



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3827

Introduced 10/5/2011, by Rep. Tom Cross - Darlene J. Senger

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code. Provides that any reasonable suspicion by any appointed or elected commissioner, trustee, director, board member, or employee of a retirement system or pension fund created under the Code or the State Board of Investment of a false statement or falsified record being submitted or permitted by a person under the Code shall be immediately referred to the board of trustees of a retirement system or pension fund created under the Code or the State Board of Investment or the State's Attorney of the jurisdiction where the alleged fraudulent activity occurred, and that the board of trustees of a retirement system or pension fund or the State Board of Investment shall immediately notify the State's Attorney of the jurisdiction where any alleged fraudulent activity occurred for investigation; Amends the Chicago Police, Chicago Firefighter, Chicago Municipal, Chicago Laborers, Chicago Park District, and Chicago Teacher Articles of the Illinois Pension Code to terminate the existing pension boards 90 days after the effective date of the amendatory Act and to provide for a new board comprised of 4 members appointed by the Mayor of the City of Chicago and 3 elected members representing active members and annuitant members of the fund. Amends the Cook County Article of the Illinois Pension Code to terminate the existing board of trustees 90 days after the effective date of the amendatory Act and to provide for a new board comprised of 5 members appointed by the President of the Cook County Board of Commissioners and 4 elected members representing active and annuitant members of the fund. Effective immediately.

LRB097 13781 AMC 58340 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 1-114, 1-135, 5-178, 6-174, 8-192, 9-185, 11-181,
6 12-156, 17-137, 17-138, and 17-139 as follows:

7 (40 ILCS 5/1-114) (from Ch. 108 1/2, par. 1-114)

8 Sec. 1-114. Liability for Breach of Fiduciary Duty. (a) Any
9 person who is a fiduciary with respect to a retirement system
10 or pension fund established under this Code who breaches any
11 duty imposed upon fiduciaries by this Code, including, but not
12 limited to, a failure to report a reasonable suspicion of a
13 false statement specified in Section 1-135 of this Code, shall
14 be personally liable to make good to such retirement system or
15 pension fund any losses to it resulting from each such breach,
16 and to restore to such retirement system or pension fund any
17 profits of such fiduciary which have been made through use of
18 assets of the retirement system or pension fund by the
19 fiduciary, and shall be subject to such equitable or remedial
20 relief as the court may deem appropriate, including the removal
21 of such fiduciary.

22 (b) No person shall be liable with respect to a breach of
23 fiduciary duty under this Code if such breach occurred before

1 such person became a fiduciary or after such person ceased to
2 be a fiduciary.

3 (Source: P.A. 82-960.)

4 (40 ILCS 5/1-135)

5 Sec. 1-135. Fraud. Any person who knowingly makes any false
6 statement or falsifies or permits to be falsified any record of
7 a retirement system or pension fund created under this Code or
8 the Illinois State Board of Investment in an attempt to defraud
9 the retirement system or pension fund created under this Code
10 or the Illinois State Board of Investment is guilty of a Class
11 3 felony. Any reasonable suspicion by any appointed or elected
12 commissioner, trustee, director, board member, or employee of a
13 retirement system or pension fund created under this Code or
14 the State Board of Investment of a false statement or falsified
15 record being submitted or permitted by a person under this Code
16 shall be immediately referred to the board of trustees of a
17 retirement system or pension fund created under this Code or
18 the State Board of Investment or the State's Attorney of the
19 jurisdiction where the alleged fraudulent activity occurred.
20 The board of trustees of a retirement system or pension fund
21 created under this Code or the State Board of Investment shall
22 immediately notify the State's Attorney of the jurisdiction
23 where any alleged fraudulent activity occurred for
24 investigation.

25 (Source: P.A. 96-6, eff. 4-3-09.)

1 (40 ILCS 5/5-178) (from Ch. 108 1/2, par. 5-178)

2 Sec. 5-178. Board created. Until 90 days after the
3 effective date of this amendatory Act of the 97th General
4 Assembly, a ~~A~~ board of 8 members shall constitute a board of
5 trustees authorized to administer the provisions of this
6 Article. The board shall be known as the Retirement Board of
7 the Policemen's Annuity and Benefit Fund of the city.

