



Sen. Don Harmon

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09400SB1493sam001

LRB094 11113 RAS 43201 a

1 AMENDMENT TO SENATE BILL 1493

2 AMENDMENT NO. _____. Amend Senate Bill 1493 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 ~~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
24 pupils and having boundaries that are coterminous with the

1 boundaries of a high school district, and the school board of
2 any high school district having a fall, 1989 aggregate
3 enrollment of at least 2,500 but less than 6,500 pupils and
4 having boundaries that are coterminous with the boundaries of
5 an elementary school district, may, whenever the territory of
6 such school district forms a part of a Class II county school
7 unit, by proper resolution withdraw such school district from
8 the jurisdiction and authority of the trustees of schools of
9 the township in which such school district is located and from
10 the jurisdiction and authority of the township treasurer in
11 such Class II county school unit; provided that the school
12 board of any such school district shall, upon the adoption and
13 passage of such resolution, thereupon elect or appoint its own
14 school treasurer as provided in Section 8-1. Upon the adoption
15 and passage of such resolution and the election or appointment
16 by the school board of its own school treasurer: (1) the
17 trustees of schools in such township shall no longer have or
18 exercise any powers and duties with respect to the school
19 district governed by such school board or with respect to the
20 school business, operations or assets of such school district;
21 and (2) all books and records of the township trustees relating
22 to the school business and affairs of such school district
23 shall be transferred and delivered to the school board of such
24 school district. Upon the effective date of this amendatory Act
25 of 1993, the legal title to, and all right, title and interest
26 formerly held by the township trustees in any school buildings
27 and school sites used and occupied by the school board of such
28 school district for school purposes, that legal title, right,
29 title and interest thereafter having been transferred to and
30 vested in the regional board of school trustees under P.A.
31 87-473 until the abolition of that regional board of school
32 trustees by P.A. 87-969, shall be deemed transferred by
33 operation of law to and shall vest in the school board of that
34 school district.

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

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

25 (2) Each school board of each elementary and unit
26 school district that is subject to the jurisdiction and
27 authority of the township treasurer and trustees of schools
28 of the township in which those offices are sought to be
29 abolished, by the affirmative vote of at least 5 members of
30 the school board at a school board meeting of which notice
31 is given as required by paragraph (1) of this subsection,
32 adopts a resolution requiring the secretary of the school
33 board to certify to the proper election authorities for
34 submission to the electors of the school district at the

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

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

28 -----

29 OFFICIAL BALLOT

30 Shall the offices of township
 31 treasurer and YES
 32 trustee of -----
 33 schools of Township NO
 34 Range be abolished?

1 -----

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

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

1 unit school districts.

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

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

30 If the proposition to abolish the offices of township
31 treasurer and trustee of schools of a township is deemed to
32 have passed at the consolidated election as provided in this
33 subsection, those offices shall be deemed abolished by
34 operation of law effective on January 1 of the calendar year

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

1 thereafter to become payable from that Fund with respect to all
2 periods of service performed prior to that date as a
3 participating employee in that Fund by persons serving during
4 those periods of service as a trustee of schools, township
5 treasurer or regular employee in the office of the township
6 treasurer of that township. That unfunded liability shall be
7 actuarially determined by the board of trustees of the Illinois
8 Municipal Retirement Fund, and the board of trustees shall
9 thereupon notify each school board required to pay a
10 proportionate share of that unfunded liability of the aggregate
11 amount of the unfunded liability so determined. The amount so
12 paid to the Illinois Municipal Retirement Fund by each of those
13 school districts shall be credited to the account of the
14 township in that Fund. For each elementary school, high school
15 and unit school district under the jurisdiction and authority
16 of a township treasurer and trustees of schools of a township
17 in which those offices are abolished as provided in this
18 subsection, each such district's proportionate share of the
19 aggregate compensation payable to the former township
20 treasurer as provided in this paragraph and each such
21 district's proportionate share of the aggregate amount of the
22 unfunded liability payable to the Illinois Municipal
23 Retirement Fund as provided in this paragraph shall be computed
24 in accordance with the ratio that the number of pupils in
25 average daily attendance in each such district as reported in
26 schedules prepared under Section 24-19 for the school year last
27 ending prior to the date on which the offices of township
28 treasurer and trustee of schools of that township are abolished
29 bears to the aggregate number of pupils in average daily
30 attendance in all of those districts as so reported for that
31 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 respect
3 to the common school lands and township loanable funds of the
4 township; (ii) all right, title and interest existing or vested
5 in the former trustees of schools of that township in the
6 common school lands and township loanable funds of the
7 township, and all records, moneys, securities and other assets,
8 rights of property and causes of action pertaining to or
9 constituting a part of those common school lands or township
10 loanable funds, shall be transferred to and deemed vested by
11 operation of law in the regional board of school trustees,
12 which shall hold legal title to, manage and operate all common
13 school lands and township loanable funds of the township,
14 receive the rents, issues and profits therefrom, and have and
15 exercise with respect thereto the same powers and duties as are
16 provided by this Code to be exercised by regional boards of
17 school trustees when acting as township land commissioners in
18 counties having at least 220,000 but fewer than 2,000,000
19 inhabitants; (iii) the regional board of school trustees shall
20 select to serve as its treasurer with respect to the common
21 school lands and township loanable funds of the township a
22 person from time to time also serving as the appointed school
23 treasurer of any school district that was subject to the
24 jurisdiction and authority of the township treasurer and
25 trustees of schools of that township at the time those offices
26 were abolished, and the person selected to also serve as
27 treasurer of the regional board of school trustees shall have
28 his compensation for services in that capacity fixed by the
29 regional board of school trustees, to be paid from the township
30 loanable funds, and shall make to the regional board of school
31 trustees the reports required to be made by treasurers of
32 township land commissioners, give bond as required by
33 treasurers of township land commissioners, and perform the
34 duties and exercise the powers of treasurers of township land

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

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

24 (Source: P.A. 91-269, eff. 7-23-99; 92-448, eff. 8-21-01.)".