



Rep. Jim Durkin

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LRB098 17335 OMW 56910 a

1 AMENDMENT TO HOUSE BILL 5572

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5572 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) of this Section,  
18 the school board of Lyons Township High School District 204  
19 may, by proper resolution, withdraw from the jurisdiction and  
20 authority of the trustees of schools of Lyons Township and the  
21 township treasurer, provided that the school board shall, upon  
22 the adoption and passage of the resolution, elect or appoint  
23 its own school treasurer as provided in Section 8-1 of this  
24 Code. Upon the adoption and passage of the resolution and the  
25 election or appointment by the school board of its own school  
26 treasurer: (1) the trustees of schools in the township shall no

1 longer have or exercise any powers or duties with respect to  
2 the school district or with respect to the school business,  
3 operations, or assets of the school district; (2) all books and  
4 records of the trustees of schools and all moneys, securities,  
5 loanable funds, and other assets relating to the school  
6 business and affairs of the school district shall be  
7 transferred and delivered to the school board; and (3) all  
8 legal title to and all right, title, and interest formerly held  
9 by the trustees of schools in any common school lands, school  
10 buildings, or school sites used and occupied by the school  
11 board and all rights of property and causes of action  
12 pertaining to or constituting a part of the common school  
13 lands, buildings, or sites shall be deemed transferred by  
14 operation of law to and shall vest in the school board.

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

20 (1) During the same 30 day period, each school board of  
21 each elementary and unit school district that is subject to  
22 the jurisdiction and authority of the township treasurer  
23 and trustees of schools of the township in which those  
24 offices are sought to be abolished gives written notice by  
25 certified mail, return receipt requested to the township  
26 treasurer and trustees of schools of that township of the

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

13 (2) Each school board of each elementary and unit  
14 school district that is subject to the jurisdiction and  
15 authority of the township treasurer and trustees of schools  
16 of the township in which those offices are sought to be  
17 abolished, by the affirmative vote of at least 5 members of  
18 the school board at a school board meeting of which notice  
19 is given as required by paragraph (1) of this subsection,  
20 adopts a resolution requiring the secretary of the school  
21 board to certify to the proper election authorities for  
22 submission to the electors of the school district at the  
23 next consolidated election in accordance with the general  
24 election law a proposition to abolish the offices of  
25 township treasurer and trustee of schools of that township.  
26 None of the resolutions adopted under this paragraph by any

1 elementary or unit school districts that are subject to the  
 2 jurisdiction and authority of the township treasurer and  
 3 trustees of schools of the township in which those offices  
 4 are sought to be abolished shall be deemed in compliance  
 5 with the requirements of this paragraph or sufficient to  
 6 authorize submission of the proposition to abolish those  
 7 offices to a referendum of the electors in any such school  
 8 district unless all of the school boards of all of the  
 9 elementary and unit school districts that are subject to  
 10 the jurisdiction and authority of the township treasurer  
 11 and trustees of schools of that township adopt such a  
 12 resolution in accordance with the provisions of this  
 13 paragraph.

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

24 -----

25 OFFICIAL BALLOT

26 Shall the offices of township



1	treasurer and	YES
2	trustee of	-----
3	schools of Township .....	NO
4	Range ..... be abolished?	

5 -----

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

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

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

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

23 The electors in all of the school districts subject to  
24 the jurisdiction and authority of the township treasurer  
25 and trustees of schools of the township in which those  
26 offices are sought to be abolished shall vote at the

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

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

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

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

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

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

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

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

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

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

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."