8 The board shall consist of 4 persons appointed by the mayor
9 of the city; 3 policemen employed by the city, at least one of
10 whom shall be a lieutenant or of a rank superior to lieutenant,
11 one of whom shall be of the rank of sergeant, and one of whom
12 shall be of the rank of investigator or a rank inferior to that
13 rank; and one annuitant of the fund, or a pensioner of any
14 prior police pension fund in operation, by authority of law, in
15 the city. Children less than age 18 shall not be eligible for
16 board membership. The term of office for all members shall be 3
17 years. For the election to be held in 2008 only, the terms for
18 the member who is a lieutenant or of a rank superior to
19 lieutenant and the member who is a sergeant shall be 3 years
20 and the terms for the member who is an investigator or a rank
21 inferior to that rank and the annuitant member shall be 4
22 years. After the terms of the 2008 election are completed, the
23 terms revert to 3-year terms for each elected trustee. Upon his
24 election, the member holding the rank of investigator or a rank
25 inferior to that rank shall be detailed by the Police

1 Superintendent to the office of the board for the duration of
2 his term as trustee.

3 The members of a retirement board holding office in a city
4 at the time this Article becomes effective, including elected,
5 appointed and ex-officio members, shall continue in office
6 until the expiration of their respective terms or appointment
7 and until their respective successors are elected or appointed,
8 and qualified.

9 At least 30 days prior to the expiration of the term of
10 office of each appointive member the mayor shall appoint a
11 successor for a term of 3 years.

12 The board shall conduct a regular election at least 30 days
13 prior to the expiration of the terms of the active policemen
14 members and annuitant or beneficiary members for election of a
15 successor of each such member for a term of 3 years.

16 Any member of the board so appointed or elected shall
17 continue in office until his successor is selected and has
18 qualified.

19 Any person so appointed or elected shall qualify by taking
20 an oath of office. A copy thereof shall be kept in the office
21 of the city clerk of the city.

22 Notwithstanding any other provision of this Section, the
23 term of any person appointed or elected under this Section
24 before the effective date of this amendatory Act of the 97th
25 General Assembly expires 90 days after the effective date of
26 this amendatory Act of the 97th General Assembly.

1 Beginning 90 days after the effective date of this
2 amendatory Act of the 97th General Assembly, the board shall be
3 comprised of 4 appointed members and 3 elected members. The
4 appointed members shall be appointed by the Mayor of the City
5 of Chicago for a term that expires on the same date as that of
6 the Mayor of the City of Chicago and until a successor is
7 appointed and qualified. The appointed members of the board
8 shall not be an active participant or annuitant of the Fund or
9 an elected official.

10 Two members of the board representing active members of the
11 Fund created under this Article shall be elected to the board
12 as follows: the board shall arrange for and hold an election in
13 which only those active participants under this Article shall
14 be eligible to vote and be elected. The members elected to the
15 board under this paragraph shall serve for a term of 4 years
16 beginning 90 days after the effective date of this amendatory
17 Act of the 97th General Assembly.

18 One member of the board representing annuitant members of
19 the Fund created under this Article shall be elected to the
20 board as follows: the board shall arrange for and hold an
21 election in which only those annuitant members under this
22 Article shall be eligible to vote and be elected. The member
23 elected to the board under this paragraph shall serve for a
24 term of 4 years beginning 90 days after the effective date of
25 this amendatory Act of the 97th General Assembly.

26 (Source: P.A. 95-1036, eff. 2-17-09.)

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

2 Sec. 6-174. Board created. Until 90 days after the
3 effective date of this amendatory Act of the 97th General
4 Assembly, a ~~A~~ board of 8 members shall constitute a board of
5 trustees authorized to administer the provisions of this
6 Article. The board shall be known as the Retirement Board of
7 the Firemen's Annuity and Benefit Fund of the city.

8 The board shall consist of the city treasurer, the city
9 comptroller, the city clerk, a deputy fire commissioner
10 designated by the fire commissioner of the city, 3 firemen
11 employed by the city, and 1 annuitant of the fund or a fireman
12 pensioner of any prior firemen's pension fund in operation, by
13 authority of law, in the city. Children less than age 18 shall
14 not be eligible for membership.

15 The members of a retirement board holding office at the
16 time this Article becomes effective, including elected and ex
17 officio members, shall continue in office until the expiration
18 of their respective terms or appointment and until their
19 respective successors are elected or appointed, and qualified.

20 In a city which first attains a population of over 500,000
21 and comes under the provisions of this Article, the active
22 firemen members of the board of trustees of any firemen's
23 pension fund then in effect in such city and the member of such
24 board who was chosen from the retired members of such fund
25 shall become members of the board as follows:

1 (a) The active fireman member for whom the highest number
2 of votes was cast and counted at the most recent election for
3 board members shall become a member of the retirement board for
4 a term which shall end on December 1st of the third year after
5 the year in which this Article comes into force in the city;
6 the member of the board for whom the second highest number of
7 votes was cast and counted at such election shall become a
8 member of the retirement board for a term which shall end on
9 December 1st of the second year after the year in which this
10 Article comes into force in the city; and the member of the
11 board for whom the third highest number of votes was cast and
12 counted at such election shall become a member of the
13 retirement board for a term which shall end on December 1st of
14 the first year after the year in which this Article comes into
15 force in the city.

