



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1403

Introduced 2/9/2005, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-121

from Ch. 108 1/2, par. 4-121

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides for the creation of board of trustees for fire protection districts. Provides for the termination of the terms of office of the existing boards and for the appointment and election of new 5-member boards. Effective immediately.

LRB094 07097 AMC 37242 b

PENSION IMPACT
NOTE ACT MAY
APPLY

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 4-121 as follows:

6 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

7 Sec. 4-121. Board created. There is created in each
8 municipality or fire protection district a board of trustees to
9 be known as the "Board of Trustees of the Firefighters' Pension
10 Fund". The membership of the board for each municipality shall
11 be, respectively, as follows: in cities, the treasurer, clerk,
12 marshall or chief officer of the fire department, and the
13 comptroller if there is one, or if not, the mayor; in each
14 township, village or incorporated town, the president of the
15 municipality's board of trustees, the village or town clerk,
16 village or town attorney, village or town treasurer, and the
17 chief officer of the fire department; and in each fire
18 protection district, the president and other 2 members of its
19 board of trustees and the marshall or chief of its fire
20 department or service, as the case may be; and in all the
21 municipalities above designated 3 additional persons chosen
22 from their active firefighters and one other person who has
23 retired under the "Firemen's Pension Fund Act of 1919", or this
24 Article. Notwithstanding any provision of this Section to the
25 contrary, the term of office of each member of a board
26 established on or before the 3rd Monday in April, 2006 shall
27 terminate on the 3rd Monday in April, 2006, but all incumbent
28 members shall continue to exercise all of the powers and be
29 subject to all of the duties of a member of the board until all
30 the new members of the board take office.

31 Beginning on the the 3rd Monday in April, 2006, the board
32 for each municipality or fire protection district shall consist

1 of 5 members. Two members of the board shall be appointed by
2 the mayor or president of the board of trustees of the
3 municipality or fire protection district involved. Two members
4 of the board shall be active participants of the pension fund
5 who are elected from the active participants of the fund. One
6 member of the board shall be a person who is retired under the
7 Firemen's Pension Fund Act of 1919 or this Article who is
8 elected from persons retired under the Firemen's Pension Fund
9 Act of 1919 or this Article.

10 For the purposes of this Section, a firefighter receiving a
11 disability pension shall be considered a retired firefighter.
12 In the event that there are no retired firefighters under the
13 Fund or if none is willing to serve on the board, then an
14 additional active firefighter shall be elected to the board in
15 lieu of the retired firefighter that would otherwise be
16 elected.

17 If the regularly constituted fire department of a
18 municipality is dissolved and Section 4-106.1 is not
19 applicable, the board shall continue to exist and administer
20 the Fund so long as there continues to be any annuitant or
21 deferred pensioner in the Fund. In such cases, elections shall
22 continue to be held as specified in this Section, except that:
23 (1) deferred pensioners shall be deemed to be active members
24 for the purposes of such elections; (2) any otherwise
25 unfillable positions on the board, including ex officio
26 positions, shall be filled by election from the remaining
27 firefighters and deferred pensioners of the Fund, to the extent
28 possible; and (3) if the membership of the board falls below 3
29 persons, the Illinois Director of Insurance or his designee
30 shall be deemed a member of the board, ex officio.

31 The members chosen from the active and retired firefighters
32 shall be elected by ballot at elections to be held on the 3rd
33 Monday in April of the applicable years under the Australian
34 ballot system, at such place or places, in the municipality,
35 and under such regulations as shall be prescribed by the board.

36 No person shall cast more than one vote for each candidate

1 for whom he or she is eligible to vote. In the elections for
2 board members to be chosen from the active firefighters, all
3 active firefighters and no others may vote. In the elections
4 for board members to be chosen from retired firefighters, the
5 retired firefighters and no others may vote.

6 Each member of the board so elected shall hold office for a
7 term of 3 years and until his or her successor has been duly
8 elected and qualified.

9 The board shall canvass the ballots and declare which
10 persons have been elected and for what term or terms
11 respectively. In case of a tie vote between 2 or more
12 candidates, the board shall determine by lot which candidate or
13 candidates have been elected and for what term or terms
14 respectively. In the event of the failure, resignation, or
15 inability to act of any board member, a successor shall be
16 elected for the unexpired term at a special election called by
17 the board and conducted in the same manner as a regular
18 election.

19 The board shall elect annually from its members a president
20 and secretary.

21 Board members shall not receive or have any right to
22 receive any salary from a pension fund for services performed
23 as board members.

24 (Source: P.A. 84-1039.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.