

# SB1607



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1607

Introduced 2/20/2015, by Sen. Christine Radogno

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/5-1

from Ch. 122, par. 5-1

Amends the Trustees of Schools Article of the School Code. Allows the school board of any school district whose territory forms a part of a Class II county school unit to withdraw from the jurisdiction and authority of the trustees of schools of the township in which the school district is located and the township treasurer, provided that the school board elects or appoints its own school treasurer. Effective immediately.

LRB099 10504 SXM 30731 b

A BILL FOR

1 AN ACT concerning education.

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 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  
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

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

1 formerly held by the township trustees in any school buildings  
2 and school sites used and occupied by the school board of such  
3 school district for school purposes, that legal title, right,  
4 title and interest thereafter having been transferred to and  
5 vested in the regional board of school trustees under P.A.  
6 87-473 until the abolition of that regional board of school  
7 trustees by P.A. 87-969, shall be deemed transferred by  
8 operation of law to and shall vest in the school board of that  
9 school district.

10 Notwithstanding subsections (a) and (c), the school boards  
11 of Oak Park & River Forest District 200, Oak Park Elementary  
12 School District 97, and River Forest School District 90 may, by  
13 proper resolution, withdraw from the jurisdiction and  
14 authority of the trustees of schools of Proviso and Cicero  
15 Townships and the township treasurer, provided that the school  
16 board shall, upon the adoption and passage of the resolution,  
17 elect or appoint its own school treasurer as provided in  
18 Section 8-1 of this Code. Upon the adoption and passage of the  
19 resolution and the election or appointment by the school board  
20 of its own school treasurer: (1) the trustees of schools in the  
21 township or townships shall no longer have or exercise any  
22 powers or duties with respect to the school district or with  
23 respect to the school business, operations, or assets of the  
24 school district; (2) all books and records of the trustees of  
25 schools and all moneys, securities, loanable funds, and other  
26 assets relating to the school business and affairs of the

1 school district shall be transferred and delivered to the  
2 school board; and (3) all legal title to and all right, title,  
3 and interest formerly held by the trustees of schools in any  
4 common school lands, school buildings, or school sites used and  
5 occupied by the school board and all rights of property and  
6 causes of action pertaining to or constituting a part of the  
7 common school lands, buildings, or sites shall be deemed  
8 transferred by operation of law to and shall vest in the school  
9 board.

10 Notwithstanding subsections (a) and (c), the respective  
11 school boards of Berwyn North School District 98, Berwyn South  
12 School District 100, Cicero School District 99, and J.S. Morton  
13 High School District 201 may, by proper resolution, withdraw  
14 from the jurisdiction and authority of the trustees of schools  
15 of Cicero Township and the township treasurer, provided that  
16 the school board shall, upon the adoption and passage of the  
17 resolution, elect or appoint its own school treasurer as  
18 provided in Section 8-1 of this Code. Upon the adoption and  
19 passage of the resolution and the election or appointment by  
20 the school board of its own school treasurer: (1) the trustees  
21 of schools in the township shall no longer have or exercise any  
22 powers or duties with respect to the school district or with  
23 respect to the school business, operations, or assets of the  
24 school district; (2) all books and records of the trustees of  
25 schools and all moneys, securities, loanable funds, and other  
26 assets relating to the school business and affairs of the

1 school district shall be transferred and delivered to the  
2 school board; and (3) all legal title to and all right, title,  
3 and interest formerly held by the trustees of schools in any  
4 common school lands, school buildings, or school sites used and  
5 occupied by the school board and all rights of property and  
6 causes of action pertaining to or constituting a part of the  
7 common school lands, buildings, or sites shall be deemed  
8 transferred by operation of law to and shall vest in the school  
9 board.

10 Notwithstanding any other provision of this subsection (b)  
11 and notwithstanding subsections (a) and (c) of this Section,  
12 the school board of any school district whose territory forms a  
13 part of a Class II county school unit may, by proper  
14 resolution, withdraw from the jurisdiction and authority of the  
15 trustees of schools of the township in which the school  
16 district is located and the township treasurer, provided that  
17 the school board shall, upon the adoption and passage of the  
18 resolution, elect or appoint its own school treasurer as  
19 provided in Section 8-1 of this Code. Upon the adoption and  
20 passage of the resolution and the election or appointment by  
21 the school board of its own school treasurer: (1) the trustees  
22 of schools in the township shall no longer have or exercise any  
23 powers or duties with respect to the school district or with  
24 respect to the school business, operations, or assets of the  
25 school district; (2) all books and records of the trustees of  
26 schools and all moneys, securities, loanable funds, and other

1 assets relating to the school business and affairs of the  
2 school district shall be transferred and delivered to the  
3 school board; and (3) all legal title to and all right, title,  
4 and interest formerly held by the trustees of schools in any  
5 common school lands, school buildings, or school sites used and  
6 occupied by the school board and all rights of property and  
7 causes of action pertaining to or constituting a part of the  
8 common school lands, buildings, or sites shall be deemed  
9 transferred by operation of law to and shall vest in the school  
10 board. The changes made to this Section by this amendatory Act  
11 of the 99th General Assembly shall not affect any lawsuits  
12 pending on the effective date of this amendatory Act of the  
13 99th General Assembly.

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

19 (1) During the same 30 day period, each school board of  
20 each elementary and unit school district that is subject to  
21 the jurisdiction and authority of the township treasurer  
22 and trustees of schools of the township in which those  
23 offices are sought to be abolished gives written notice by  
24 certified mail, return receipt requested to the township  
25 treasurer and trustees of schools of that township of the  
26 date of a meeting of the school board, to be held not more

1 than 90 nor less than 60 days after the date when the  
2 notice is given, at which meeting the school board is to  
3 consider and vote upon the question of whether there shall  
4 be submitted to the electors of the school district a  
5 proposition to abolish the offices of township treasurer  
6 and trustee of schools of that township. None of the  
7 notices given under this paragraph to the township  
8 treasurer and trustees of schools of a township shall be  
9 deemed sufficient or in compliance with the requirements of  
10 this paragraph unless all of those notices are given within  
11 the same 30 day period.

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



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

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

23 -----

24 OFFICIAL BALLOT

25 Shall the offices of township

26 treasurer and

YES

1 trustee of -----  
 2 schools of Township ..... NO  
 3 Range ..... be abolished?

4 -----

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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