16 (b) The annuitant member of the pension fund shall become a
17 member of the board for a term which shall end on December 1st
18 of the second year after the year in which this Article comes
19 into force in the city.

20 The board shall conduct regular elections annually, at
21 least 30 days prior to the expiration of the term of the active
22 fireman member of the board whose term next expires, for the
23 election of a successor for a term of 3 years. The board also
24 shall conduct regular elections biennially, at least 30 days
25 prior to the expiration of the term of the member who is a
26 pensioner of any pension fund formerly in effect in such city

1 or an annuitant of the annuity and benefit fund herein
2 provided, for the election of a successor to such member for a
3 term of 2 years.

4 Any member of the board, elected as aforesaid, shall
5 continue in office until his successor is elected and
6 qualified.

7 Each member of the board, before entering upon the duties
8 of his office, shall take the oath prescribed by the
9 Constitution of this State, which oath shall be filed in the
10 office of the city clerk of the city.

11 Notwithstanding any other provision of this Section, the
12 term of any person appointed or elected under this Section
13 before the effective date of this amendatory Act of the 97th
14 General Assembly expires 90 days after the effective date of
15 this amendatory Act of the 97th General Assembly.

16 Beginning 90 days after the effective date of this
17 amendatory Act of the 97th General Assembly, the board shall be
18 comprised of 4 appointed members and 3 elected members. The
19 appointed members shall be appointed by the Mayor of the City
20 of Chicago for a term that expires on the same date as that of
21 the Mayor of the City of Chicago and until a successor is
22 appointed and qualified. The appointed members of the board
23 shall not be an active participant or annuitant of the Fund or
24 an elected official.

25 Two members of the board representing active members of the
26 Fund created under this Article shall be elected to the board

1 as follows: the board shall arrange for and hold an election in
2 which only those active participants under this Article shall
3 be eligible to vote and be elected. The members elected to the
4 board under this paragraph shall serve for a term of 4 years
5 beginning 90 days after the effective date of this amendatory
6 Act of the 97th General Assembly.

7 One member of the board representing annuitant members of
8 the Fund created under this Article shall be elected to the
9 board as follows: the board shall arrange for and hold an
10 election in which only those annuitant members under this
11 Article shall be eligible to vote and be elected. The member
12 elected to the board under this paragraph shall serve for a
13 term of 4 years beginning 90 days after the effective date of
14 this amendatory Act of the 97th General Assembly.

15 (Source: P.A. 86-273.)

16 (40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

17 Sec. 8-192. Board created. Until 90 days after the
18 effective date of this amendatory Act of the 97th General
19 Assembly, a A board of 5 members shall constitute a Board of
20 Trustees authorized to carry out the provisions of this
21 Article. The board shall be known as the Retirement Board of
22 the Municipal Employees', Officers', and Officials' Annuity
23 and Benefit Fund of the city, or for the sake of brevity may
24 also be known and referred to as the Retirement Board of the
25 Municipal Employees' Annuity and Benefit Fund of such city. The

1 board shall consist of the city comptroller, the city
2 treasurer, and 3 members who shall be employees, to be elected
3 as follows:

4 Within 30 days after the effective date, the mayor of the
5 city shall arrange for and hold an election.

6 One employee shall be elected for a term ending on the
7 first day in the month of December of the first year next
8 following the effective date; one for a term ending December
9 1st of the following year; and one for a term ending on
10 December 1st of the second following year.

11 The city comptroller, with the approval of the board, may
12 appoint a designee from among employees of the city who are
13 versed in the affairs of the comptroller's office to act in the
14 absence of the comptroller on all matters pertaining to
15 administering the provisions of this Article.

16 The city treasurer, with the approval of the board, may
17 appoint a designee from among employees of the city who are
18 versed in the affairs of the treasurer's office to act in the
19 absence of the treasurer on all matters pertaining to
20 administering the provisions of this Article.

21 The members of a Retirement Board of a municipal
22 employees', officers', and officials' annuity and benefit fund
23 holding office in a city at the time this Article becomes
24 effective, including elective and ex-officio members, shall
25 continue in office until the expiration of their terms and
26 until their respective successors are elected or appointed and

1 have qualified.

