



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4323

Introduced 1/29/2020, by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/15-159

from Ch. 108 1/2, par. 15-159

Amends the State Universities Article of the Illinois Pension Code. Provides that the term of an appointed trustee shall terminate immediately upon becoming a member of the system or being sworn into an elective State office, and the position shall be considered to be vacant. Provides that an elected trustee who is incumbent on the effective date of the amendatory Act whose status as a participating employee or annuitant has terminated after having been elected shall continue to serve in the participating employee or annuitant position to which he or she was elected for the remainder of the term. Provides that trustees shall continue in office until their respective successors are appointed and have qualified, except that a trustee elected (instead of appointed) to one of the participating employee (instead of participant) positions after the effective date of the amendatory Act shall be disqualified immediately upon the termination of his or her status as a participating employee (instead of participant) and a trustee elected (instead of appointed) to one of the annuitant positions after the effective date of the amendatory Act shall be disqualified immediately upon the termination of his or her status as an annuitant receiving a retirement annuity. Effective immediately.

LRB101 14792 RPS 63758 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning 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 changing
5 Section 15-159 as follows:

6 (40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

7 Sec. 15-159. Board created.

8 (a) A board of trustees constituted as provided in this
9 Section shall administer this System. The board shall be known
10 as the Board of Trustees of the State Universities Retirement
11 System.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Beginning on the 90th day after April 3, 2009 (the
15 effective date of Public Act 96-6), the Board of Trustees shall
16 be constituted as follows:

17 (1) The Chairperson of the Board of Higher Education,
18 who shall act as chairperson of this Board.

19 (2) Four trustees appointed by the Governor with the
20 advice and consent of the Senate who may not be members of
21 the system or hold an elective State office and who shall
22 serve for a term of 6 years, except that the terms of the
23 initial appointees under this subsection (d) shall be as

1 follows: 2 for a term of 3 years and 2 for a term of 6
2 years. The term of an appointed trustee shall terminate
3 immediately upon becoming a member of the system or being
4 sworn into an elective State office, and the position shall
5 be considered to be vacant and shall be filled pursuant to
6 subsection (f) of this Section.

7 (3) Four participating employees ~~active participants~~
8 of the system to be elected from the contributing
9 membership of the system by the contributing members, no
10 more than 2 of which may be from any of the University of
11 Illinois campuses, who shall serve for a term of 6 years,
12 except that the terms of the initial electees shall be as
13 follows: 2 for a term of 3 years and 2 for a term of 6
14 years.

15 (4) Two annuitants of the system who have been
16 annuitants for at least one full year, to be elected from
17 and by the annuitants of the system, no more than one of
18 which may be from any of the University of Illinois
19 campuses, who shall serve for a term of 6 years, except
20 that the terms of the initial electees shall be as follows:
21 one for a term of 3 years and one for a term of 6 years.

22 For the purposes of this Section, the Governor may make a
23 nomination and the Senate may confirm the nominee in advance of
24 the commencement of the nominee's term of office.

25 (e) The 6 elected trustees shall be elected within 90 days
26 after April 3, 2009 (the effective date of Public Act 96-6) for

1 a term beginning on the 90th day after that effective date.
2 Trustees shall be elected thereafter as terms expire for a
3 6-year term beginning July 15 next following their election,
4 and such election shall be held on May 1, or on May 2 when May 1
5 falls on a Sunday. The board may establish rules for the
6 election of trustees to implement the provisions of Public Act
7 96-6 and for future elections. Candidates for the participating
8 trustee shall be nominated by petitions in writing, signed by
9 not less than 400 participants with their addresses shown
10 opposite their names. Candidates for the annuitant trustee
11 shall be nominated by petitions in writing, signed by not less
12 than 100 annuitants with their addresses shown opposite their
13 names. If there is more than one qualified nominee for each
14 elected trustee, then the board shall conduct a secret ballot
15 election by mail for that trustee, in accordance with rules as
16 established by the board. If there is only one qualified person
17 nominated by petition for each elected trustee, then the
18 election as required by this Section shall not be conducted for
19 that trustee and the board shall declare such nominee duly
20 elected. A vacancy occurring in the elective membership of the
21 board shall be filled for the unexpired term by the elected
22 trustees serving on the board for the remainder of the term.
23 Nothing in this subsection shall preclude the adoption of rules
24 providing for internet or phone balloting in addition, or as an
25 alternative, to election by mail.

26 (f) A vacancy in the appointed membership on the board of

1 trustees caused by resignation, death, expiration of term of
2 office, or other reason shall be filled by a qualified person
3 appointed by the Governor for the remainder of the unexpired
4 term.

5 (g) Trustees ~~(other than the trustees incumbent on June 30,~~
6 ~~1995 or as provided in subsection (c) of this Section)~~ shall
7 continue in office until their respective successors are
8 appointed and have qualified, except that a trustee elected
9 ~~appointed~~ to one of the participating employee participant
10 positions after the effective date of this amendatory Act of
11 the 101st General Assembly shall be disqualified immediately
12 upon the termination of his or her status as a participating
13 employee participant and a trustee elected ~~appointed~~ to one of
14 the annuitant positions after the effective date of this
15 amendatory Act of the 101st General Assembly shall be
16 disqualified immediately upon the termination of his or her
17 status as an annuitant receiving a retirement annuity.

18 An elected trustee who is incumbent on the effective date
19 of this amendatory Act of the 101st General Assembly whose
20 status as a participating employee or annuitant has terminated
21 after having been elected shall continue to serve in the
22 participating employee or annuitant position to which he or she
23 was elected for the remainder of the term.

24 (h) Each trustee must take an oath of office before a
25 notary public of this State and shall qualify as a trustee upon
26 the presentation to the board of a certified copy of the oath.

1 The oath must state that the person will diligently and
2 honestly administer the affairs of the retirement system, and
3 will not knowingly violate or willfully permit to be violated
4 any provisions of this Article.

5 Each trustee shall serve without compensation but shall be
6 reimbursed for expenses necessarily incurred in attending
7 board meetings and carrying out his or her duties as a trustee
8 or officer of the system.

9 (Source: P.A. 98-92, eff. 7-16-13.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.