

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 January 1 ~~July--1~~
32 of the calendar year immediately following the calendar year
33 in which that consolidated nonpartisan election is held,
34 provided that if after the election, the trustees of schools

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

1 benefits then or thereafter to become payable from that Fund
2 with respect to all periods of service performed prior to
3 that date as a participating employee in that Fund by persons
4 serving during those periods of service as a trustee of
5 schools, township treasurer or regular employee in the office
6 of the township treasurer of that township. That unfunded
7 liability shall be actuarially determined by the board of
8 trustees of the Illinois Municipal Retirement Fund, and the
9 board of trustees shall thereupon notify each school board
10 required to pay a proportionate share of that unfunded
11 liability of the aggregate amount of the unfunded liability
12 so determined. The amount so paid to the Illinois Municipal
13 Retirement Fund by each of those school districts shall be
14 credited to the account of the township in that Fund. For
15 each elementary school, high school and unit school district
16 under the jurisdiction and authority of a township treasurer
17 and trustees of schools of a township in which those offices
18 are abolished as provided in this subsection, each such
19 district's proportionate share of the aggregate compensation
20 payable to the former township treasurer as provided in this
21 paragraph and each such district's proportionate share of the
22 aggregate amount of the unfunded liability payable to the
23 Illinois Municipal Retirement Fund as provided in this
24 paragraph shall be computed in accordance with the ratio that
25 the number of pupils in average daily attendance in each such
26 district as reported in schedules prepared under Section
27 24-19 for the school year last ending prior to the date on
28 which the offices of township treasurer and trustee of
29 schools of that township are abolished bears to the aggregate
30 number of pupils in average daily attendance in all of those
31 districts as so reported for that school year.

32 Upon abolition of the offices of township treasurer and
33 trustee of schools of a township as provided in this
34 subsection: (i) the regional board of school trustees, in its

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

1 exercise the powers of treasurers of township land
 2 commissioners; (iv) the regional board of school trustees
 3 shall designate in the manner provided by Section 8-7,
 4 insofar as applicable, a depository for its treasurer, and
 5 the proceeds of all rents, issues and profits from the common
 6 school lands and township loanable funds of that township
 7 shall be deposited and held in the account maintained for
 8 those purposes with that depository and shall be expended and
 9 distributed therefrom as provided in Section 15-24 and other
 10 applicable provisions of this Code; and (v) whenever there is
 11 vested in the trustees of schools of a township at the time
 12 that office is abolished under this subsection the legal
 13 title to any school buildings or school sites used or
 14 occupied for school purposes by any elementary school, high
 15 school or unit school district subject to the jurisdiction
 16 and authority of those trustees of school at the time that
 17 office is abolished, the legal title to those school
 18 buildings and school sites shall be deemed transferred by
 19 operation of law to and invested in the school board of that
 20 school district, in its corporate capacity Section 7-28, the
 21 same to be held, sold, exchanged leased or otherwise
 22 transferred in accordance with applicable provisions of this
 23 Code.

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

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

28 Section 99. Effective date. This Act takes effect upon
 29 becoming law.