2 An employee member who takes advantage of the early
3 retirement incentives provided under this amendatory Act of the
4 93rd General Assembly may continue as a member until the end of
5 his or her term.

6 Notwithstanding any other provision of this Section, the
7 term of any person appointed or elected under this Section
8 before the effective date of this amendatory Act of the 97th
9 General Assembly expires 90 days after the effective date of
10 this amendatory Act of the 97th General Assembly.

11 Beginning 90 days after the effective date of this
12 amendatory Act of the 97th General Assembly, the board shall be
13 comprised of 4 appointed members and 3 elected members. The
14 appointed members shall be appointed by the Mayor of the City
15 of Chicago for a term that expires on the same date as that of
16 the Mayor of the City of Chicago and until a successor is
17 appointed and qualified. The appointed members of the board
18 shall not be an active participant or annuitant of the Fund or
19 an elected official.

20 Two members of the board representing active members of the
21 Fund created under this Article shall be elected to the board
22 as follows: the board shall arrange for and hold an election in
23 which only those active participants under this Article shall
24 be eligible to vote and be elected. The members elected to the
25 board under this paragraph shall serve for a term of 4 years
26 beginning 90 days after the effective date of this amendatory

1 Act of the 97th General Assembly.

2 One member of the board representing annuitant members of
3 the Fund created under this Article shall be elected to the
4 board as follows: the board shall arrange for and hold an
5 election in which only those annuitant members under this
6 Article shall be eligible to vote and be elected. The member
7 elected to the board under this paragraph shall serve for a
8 term of 4 years beginning 90 days after the effective date of
9 this amendatory Act of the 97th General Assembly.

10 (Source: P.A. 96-1427, eff. 1-1-11.)

11 (40 ILCS 5/9-185) (from Ch. 108 1/2, par. 9-185)

12 Sec. 9-185. Board created.

13 (a) A board of 9 members shall constitute the board of
14 trustees authorized to carry out the provisions of this
15 Article. The board of trustees shall be known as "The
16 Retirement Board of the County Employees' Annuity and Benefit
17 Fund of County". Beginning 90 days after the effective
18 date of this amendatory Act of the 97th General Assembly, the
19 ~~The~~ board shall consist of 5 ~~2~~ members appointed and 4 ~~7~~
20 members elected as hereinafter prescribed.

21 (b) Until 90 days after the effective date of this
22 amendatory Act of the 97th General Assembly, the ~~The~~ appointed
23 members shall be appointed as follows: One member shall be
24 appointed by the comptroller of such county, who may be the
25 comptroller or some person chosen by him from among employees

1 of the county, who are versed in the affairs of the
2 comptroller's office; and one member shall be appointed by the
3 treasurer of such county, who may be the treasurer or some
4 person chosen by him from among employees of the County who are
5 versed in the affairs of the treasurer's office.

6 The member appointed by the comptroller shall hold office
7 for a term ending on December 1st of the first year following
8 the year of appointment. The member appointed by the county
9 treasurer shall hold office for a term ending on December 1st
10 of the second year following the year of appointment.

11 Thereafter, each appointed member shall be appointed by the
12 officer that appointed his predecessor for a term of 2 years.

13 Notwithstanding any other provision of this Section, the
14 term of any person appointed under this subsection (b) expires
15 90 days after the effective date of this amendatory Act of the
16 97th General Assembly.

17 (c) Until 90 days after the effective date of this
18 amendatory Act of the 97th General Assembly, 3 ~~Three~~ county
19 employee members of the board shall be elected as follows:
20 within 30 days from and after the date upon which this Article
21 comes into effect in the county, the clerk of the county shall
22 arrange for and hold an election. One employee shall be elected
23 for a term ending on the first day in the month of December of
24 the first year next following the effective date; one for a
25 term ending on December 1st of the following year; and one for
26 a term ending December 1st of the second following year.

1 Notwithstanding any other provision of this Section, the
2 term of any person elected under this subsection expires 90
3 days after the effective date of this amendatory Act of the
4 97th General Assembly.

5 (d) Beginning December 1, 1988, and every 3 years
6 thereafter until 90 days after the effective date of this
7 amendatory Act of the 97th General Assembly, an annuitant
8 member of the board shall be elected as follows: the board
9 shall arrange for and hold an election in which only those
10 participants who are currently receiving retirement benefits
11 under this Article shall be eligible to vote and be elected.
12 Each such member shall be elected to a term ending on the first
13 day in the month of December of the third following year.

14 Notwithstanding any other provision of this Section, the
15 term of any person elected under this subsection expires 90
16 days after the effective date of this amendatory Act of the
17 97th General Assembly.

