

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by  
5 changing Sections 9-185, 9-186, and 9-187 as follows:

6 (40 ILCS 5/9-185) (from Ch. 108 1/2, par. 9-185)  
7 Sec. 9-185. Board created.

8 (a) A board of 9 (8 members beginning December 1, 2003)  
9 members shall constitute the board of trustees authorized to  
10 carry out the provisions of this Article. The board of  
11 trustees shall be known as "The Retirement Board of the  
12 County Employees' Annuity and Benefit Fund of .... County".  
13 The board shall consist of 2 members appointed and 7 (6  
14 members beginning December 1, 2003) members elected as  
15 hereinafter prescribed.

16 (b) The appointed members shall be appointed as follows:  
17 One member shall be appointed by the comptroller of such  
18 county, who may be the comptroller or some person chosen by  
19 him from among employees of the county, who are versed in the  
20 affairs of the comptroller's office; and one member shall be  
21 appointed by the treasurer of such county, who may be the  
22 treasurer or some person chosen by him from among employees  
23 of the County who are versed in the affairs of the  
24 treasurer's office.

25 The member appointed by the comptroller shall hold office  
26 for a term ending on December 1st of the first year following  
27 the year of appointment. The member appointed by the county  
28 treasurer shall hold office for a term ending on December 1st  
29 of the second year following the year of appointment.

30 Thereafter, each appointed member shall be appointed by  
31 the officer that appointed his predecessor for a term of 2

1 years.

2 (c) Three county employee members of the board shall be  
3 elected as follows: within 30 days from and after the date  
4 upon which this Article comes into effect in the county, the  
5 clerk of the county shall arrange for and hold an election.  
6 One employee shall be elected for a term ending on the first  
7 day in the month of December of the first year next following  
8 the effective date; one for a term ending on December 1st of  
9 the following year; and one for a term ending December 1st of  
10 the second following year.

11 (d) Beginning December 1, 1988, and every 3 years  
12 thereafter, an annuitant member of the board shall be elected  
13 as follows: the board shall arrange for and hold an election  
14 in which only those participants who are currently receiving  
15 retirement benefits under this Article shall be eligible to  
16 vote and be elected. Each such member shall be elected to a  
17 term ending on the first day in the month of December of the  
18 third following year.

19 (d-1) Beginning December 1, 2001, and every 3 years  
20 thereafter, an annuitant member of the board shall be elected  
21 as follows: the board shall arrange for and hold an election  
22 in which only those participants who are currently receiving  
23 retirement benefits under this Article shall be eligible to  
24 vote and be elected. Each such member shall be elected to a  
25 term ending on the first day in the month of December of the  
26 third following year. Until December 1, 2001, the position  
27 created under this subsection (d-1) may be filled by the  
28 board as in the case of a vacancy.

29 (e) From Beginning December 1, 1988 until December 1,  
30 2003, if a Forest Preserve District Employees' Annuity and  
31 Benefit Fund shall be in force in such county and the board  
32 of this fund is charged with administering the affairs of  
33 such annuity and benefit fund for employees of such forest  
34 preserve district, a forest preserve district member of the

1 board shall be elected as of December 1, 1988, and every 3  
 2 years thereafter as follows: the board shall arrange for and  
 3 hold an election in which only those employees of such forest  
 4 preserve district who are contributors to the annuity and  
 5 benefit fund for employees of such forest preserve district  
 6 shall be eligible to vote and be elected. Each such member  
 7 shall be elected to a term ending on the first day in the  
 8 month of December of the third following year. After the  
 9 expiration of the term of any forest preserve district member  
 10 ending December 1, 2003, no replacement forest preserve  
 11 district member shall be elected.

12 (f) Beginning December 1, 2001, and every 3 years  
 13 thereafter, if a Forest Preserve District Employees' Annuity  
 14 and Benefit Fund is in force in the county and the board of  
 15 this Fund is charged with administering the affairs of that  
 16 annuity and benefit fund for employees of the forest preserve  
 17 district, a forest preserve district annuitant member of the  
 18 board shall be elected as follows: the board shall arrange  
 19 for and hold an election in which only those participants who  
 20 are currently receiving retirement benefits under Article 10  
 21 shall be eligible to vote and be elected. Each such member  
 22 shall be elected to a term ending on the first day in the  
 23 month of December of the third following year. Until  
 24 December 1, 2001, the position created under this subsection  
 25 (f) may be filled by the board as in the case of a vacancy.

