



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1871

Introduced 2/25/2005, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-174
40 ILCS 5/7-175

from Ch. 108 1/2, par. 7-174
from Ch. 108 1/2, par. 7-175

Amends the IMRF Article of the Illinois Pension Code. Adds 2 additional members to the Board of Trustees: one sheriff, to be elected by the members who are sheriffs; and one sheriff's law enforcement employee (SLEP), to be elected by the members who are SLEPs. Effective immediately.

LRB094 06855 EFG 36961 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 Sections 7-174 and 7-175 as follows:

6 (40 ILCS 5/7-174) (from Ch. 108 1/2, par. 7-174)

7 Sec. 7-174. Board created.

8 (a) A board of 10 members ~~8 members~~ shall constitute a
9 board of trustees authorized to carry out the provisions of
10 this Article. Each trustee shall be a participating employee of
11 a participating municipality or participating instrumentality
12 or an annuitant of the Fund and no person shall be eligible to
13 become a trustee after January 1, 1979 who does not have at
14 least 8 years of creditable service.

15 (b) The board shall consist of representatives of various
16 groups as follows:

17 1. Four ~~4~~ trustees shall be a chief executive officer,
18 chief finance officer, or other officer, executive or
19 department head of a participating municipality or
20 participating instrumentality, and each such trustee shall
21 be designated as an executive trustee.

22 2. Three ~~3~~ trustees shall be employees of a
23 participating municipality or participating
24 instrumentality (but not a county sheriff or SLEP), and
25 each such trustee shall be designated as an employee
26 trustee.

27 3. One trustee shall be a county sheriff, who shall be
28 designated the sheriff trustee.

29 4. One trustee shall be a sheriff's law enforcement
30 employee (SLEP), who shall be designated the SLEP trustee.

31 5. ~~3.~~ One trustee shall be an annuitant of the Fund,
32 who shall be designated the annuitant trustee.

1 (c) A person elected as a trustee shall qualify as a
2 trustee, after declaration by the board that he has been duly
3 elected, upon taking and subscribing to the constitutional oath
4 of office and filing same in the office of the Fund.

5 (d) The term of office of each trustee shall begin upon
6 January 1 of the year following the year in which he is elected
7 and shall continue for a period of 5 years and until a
8 successor has been elected and qualified, or until prior
9 resignation, death, incapacity or disqualification.

10 (e) Any elected trustee (other than the annuitant trustee)
11 shall be disqualified immediately upon termination of
12 employment with all participating municipalities and
13 instrumentalities thereof or upon any change in status which
14 removes any such trustee from all employments within the group
15 he represents. The annuitant trustee shall be disqualified upon
16 termination of his or her annuity.

17 (f) The trustees shall fill any vacancy in the board by
18 appointment, for the period until the next election of
19 trustees, or, if the remaining term is less than 2 years, for
20 the remainder of the term, and until his successor has been
21 elected and qualified.

22 (g) Trustees shall serve without compensation, but shall be
23 reimbursed for any reasonable expenses incurred in attending
24 meetings of the board and in performing duties on behalf of the
25 Fund and for the amount of any earnings withheld by any
26 employing municipality or participating instrumentality
27 because of attendance at any board meeting.

28 (h) Each trustee other than the annuitant trustee shall be
29 entitled to one vote on any and all actions before the board;
30 the annuitant trustee is not entitled to vote on any matter. At
31 least 5 ~~least 4~~ concurring votes shall be necessary for every
32 decision or action by the board at any of its meetings. No
33 decision or action shall become effective unless presented and
34 so approved at a regular or duly called special meeting of the
35 board.

36 (Source: P.A. 89-136, eff. 7-14-95.)

1 (40 ILCS 5/7-175) (from Ch. 108 1/2, par. 7-175)

2 Sec. 7-175. Board elections.

3 (a) During the period beginning on August 1 and ending on
4 September 15 of each year, the board shall accept nominations
5 of candidates for election to the trusteeships for terms
6 beginning the next January 1, including any new trusteeships or
7 vacancies to be filled by election.

8 (b) All nominations shall be by petition. Three petitions
9 for an executive trustee shall be signed by governing bodies of
10 contributing participating municipalities or
11 instrumentalities.

12 A petition for an employee trustee shall be signed by at
13 least 350 participating employees who were participants during
14 July of the current year and who, if their employment status
15 remained unchanged, would be eligible to vote for the ~~such~~
16 candidate at the following election.

17 A petition for a sheriff trustee shall be signed by at
18 least 10 participating employees who were participants during
19 July of the current year and who, if their employment status
20 remained unchanged, would be eligible to vote for the candidate
21 at the following election.

22 A petition for a SLEP trustee shall be signed by at least
23 50 participating employees who were participants during July of
24 the current year and who, if their employment status remained
25 unchanged, would be eligible to vote for the candidate at the
26 following election.

27 A petition for an annuitant trustee shall be signed by at
28 least 100 persons who were annuitants of the Fund during July
29 of the current year and who, if their annuitant status remains
30 unchanged, would be eligible to vote for the candidate at the
31 following election.

32 (c) A separate ballot shall be used for each class of
33 trustee and the names of all candidates properly nominated in
34 petitions received by the board shall be placed in alphabetical
35 order upon the proper ballot. Where two employee trustees are

1 elected to a full term in the same year, there shall be one
2 election for the two trusteeships and the two candidates
3 getting the highest number of votes shall be elected.

4 (d) At any election, each contributing participating
5 municipality and participating instrumentality and each
6 contributing participating employee employed by such
7 participating municipality or participating instrumentality
8 during September of any year~~7~~ shall be entitled to vote as
9 follows:

10 1. The governing body of each ~~such~~ participating
11 municipality and participating instrumentality shall have
12 one vote at any election in which an executive trustee is
13 to be elected, and may cast that ~~such~~ vote for any
14 candidate on the executive trustee ballot.

15 2. Each participating employee (other than a county
16 sheriff or SLEP) shall have one vote at any election in
17 which an employee trustee is to be elected, and may cast
18 that ~~such~~ vote for any candidate on the employee trustee
19 ballot.

20 3. Each county sheriff who participates in the Fund
21 shall have one vote at any election in which a sheriff
22 trustee is to be elected, and may cast that vote for any
23 candidate on the sheriff trustee ballot.

24 4. Each SLEP who participates in the Fund shall have
25 one vote at any election in which a SLEP trustee is to be
26 elected, and may cast that vote for any candidate on the
27 SLEP trustee ballot.

28 5. 3. Each annuitant of the Fund shall have one vote at
29 any election in which an annuitant trustee is to be
30 elected, and may cast that vote for any candidate on the
31 annuitant trustee ballot.

32 6. 4. A vote may be cast for a person not on the ballot
33 by writing in his or her name.

34 (e) The election shall be by ballot pursuant to the rules
35 and regulations established by the board and shall be completed
36 by December 31 of the year. The results shall be entered in the

1 minutes of the meeting of the board following the tally of
2 votes.

3 (f) In case of a tie vote, the candidate employed by or
4 retired from the participating municipality or participating
5 instrumentality having the greatest number of participating
6 employees at the time shall be elected.

7 (Source: P.A. 89-136, eff. 7-14-95.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.