18 (d-1) Beginning December 1, 2001, and every 3 years
19 thereafter until 90 days after the effective date of this
20 amendatory Act of the 97th General Assembly, an annuitant
21 member of the board shall be elected as follows: the board
22 shall arrange for and hold an election in which only those
23 participants who are currently receiving retirement benefits
24 under this Article shall be eligible to vote and be elected.
25 Each such member shall be elected to a term ending on the first
26 day in the month of December of the third following year. Until

1 December 1, 2001, the position created under this subsection
2 (d-1) may be filled by the board as in the case of a vacancy.

3 Notwithstanding any other provision of this Section, the
4 term of any person elected under this subsection expires 90
5 days after the effective date of this amendatory Act of the
6 97th General Assembly.

7 (e) Beginning December 1, 1988 and until 90 days after the
8 effective date of this amendatory Act of the 97th General
9 Assembly, if a Forest Preserve District Employees' Annuity and
10 Benefit Fund shall be in force in such county and the board of
11 this fund is charged with administering the affairs of such
12 annuity and benefit fund for employees of such forest preserve
13 district, a forest preserve district member of the board shall
14 be elected as of December 1, 1988, and every 3 years thereafter
15 as follows: the board shall arrange for and hold an election in
16 which only those employees of such forest preserve district who
17 are contributors to the annuity and benefit fund for employees
18 of such forest preserve district shall be eligible to vote and
19 be elected. Each such member shall be elected to a term ending
20 on the first day in the month of December of the third
21 following year.

22 Notwithstanding any other provision of this Section, the
23 term of any person elected under this subsection expires 90
24 days after the effective date of this amendatory Act of the
25 97th General Assembly.

26 (f) Beginning December 1, 2001, and every 3 years

1 thereafter until 90 days after the effective date of this
2 amendatory Act of the 97th General Assembly, if a Forest
3 Preserve District Employees' Annuity and Benefit Fund is in
4 force in the county and the board of this Fund is charged with
5 administering the affairs of that annuity and benefit fund for
6 employees of the forest preserve district, a forest preserve
7 district annuitant member of the board shall be elected as
8 follows: the board shall arrange for and hold an election in
9 which only those participants who are currently receiving
10 retirement benefits under Article 10 shall be eligible to vote
11 and be elected. Each such member shall be elected to a term
12 ending on the first day in the month of December of the third
13 following year. Until December 1, 2001, the position created
14 under this subsection (f) may be filled by the board as in the
15 case of a vacancy.

16 Notwithstanding any other provision of this Section, the
17 term of any person elected under this subsection expires 90
18 days after the effective date of this amendatory Act of the
19 97th General Assembly.

20 (g) Beginning 90 days after the effective date of this
21 amendatory Act of the 97th General Assembly, the appointed
22 members shall be appointed by the President of the Cook County
23 Board of Commissioners. Each appointed member shall be
24 appointed for a term expiring on the same date as that of the
25 President of the Cook County Board of Commissioners and until
26 their successors are appointed and qualified. The appointed

1 members of the board shall not be an active participant or
2 annuitant of the Fund or an elected official.

3 (h) A member of the board representing active members of
4 the Fund created under this Article shall be elected to the
5 board as follows: the board shall arrange for and hold an
6 election in which only those active participants under this
7 Article shall be eligible to vote and be elected. The person
8 first elected to the board under this subsection shall serve
9 for a term of 2 years, beginning 90 days after the effective
10 date of this amendatory Act of the 97th General Assembly.
11 Thereafter, each person so elected shall serve for a term of 4
12 years.

13 (i) A member of the board representing annuitant members of
14 the Fund created under this Article shall be elected to the
15 board as follows: the board shall arrange for and hold an
16 election in which only those annuitant members under this
17 Article shall be eligible to vote and be elected. Each person
18 selected under this subsection shall serve for a term of 4
19 years, with the term of the first person so elected beginning
20 90 days after the effective date of this amendatory Act of the
21 97th General Assembly.

22 (j) A member of the board representing active members of
23 the Fund created under Article 10 shall be elected to the board
24 as follows: the board shall arrange for and hold an election in
25 which only those active participants under Article 10 shall be
26 eligible to vote and be elected. The person first elected to

1 the board under this subsection shall serve for a term of 2
2 years, beginning 90 days after the effective date of this
3 amendatory Act of the 97th General Assembly. Thereafter, each
4 person so elected shall serve for a term of 4 years.

