



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1493

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 boards of 2 elementary school districts and the school board of a high school district, if the districts meet certain criteria, to withdraw the 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, provided that the school board of the school district elects or appoints its own school treasurer. Effective immediately.

LRB094 11113 RAS 41738 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
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 Notwithstanding subsections (a) and (c), the school boards
28 of any 2 elementary school districts having a combined fall,
29 2004 aggregate enrollment of at least 5,000 but less than 7,000
30 pupils and having a combined boundary that is coterminous with
31 the boundary of a high school district and the school board of
32 any high school district having a fall, 2004 aggregate
33 enrollment of at least 2,500 but less than 5,000 pupils and
34 having a boundary that is coterminous with the combined
35 boundary of the elementary school districts may, whenever the
36 territory of the high school district forms a part of a Class

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

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

34 (1) During the same 30 day period, each school board of
35 each elementary and unit school district that is subject to
36 the jurisdiction and authority of the township treasurer

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

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

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

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

18 -----

19 OFFICIAL BALLOT

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

25 -----

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

35 If in each elementary and unit school district that is
 36 subject to the jurisdiction and authority of the township

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

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

33 The electors in all of the school districts 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 shall vote at the

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

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

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

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

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

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

36 Notwithstanding Section 2-3.25g of this Code, a waiver of a

1 mandate established under this Section may not be requested.

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

3 Section 99. Effective date. This Act takes effect upon

4 becoming law.