

1 AMENDMENT TO HOUSE BILL 1908

2 AMENDMENT NO. _____. Amend House Bill 1908, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing
6 Section 5-1 as follows:

7 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

8 Sec. 5-1. County school units.

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

22 (b) Notwithstanding subsections (a) and (c), the school

1 board of any elementary school district having a fall, 1989
2 aggregate enrollment of at least 2,500 but less than 6,500
3 pupils and having boundaries that are coterminous with the
4 boundaries of a high school district, and the school board of
5 any high school district having a fall, 1989 aggregate
6 enrollment of at least 2,500 but less than 6,500 pupils and
7 having boundaries that are coterminous with the boundaries of
8 an elementary school district, may, whenever the territory of
9 such school district forms a part of a Class II county school
10 unit, by proper resolution withdraw such school district from
11 the jurisdiction and authority of the trustees of schools of
12 the township in which such school district is located and
13 from the jurisdiction and authority of the township treasurer
14 in such Class II county school unit; provided that the school
15 board of any such school district shall, upon the adoption
16 and passage of such resolution, thereupon elect or appoint
17 its own school treasurer as provided in Section 8-1. Upon
18 the adoption and passage of such resolution and the election
19 or appointment by the school board of its own school
20 treasurer: (1) the trustees of schools in such township shall
21 no longer have or exercise any powers and duties with respect
22 to the school district governed by such school board or with
23 respect to the school business, operations or assets of such
24 school district; and (2) all books and records of the
25 township trustees relating to the school business and affairs
26 of such school district shall be transferred and delivered to
27 the school board of such school district. Upon the effective
28 date of this amendatory Act of 1993, the legal title to, and
29 all right, title and interest formerly held by the township
30 trustees in any school buildings and school sites used and
31 occupied by the school board of such school district for
32 school purposes, that legal title, right, title and interest
33 thereafter having been transferred to and vested in the
34 regional board of school trustees under P.A. 87-473 until the

1 abolition of that regional board of school trustees by P.A.
2 87-969, shall be deemed transferred by operation of law to
3 and shall vest in the school board of that school district.

4 (c) Notwithstanding the provisions of subsection (a),
5 the offices of township treasurer and trustee of schools of
6 any township located in a Class II county school unit shall
7 be abolished as provided in this subsection if all of the
8 following conditions are met:

9 (1) During the same 30 day period, each school
10 board of 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
13 which those offices are sought to be abolished gives
14 written notice by certified mail, return receipt
15 requested to the township treasurer and trustees of
16 schools of that township of the date of a meeting of the
17 school board, to be held not more than 90 nor less than
18 60 days after the date when the notice is given, at which
19 meeting the school board is to consider and vote upon the
20 question of whether there shall be submitted to the
21 electors of the school district a proposition to abolish
22 the offices of township treasurer and trustee of schools
23 of that township. None of the notices given under this
24 paragraph to the township treasurer and trustees of
25 schools of a township shall be deemed sufficient or in
26 compliance with the requirements of this paragraph unless
27 all of those notices are given within the same 30 day
28 period.

29 (2) Each school board of each elementary and unit
30 school district that is subject to the jurisdiction and
31 authority of the township treasurer and trustees of
32 schools of the township in which those offices are sought
33 to be abolished, by the affirmative vote of at least 5
34 members of the school board at a school board meeting of

1 elementary and unit school districts remaining subject to the
2 jurisdiction and authority of the township treasurer and
3 trustees of schools of that township proceedings are again
4 initiated to abolish those offices and all of the proceedings
5 and conditions prescribed in paragraphs (1) through (4) of
6 this subsection are repeated and met in each of those
7 elementary and unit school districts.

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

17 The electors in all of the school districts subject
18 to the jurisdiction and authority of the township
19 treasurer and trustees of schools of the township in
20 which those offices are sought to be abolished shall vote
21 at the consolidated ~~nonpartisan~~ election on the
22 proposition to abolish the offices of township treasurer
23 and trustee of schools of that township. If a majority
24 of the electors in all of the school districts combined
25 voting on the proposition vote in favor of the
26 proposition, then the proposition shall be deemed to have
27 passed; but if a majority of the electors voting on the
28 proposition in all of the school district fails to vote
29 in favor of the proposition as submitted to them, then
30 the proposition shall not be deemed to have passed and
31 the offices of township treasurer and trustee of schools
32 of the township in which those offices were sought to be
33 abolished shall not be abolished, unless and until the
34 proceedings detailed in paragraphs (1) through (3) of

1 this subsection and the conditions set forth in this
2 paragraph are met.

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

1 are deemed abolished as provided in this subsection, the
2 school board of each elementary school, high school and unit
3 school district that until that date is subject to the
4 jurisdiction and authority of the township treasurer and
5 trustees of schools of that township shall be deemed by
6 operation of law to have agreed and assumed to pay and, when
7 determined, shall pay to the Illinois Municipal Retirement
8 Fund a proportionate share of the unfunded liability existing
9 in that Fund at the time these offices are abolished in on
10 ~~July-1-04~~ that calendar year for all annuities or other
11 benefits then or thereafter to become payable from that Fund
12 with respect to all periods of service performed prior to
13 that date as a participating employee in that Fund by persons
14 serving during those periods of service as a trustee of
15 schools, township treasurer or regular employee in the office
16 of the township treasurer of that township. That unfunded
17 liability shall be actuarially determined by the board of
18 trustees of the Illinois Municipal Retirement Fund, and the
19 board of trustees shall thereupon notify each school board
20 required to pay a proportionate share of that unfunded
21 liability of the aggregate amount of the unfunded liability
22 so determined. The amount so paid to the Illinois Municipal
23 Retirement Fund by each of those school districts shall be
24 credited to the account of the township in that Fund. For
25 each elementary school, high school and unit school district
26 under the jurisdiction and authority of a township treasurer
27 and trustees of schools of a township in which those offices
28 are abolished as provided in this subsection, each such
29 district's proportionate share of the aggregate compensation
30 payable to the former township treasurer as provided in this
31 paragraph and each such district's proportionate share of the
32 aggregate amount of the unfunded liability payable to the
33 Illinois Municipal Retirement Fund as provided in this
34 paragraph shall be computed in accordance with the ratio that

1 the number of pupils in average daily attendance in each such
2 district as reported in schedules prepared under Section
3 24-19 for the school year last ending prior to the date on
4 which the offices of township treasurer and trustee of
5 schools of that township are abolished bears to the aggregate
6 number of pupils in average daily attendance in all of those
7 districts as so reported for that school year.

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

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

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

1 a mandate established under this Section may not be
2 requested.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."