

1 AN ACT concerning schools.

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
5 Section 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
9 school district governed by any special act which requires
10 the district to appoint its own school treasurer, shall
11 constitute a county school unit. County school units of less
12 than 2,000,000 inhabitants shall be known as Class I county
13 school units and the office of township trustees, where
14 existing on July 1, 1962, in such units shall be abolished on
15 that date and all books and records of such former township
16 trustees shall be forthwith thereafter transferred to the
17 county board of school trustees. County school units of
18 2,000,000 or more inhabitants shall be known as Class II
19 county school units and shall retain the office of township
20 trustees unless otherwise provided in 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

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

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

33 (1) During the same 30 day period, each school
34 board of each elementary and unit school district that is

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

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

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

24 OFFICIAL BALLOT

25 Shall the offices of township
 26 treasurer and YES
 27 trustee of -----
 28 schools of Township NO
 29 Range be abolished?

30 (4) At the consolidated ~~nonpartisan~~ election at
 31 which the proposition to abolish the offices of township
 32 treasurer and trustee of schools of a township is
 33 submitted to the electors of each elementary and unit
 34 school district that is subject to the jurisdiction and

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

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

32 Notwithstanding the foregoing provisions of this Section
33 or any other provision of the School Code, the offices of
34 township treasurer and trustee of schools of a township that

1 has a population of less than 200,000 and that contains a
2 unit school district and is located in a Class II county
3 school unit shall also be abolished as provided in this
4 subsection if all of the conditions set forth in paragraphs
5 (1), (2), and (3) of this subsection are met and if the
6 following additional condition is met:

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

27 If the proposition to abolish the offices of township
28 treasurer and trustee of schools of a township is deemed to
29 have passed at the consolidated nonpartisan election as
30 provided in this subsection, those offices shall be deemed
31 abolished by operation of law effective on July 1 following
32 the election ~~of the calendar year immediately following the~~
33 ~~calendar year in which that nonpartisan election is held.~~ On
34 July 1 of the calendar year in which the offices of township

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

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

26 Upon abolition of the offices of township treasurer and
27 trustee of schools of a township as provided in this
28 subsection: (i) the regional board of school trustees, in its
29 corporate capacity, shall be deemed the successor in interest
30 to the former trustees of schools of that township with
31 respect to the common school lands and township loanable
32 funds of the township; (ii) all right, title and interest
33 existing or vested in the former trustees of schools of that
34 township in the common school lands and township loanable

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

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

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

21 (Source: P.A. 91-269, eff. 7-23-99.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.