



Rep. Kevin A. McCarthy

Filed: 2/24/2011

09700HB1848ham001

LRB097 08047 NHT 51011 a

1 AMENDMENT TO HOUSE BILL 1848

2 AMENDMENT NO. _____. Amend House Bill 1848 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

1 trustees. County school units of 2,000,000 or more inhabitants
2 shall be known as Class II county school units and shall retain
3 the office of township trustees unless otherwise provided in
4 subsection (b) or (c).

5 (b) Notwithstanding subsections (a) and (c), the school
6 board of any elementary school district having a fall, 1989
7 aggregate enrollment of at least 2,500 but less than 6,500
8 pupils and having boundaries that are coterminous with the
9 boundaries of a high school district, and the school board of
10 any high school district having a fall, 1989 aggregate
11 enrollment of at least 2,500 but less than 6,500 pupils and
12 having boundaries that are coterminous with the boundaries of
13 an elementary school district, may, whenever the territory of
14 such school district forms a part of a Class II county school
15 unit, by proper resolution withdraw such school district from
16 the jurisdiction and authority of the trustees of schools of
17 the township in which such school district is located and from
18 the jurisdiction and authority of the township treasurer in
19 such Class II county school unit; provided that the school
20 board of any such school district shall, upon the adoption and
21 passage of such resolution, thereupon elect or appoint its own
22 school treasurer as provided in Section 8-1. Upon the adoption
23 and passage of such resolution and the election or appointment
24 by the school board of its own school treasurer: (1) the
25 trustees of schools in such township shall no longer have or
26 exercise any powers and duties with respect to the school

1 district governed by such school board or with respect to the
2 school business, operations or assets of such school district;
3 and (2) all books and records of the township trustees relating
4 to the school business and affairs of such school district
5 shall be transferred and delivered to the school board of such
6 school district. Upon the effective date of this amendatory Act
7 of 1993, the legal title to, and all right, title and interest
8 formerly held by the township trustees in any school buildings
9 and school sites used and occupied by the school board of such
10 school district for school purposes, that legal title, right,
11 title and interest thereafter having been transferred to and
12 vested in the regional board of school trustees under P.A.
13 87-473 until the abolition of that regional board of school
14 trustees by P.A. 87-969, shall be deemed transferred by
15 operation of law to and shall vest in the school board of that
16 school district.

17 Notwithstanding subsections (a) and (c), the school boards
18 of Oak Park & River Forest District 200, Oak Park Elementary
19 School District 97, and River Forest School District 90 may, by
20 proper resolution, withdraw from the jurisdiction and
21 authority of the trustees of schools of Proviso and Cicero
22 Townships and the township treasurer, provided that the school
23 board shall, upon the adoption and passage of the resolution,
24 elect or appoint its own school treasurer as provided in
25 Section 8-1 of this Code. Upon the adoption and passage of the
26 resolution and the election or appointment by the school board

1 of its own school treasurer: (1) the trustees of schools in the
2 township or townships shall no longer have or exercise any
3 powers or duties with respect to the school district or with
4 respect to the school business, operations, or assets of the
5 school district; (2) all books and records of the trustees of
6 schools and all moneys, securities, loanable funds, and other
7 assets relating to the school business and affairs of the
8 school district shall be transferred and delivered to the
9 school board; and (3) all legal title to and all right, title,
10 and interest formerly held by the trustees of schools in any
11 common school lands, school buildings, or school sites used and
12 occupied by the school board and all rights of property and
13 causes of action pertaining to or constituting a part of the
14 common school lands, buildings, or sites shall be deemed
15 transferred by operation of law to and shall vest in the school
16 board.