5 (k) A member of the board representing annuitant members of
6 the Fund created under Article 10 shall be elected to the board
7 as follows: the board shall arrange for and hold an election in
8 which only those annuitant members under Article 10 shall be
9 eligible to vote and be elected. Each person selected under
10 this subsection shall serve for term of 4 years, with the term
11 of the first person so elected beginning 90 days after the
12 effective date of this amendatory Act of the 97th General
13 Assembly.

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

15 (40 ILCS 5/11-181) (from Ch. 108 1/2, par. 11-181)

16 Sec. 11-181. Board created. Until 90 days after the
17 effective date of this amendatory Act of the 97th General
18 Assembly, a ~~A~~ board of 8 members shall constitute the board of
19 trustees authorized to carry out the provisions of this
20 Article. The board shall be known as the Retirement Board of
21 the Laborers' and Retirement Board Employees' Annuity and
22 Benefit Fund of the city. The board shall consist of 5 persons
23 appointed and 2 employees and one annuitant elected in the
24 manner hereinafter prescribed.

25 The appointed members of the board shall be appointed as

1 follows:

2 One member shall be appointed by the comptroller of the
3 city, who may be himself or anyone chosen from among employees
4 of the city who are versed in the affairs of the comptroller's
5 office; one member shall be appointed by the City Treasurer of
6 the city, who may be himself or a person chosen from among
7 employees of the city who are versed in the affairs of the City
8 Treasurer's office; one member shall be an employee of the city
9 appointed by the president of the local labor organization
10 representing a majority of the employees participating in the
11 Fund; and 2 members shall be appointed by the civil service
12 commission or the Department of Personnel of the city from
13 among employees of the city who are versed in the affairs of
14 the civil service commission's office or the Department of
15 Personnel.

16 The member appointed by the comptroller shall hold office
17 for a term ending on December 1st of the first year following
18 the year of appointment. The member appointed by the City
19 Treasurer shall hold office for a term ending on December 1st
20 of the second year following the year of appointment. The
21 member appointed by the civil service commission shall hold
22 office for a term ending on the first day in the month of
23 December of the third year following the year of appointment.
24 The additional member appointed by the civil service commission
25 under this amendatory Act of 1998 shall hold office for an
26 initial term ending on December 1, 2000, and the member

1 appointed by the labor organization president shall hold office
2 for an initial term ending on December 1, 2001. Thereafter each
3 appointive member shall be appointed by the officer or body
4 that appointed his predecessor, for a term of 3 years.

5 The 2 employee members of the board shall be elected as
6 follows:

7 Within 30 days from and after the appointive members have
8 been appointed and have qualified, the appointive members shall
9 arrange for and hold an election.

10 One employee shall be elected for a term ending on December
11 1st of the first year next following the effective date; one
12 for a term ending on December 1st of the following year.

13 An employee member who takes advantage of the early
14 retirement incentives provided under this amendatory Act of the
15 93rd General Assembly may continue as a member until the end of
16 his or her term.

17 The initial annuitant member shall be appointed by the
18 other members of the board for an initial term ending on
19 December 1, 1999. The annuitant member elected in 1999 shall be
20 deemed to have been elected for a 3-year term ending on
21 December 1, 2002. Thereafter, the annuitant member shall be
22 elected for a 3-year term ending on December 1st of the third
23 year following the election.

24 Notwithstanding any other provision of this Section, the
25 term of any person appointed or elected under this Section
26 before the effective date of this amendatory Act of the 97th

1 General Assembly expires 90 days after the effective date of
2 this amendatory Act of the 97th General Assembly.

3 Beginning 90 days after the effective date of this
4 amendatory Act of the 97th General Assembly, the board shall be
5 comprised of 4 appointed members and 3 elected members. The
6 appointed members shall be appointed by the Mayor of the City
7 of Chicago for a term that expires on the same date as that of
8 the Mayor of the City of Chicago and until a successor is
9 appointed and qualified. The appointed members of the board
10 shall not be an active participant or annuitant of the Fund or
11 an elected official.

12 Two members of the board representing active members of the
13 Fund created under this Article shall be elected to the board
14 as follows: the board shall arrange for and hold an election in
15 which only those active participants under this Article shall
16 be eligible to vote and be elected. The members elected to the
17 board under this paragraph shall serve for a term of 4 years
18 beginning 90 days after the effective date of this amendatory
19 Act of the 97th General Assembly.

20 One member of the board representing annuitant members of
21 the Fund created under this Article shall be elected to the
22 board as follows: the board shall arrange for and hold an
23 election in which only those annuitant members under this
24 Article shall be eligible to vote and be elected. The member
25 elected to the board under this paragraph shall serve for a
26 term of 4 years beginning 90 days after the effective date of

1 this amendatory Act of the 97th General Assembly.

