

HB1661



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1661

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Michael K. Smith

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 county school units.

LRB096 05239 NHT 15305 b

A BILL FOR

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

15 (1) During the same 30 day period, each school board of
16 each elementary and unit school district that is 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 gives written notice by
20 certified mail, return receipt requested to the township
21 treasurer and trustees of schools of that township of the
22 date of a meeting of the school board, to be held not more
23 than 90 nor less than 60 days after the date when the
24 notice is given, at which meeting the school board is to
25 consider and vote upon the question of whether there shall
26 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

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

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

19 -----

20 OFFICIAL BALLOT

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

26 -----

1 (4) At the consolidated election at which the
2 proposition to abolish the offices of township treasurer
3 and trustee of schools of a township is submitted to the
4 electors of each elementary and unit school district that
5 is subject to the jurisdiction and authority of the
6 township treasurer and trustee of schools of that township,
7 a majority of the electors voting on the proposition in
8 each such elementary and unit school district votes in
9 favor of the proposition as submitted to them.

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

1 be abolished shall not be abolished, unless in each of those
2 elementary and unit school districts remaining subject to the
3 jurisdiction and authority of the township treasurer and
4 trustees of schools of that township proceedings are again
5 initiated to abolish those offices and all of the proceedings
6 and conditions prescribed in paragraphs (1) through (4) of this
7 subsection are repeated and met in each of those elementary and
8 unit school districts.

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

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

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

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

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

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

1 that school year.

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

1 at the time that office is abolished, the legal title to those
2 school buildings and school sites shall be deemed transferred
3 by operation of law to and invested in the school board of that
4 school district, in its corporate capacity Section 7-28, the
5 same to be held, sold, exchanged leased or otherwise
6 transferred in accordance with applicable provisions of this
7 Code.

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

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