17 Notwithstanding subsections (a) and (c), the respective
18 school boards of Berwyn North School District 98, Berwyn South
19 School District 100, Cicero School District 99, and J.S. Morton
20 High School District 201 may, by proper resolution, withdraw
21 from the jurisdiction and authority of the trustees of schools
22 of Cicero Township and the township treasurer, provided that
23 the school board shall, upon the adoption and passage of the
24 resolution, elect or appoint its own school treasurer as
25 provided in Section 8-1 of this Code. Upon the adoption and
26 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 shall no longer have or exercise any
3 powers or duties with respect to the school district or with
4 respect to the school business, operations, or assets of the
5 school district; (2) all books and records of the trustees of
6 schools and all moneys, securities, loanable funds, and other
7 assets relating to the school business and affairs of the
8 school district shall be transferred and delivered to the
9 school board; and (3) all legal title to and all right, title,
10 and interest formerly held by the trustees of schools in any
11 common school lands, school buildings, or school sites used and
12 occupied by the school board and all rights of property and
13 causes of action pertaining to or constituting a part of the
14 common school lands, buildings, or sites shall be deemed
15 transferred by operation of law to and shall vest in the school
16 board.

17 Notwithstanding subsections (a) and (c), the respective
18 school boards of Forest Ridge School District 142, Midlothian
19 School District 143, Prairie-Hills Elementary School District
20 144, Arbor Park School District 145, Country Club Hills School
21 District 160, and Bremen Community High School District 228
22 may, by proper resolution, withdraw from the jurisdiction and
23 authority of the trustees of schools of Bremen Township and the
24 township treasurer, provided that the school board shall, upon
25 the adoption and passage of the resolution, elect or appoint
26 its own school treasurer as provided in Section 8-1 of this

1 Code. Upon the adoption and passage of the resolution and the
2 election or appointment by the school board of its own school
3 treasurer: (1) the trustees of schools in the township shall no
4 longer have or exercise any powers or duties with respect to
5 the school district or with respect to the school business,
6 operations, or assets of the school district; (2) all books and
7 records of the trustees of schools and all moneys, securities,
8 loanable funds, and other assets relating to the school
9 business and affairs of the school district shall be
10 transferred and delivered to the school board; and (3) all
11 legal title to and all right, title, and interest formerly held
12 by the trustees of schools in any common school lands, school
13 buildings, or school sites used and occupied by the school
14 board and all rights of property and causes of action
15 pertaining to or constituting a part of the common school
16 lands, buildings, or sites shall be deemed transferred by
17 operation of law to and shall vest in the school board.

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

23 (1) During the same 30 day period, each school board of
24 each elementary and unit school district that is subject to
25 the jurisdiction and authority of the township treasurer
26 and trustees of schools of the township in which those

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

16 (2) Each school board of each elementary and unit
17 school district that is subject to the jurisdiction and
18 authority of the township treasurer and trustees of schools
19 of the township in which those offices are sought to be
20 abolished, by the affirmative vote of at least 5 members of
21 the school board at a school board meeting of which notice
22 is given as required by paragraph (1) of this subsection,
23 adopts a resolution requiring the secretary of the school
24 board to certify to the proper election authorities for
25 submission to the electors of the school district at the
26 next consolidated election in accordance with the general

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

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

1 -----

2 OFFICIAL BALLOT

3	Shall the offices of township	
4	treasurer and	YES
5	trustee of	-----
6	schools of Township	NO
7	Range be abolished?	

8 -----

9 (4) At the consolidated election at which the
10 proposition to abolish the offices of township treasurer
11 and trustee of schools of a township is submitted to the
12 electors of each elementary and unit school district that
13 is subject to the jurisdiction and authority of the
14 township treasurer and trustee of schools of that township,
15 a majority of the electors voting on the proposition in
16 each such elementary and unit school district votes in
17 favor of the proposition as submitted to them.