2 (Source: P.A. 93-654, eff. 1-16-04.)

3 (40 ILCS 5/12-156) (from Ch. 108 1/2, par. 12-156)

4 Sec. 12-156. Board created. Until 90 days after the effective
5 date of this amendatory Act of the 97th General Assembly, a ~~A~~
6 board composed of 7 members shall constitute a Board of
7 Trustees authorized to carry out the provisions of this
8 Article. Such Board of Trustees shall be known as the
9 Retirement Board of the Park Employees' and Retirement Board
10 Employees' Annuity and Benefit Fund.

11 Three members of such board shall be appointed by the board
12 of park commissioners for terms of 3 years. Four members of
13 such board shall be elected from among the employees for terms
14 of 4 years who shall serve until their respective successors
15 have been elected and have qualified.

16 The members of the board of a fund holding office at the
17 time this Article becomes effective, including elected and
18 appointed members, shall continue in office until the
19 expiration of their respective terms or appointments and until
20 their respective successors are appointed or elected and have
21 qualified. When the term of any appointed member expires, the
22 board of park commissioners shall appoint a successor.

23 The board shall conduct regular elections annually under
24 rules which shall be adopted by it for the election of
25 successors to members of the board whose terms shall expire.

1 All employees who are included under the provisions of this
2 Article shall be entitled to vote. The ballots shall be of
3 secret character.

4 Each person elected or appointed to membership upon the
5 board shall take a written oath of office that he will, so far
6 as it devolves upon him, diligently and honestly administer the
7 affairs of the office to which he was elected or appointed and
8 that he will not knowingly violate or wilfully permit to be
9 violated any of the provisions of law applicable under this
10 Article. Such oath shall be subscribed by the person making it,
11 and certified to by the officer before whom it is taken, and
12 deposited with the custodian of the fund. Anyone after
13 appointment or election shall be deemed to have qualified for
14 membership on the board when such certificate is deposited with
15 the custodian of the fund.

16 Notwithstanding any other provision of this Section, the
17 term of any person appointed or elected under this Section
18 before the effective date of this amendatory Act of the 97th
19 General Assembly expires 90 days after the effective date of
20 this amendatory Act of the 97th General Assembly.

21 Beginning 90 days after the effective date of this
22 amendatory Act of the 97th General Assembly, the board shall be
23 comprised of 4 appointed members and 3 elected members. The
24 appointed members shall be appointed by the Mayor of the City
25 of Chicago for a term that expires on the same date as that of
26 the Mayor of the City of Chicago and until a successor is

1 appointed and qualified. The appointed members of the board
2 shall not be an active participant or annuitant of the Fund or
3 an elected official.

4 Two members of the board representing active members of the
5 Fund created under this Article shall be elected to the board
6 as follows: the board shall arrange for and hold an election in
7 which only those active participants under this Article shall
8 be eligible to vote and be elected. The members elected to the
9 board under this paragraph shall serve for a term of 4 years
10 beginning 90 days after the effective date of this amendatory
11 Act of the 97th General Assembly.

12 One member of the board representing annuitant members of
13 the Fund created under this Article shall be elected to the
14 board as follows: the board shall arrange for and hold an
15 election in which only those annuitant members under this
16 Article shall be eligible to vote and be elected. The member
17 elected to the board under this paragraph shall serve for a
18 term of 4 years beginning 90 days after the effective date of
19 this amendatory Act of the 97th General Assembly.

20 (Source: Laws 1963, p. 161.)

21 (40 ILCS 5/17-137) (from Ch. 108 1/2, par. 17-137)

22 Sec. 17-137. Board created. There shall be elected a Board
23 of Trustees, herein also referred to as the "Board", to
24 administer and control the Fund created by this Article. Until
25 90 days after the effective date of this amendatory Act of the

1 97th General Assembly, the ~~The~~ Board shall consist of 12
2 members, 2 of whom shall be members of the Board of Education,
3 6 of whom shall be contributors who are not principals, one of
4 whom shall be a contributor who is a principal, and 3 of whom
5 shall be pensioners, all to be chosen as provided in this
6 Article.

7 Notwithstanding any other provision of this Section, the
8 term of any person appointed or elected under this Section
9 before the effective date of this amendatory Act of the 97th
10 General Assembly expires 90 days after the effective date of
11 this amendatory Act of the 97th General Assembly.

