurer and trustee of schools of  
22 that township. If a majority of the electors in all of the  
23 school districts combined voting on the proposition vote in  
24 favor of the proposition, then the proposition shall be  
25 deemed to have passed; but if a majority of the electors  
26 voting on the proposition in all of the school district

1 fails to vote in favor of the proposition as submitted to  
2 them, then the proposition shall not be deemed to have  
3 passed and the offices of township treasurer and trustee of  
4 schools of the township in which those offices were sought  
5 to be abolished shall not be abolished, unless and until  
6 the proceedings detailed in paragraphs (1) through (3) of  
7 this subsection and the conditions set forth in this  
8 paragraph are met.

9 If the proposition to abolish the offices of township  
10 treasurer and trustee of schools of a township is deemed to  
11 have passed at the consolidated election as provided in this  
12 subsection, those offices shall be deemed abolished by  
13 operation of law effective on January 1 of the calendar year  
14 immediately following the calendar year in which that  
15 consolidated election is held, provided that if after the  
16 election, the trustees of schools by resolution elect to  
17 abolish the offices of township treasurer and trustee of  
18 schools effective on July 1 immediately following the election,  
19 then the offices shall be abolished on July 1 immediately  
20 following the election. On the date that the offices of  
21 township treasurer and trustee of schools of a township are  
22 deemed abolished by operation of law, the school board of each  
23 elementary and unit school district and the school board of  
24 each high school district that is subject to the jurisdiction  
25 and authority of the township treasurer and trustees of schools  
26 of that township at the time those offices are abolished: (i)

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

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

26 Upon abolition of the offices of township treasurer and

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

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



1 by operation of law to and invested in the school board of that  
2 school district, in its corporate capacity Section 7-28, the  
3 same to be held, sold, exchanged leased or otherwise  
4 transferred in accordance with applicable provisions of this  
5 Code.

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

8 (Source: P.A. 94-1078, eff. 1-9-07; 94-1105, eff. 6-1-07; 95-4,  
9 eff. 5-31-07; 95-876, eff. 8-21-08.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.