18 If in each elementary and unit school district that is
19 subject to the jurisdiction and authority of the township
20 treasurer and trustees of schools of the township in which
21 those offices are sought to be abolished a majority of the
22 electors in each such district voting at the consolidated
23 election on the proposition to abolish the offices of township
24 treasurer and trustee of schools of that township votes in
25 favor of the proposition as submitted to them, the proposition
26 shall be deemed to have passed; but if in any such elementary

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

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

26 The electors in all of the school districts subject to

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

19 If the proposition to abolish the offices of township
20 treasurer and trustee of schools of a township is deemed to
21 have passed at the consolidated election as provided in this
22 subsection, those offices shall be deemed abolished by
23 operation of law effective on January 1 of the calendar year
24 immediately following the calendar year in which that
25 consolidated election is held, provided that if after the
26 election, the trustees of schools by resolution elect to

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

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

1 unfunded liability payable to the Illinois Municipal
2 Retirement Fund as provided in this paragraph shall be computed
3 in accordance with the ratio that the number of pupils in
4 average daily attendance in each such district for the school
5 year last ending prior to the date on which the offices of
6 township treasurer and trustee of schools of that township are
7 abolished bears to the aggregate number of pupils in average
8 daily attendance in all of those districts as so reported for
9 that school year.

10 Upon abolition of the offices of township treasurer and
11 trustee of schools of a township as provided in this
12 subsection: (i) the regional board of school trustees, in its
13 corporate capacity, shall be deemed the successor in interest
14 to the former trustees of schools of that township with respect
15 to the common school lands and township loanable funds of the
16 township; (ii) all right, title and interest existing or vested
17 in the former trustees of schools of that township in the
18 common school lands and township loanable funds of the
19 township, and all records, moneys, securities and other assets,
20 rights of property and causes of action pertaining to or
21 constituting a part of those common school lands or township
22 loanable funds, shall be transferred to and deemed vested by
23 operation of law in the regional board of school trustees,
24 which shall hold legal title to, manage and operate all common
25 school lands and township loanable funds of the township,
26 receive the rents, issues and profits therefrom, and have and

1 exercise with respect thereto the same powers and duties as are
2 provided by this Code to be exercised by regional boards of
3 school trustees when acting as township land commissioners in
4 counties having at least 220,000 but fewer than 2,000,000
5 inhabitants; (iii) the regional board of school trustees shall
6 select to serve as its treasurer with respect to the common
7 school lands and township loanable funds of the township a
8 person from time to time also serving as the appointed school
9 treasurer of any school district that was subject to the
10 jurisdiction and authority of the township treasurer and
11 trustees of schools of that township at the time those offices
12 were abolished, and the person selected to also serve as
13 treasurer of the regional board of school trustees shall have
14 his compensation for services in that capacity fixed by the
15 regional board of school trustees, to be paid from the township
16 loanable funds, and shall make to the regional board of school
17 trustees the reports required to be made by treasurers of
18 township land commissioners, give bond as required by
19 treasurers of township land commissioners, and perform the
20 duties and exercise the powers of treasurers of township land
21 commissioners; (iv) the regional board of school trustees shall
22 designate in the manner provided by Section 8-7, insofar as
23 applicable, a depository for its treasurer, and the proceeds of
24 all rents, issues and profits from the common school lands and
25 township loanable funds of that township shall be deposited and
26 held in the account maintained for those purposes with that

1 depository and shall be expended and distributed therefrom as
2 provided in Section 15-24 and other applicable provisions of
3 this Code; and (v) whenever there is vested in the trustees of
4 schools of a township at the time that office is abolished
5 under this subsection the legal title to any school buildings
6 or school sites used or occupied for school purposes by any
7 elementary school, high school or unit school district subject
8 to the jurisdiction and authority of those trustees of school
9 at the time that office is abolished, the legal title to those
10 school buildings and school sites shall be deemed transferred
11 by operation of law to and invested in the school board of that
12 school district, in its corporate capacity Section 7-28, the
13 same to be held, sold, exchanged leased or otherwise
14 transferred in accordance with applicable provisions of this
15 Code.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."