26 (Source: P.A. 92-66, eff. 7-12-01.)

27 (40 ILCS 5/9-186) (from Ch. 108 1/2, par. 9-186)

28 Sec. 9-186. Board elections. In each year, the board  
 29 shall conduct a regular election, under rules adopted by it,  
 30 at least 30 days prior to the expiration of the term of each  
 31 elected employee or annuitant member.

32 To be eligible to be a county employee member, a person  
 33 must be an employee of the county and must have at least 5

1 years of service credit in that capacity by December 1 of the  
 2 year of election. ~~To be eligible to be a forest preserve~~  
 3 ~~district member, a person must be an employee of the forest~~  
 4 ~~preserve district and must have at least 5 years of service~~  
 5 ~~credit in that capacity by December 1 of the year of~~  
 6 ~~election.~~

7 Only those persons who are employees of the county shall  
 8 be eligible to vote for the 3 county employee members, ~~only~~  
 9 ~~these persons who are employees of the forest preserve~~  
 10 ~~district shall be eligible to vote for the forest preserve~~  
 11 ~~district member,~~ only those persons who are currently  
 12 receiving retirement benefits under this Article shall be  
 13 eligible to vote for the annuitant members elected under  
 14 subsections (d) and (d-1) of Section 9-185, and only those  
 15 persons who are currently receiving retirement benefits under  
 16 Article 10 shall be eligible to vote for the forest preserve  
 17 district annuitant member elected under subsection (f) of  
 18 Section 9-185. The ballot shall be of secret character.

19 Except as otherwise provided in Section 9-187, each  
 20 member of the board shall hold office until his successor is  
 21 chosen and has qualified.

22 Any person elected or appointed a member of the board  
 23 shall qualify for the office by taking an oath of office to  
 24 be administered by the county clerk or a person designated by  
 25 him. A copy thereof shall be kept in the office of the  
 26 county clerk. Any appointment or notice of election shall be  
 27 in writing and the written instrument shall be filed with the  
 28 oath.

29 (Source: P.A. 92-66, eff. 7-12-01.)

30 (40 ILCS 5/9-187) (from Ch. 108 1/2, par. 9-187)  
 31 Sec. 9-187. Board vacancy.

32 (a) A vacancy in the membership of the board shall be  
 33 filled as follows:

1 If the vacancy is that of an appointive member, the  
2 official who appointed him shall appoint a person to serve  
3 for the unexpired term.

4 If the vacancy is that of a county employee member, the  
5 remaining members of the board shall appoint a successor from  
6 among the employees of the county, who shall serve during the  
7 remainder of the unexpired term.

8 ~~If the vacancy is that of a forest preserve district~~  
9 ~~member, the remaining members of the board shall appoint a~~  
10 ~~successor from among the employees of the forest preserve~~  
11 ~~district, who shall serve during the remainder of the~~  
12 ~~unexpired term.~~

13 If the vacancy is that of an annuitant member other than  
14 a forest preserve district annuitant member, the remaining  
15 members of the board shall appoint a successor from among  
16 those persons who are currently receiving retirement benefits  
17 under this Article.

18 If the vacancy is that of a forest preserve district  
19 annuitant member, the remaining members of the board shall  
20 appoint a successor from among those persons who are  
21 currently receiving retirement benefits under Article 10.

22 (b) Any county ~~or forest preserve district member~~ who  
23 withdraws from service shall automatically cease to be a  
24 member of the board. Any annuitant member (other than a  
25 forest preserve district annuitant member) whose retirement  
26 benefits cease under this Article, and any forest preserve  
27 district annuitant member whose retirement benefits cease  
28 under Article 10, shall also automatically cease to be a  
29 member of the Board.

30 (Source: P.A. 92-66, eff. 7-12-01.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.