12 Beginning 90 days after the effective date of this
13 amendatory Act of the 97th General Assembly, the board shall be
14 comprised of 4 appointed members and 3 elected members. The
15 appointed members shall be appointed by the Mayor of the City
16 of Chicago for a term that expires on the same date as that of
17 the Mayor of the City of Chicago and until a successor is
18 appointed and qualified. The appointed members of the board
19 shall not be an active participant or annuitant of the Fund or
20 an elected official.

21 Two members of the board representing active members of the
22 Fund created under this Article shall be elected to the board
23 as follows: the board shall arrange for and hold an election in
24 which only those active participants under this Article shall
25 be eligible to vote and be elected. The members elected to the
26 board under this paragraph shall serve for a term of 4 years

1 beginning 90 days after the effective date of this amendatory
2 Act of the 97th General Assembly.

3 One member of the board representing annuitant members of
4 the Fund created under this Article shall be elected to the
5 board as follows: the board shall arrange for and hold an
6 election in which only those annuitant members under this
7 Article shall be eligible to vote and be elected. The member
8 elected to the board under this paragraph shall serve for a
9 term of 4 years beginning 90 days after the effective date of
10 this amendatory Act of the 97th General Assembly.

11 (Source: P.A. 89-136, eff. 7-14-95; 90-566, eff. 1-2-98.)

12 (40 ILCS 5/17-138) (from Ch. 108 1/2, par. 17-138)

13 Sec. 17-138. Board membership. At the first meeting of the
14 Board of Education in November of each year, the Board of
15 Education shall appoint one of its members to serve, while a
16 member of the Board of Education, on the Board of Trustees for
17 a term of 2 years.

18 On the last school day of the 4th week of October of each
19 year there shall be elected 2 members of the Board from the
20 teachers other than principals, who shall hold office for terms
21 of 3 years while retaining their status as teachers other than
22 principals, and other members to fill unexpired terms. In the
23 event that schools are not in session on or during the week
24 prior to the last Friday in October, this election shall be
25 held on the Friday of the first subsequent full week of school.

1 The election shall be by secret ballot and shall be held in
2 such manner as the Board by bylaws or rules shall provide. Only
3 teachers who are not principals shall be eligible to vote in
4 the election.

5 During the first week of November of 1995 and every third
6 year thereafter, one contributor who is a principal shall be
7 elected a member of the Board. This trustee shall hold office
8 for a term of 3 years while retaining his or her status as a
9 principal. The election shall be by mail ballot and only
10 contributors who are principals shall be eligible to vote. The
11 election shall be held in the manner provided by the Board by
12 rule or bylaw.

13 During the first week of November of each odd-numbered year
14 there shall be elected 3 members of the Board from the
15 pensioners, who shall hold office for a term of 2 years while
16 retaining their status as pensioners. The election shall be by
17 mail ballot to all service and disability pensioners, and shall
18 be held in such manner as the Board by bylaws or rules shall
19 provide.

20 All trustees, while members of the Board of Education or
21 while principals, teachers other than principals, or
22 pensioners, as the case may be, shall hold their offices until
23 their successors shall have been appointed or elected and
24 qualified by subscribing to the constitutional oath of office
25 at the immediately succeeding regular meeting of the Board.

26 This Section is repealed 90 days after the effective date

1 of this amendatory Act of the 97th General Assembly.

2 (Source: P.A. 89-136, eff. 7-14-95; 90-566, eff. 1-2-98.)

3 (40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)

4 Sec. 17-139. Board elections and vacancies.

5 (1) Contributors other than principals election. Every
6 member who is not a principal or an administrator may vote at
7 the election for as many persons as there are trustees to be
8 elected by the contributors who are not principals or
9 administrators. The name of a candidate shall not be printed
10 upon the ballot unless he or she has been assigned on a regular
11 certificate for at least 10 years in the Chicago public schools
12 or charter schools and nominated by a petition signed by not
13 less than 200 contributors who are not principals or
14 administrators.

15 Petitions shall be filed with the recording secretary of
16 the Fund on or after September 15 of each year and not later
17 than October 1st of that year. No more than one candidate may
18 be nominated by any one petition. If the nominations do not
19 exceed the number of candidates to be elected, the canvassing
20 board shall declare the nominated candidates elected.
21 Otherwise, candidates receiving the highest number of votes
22 cast for their respective terms shall be declared elected. The
23 location and number of polling places shall be designated by
24 the Board. The election shall be conducted by the teachers who
25 are not principals or administrators, and the judges of the

1 election shall be selected from the teachers who are not
2 principals or administrators, in such manner as the board in
3 its bylaws or rules provides.

4 Elections to fill vacancies on the Board shall be held at
5 the next annual election.

6 (2) Pensioners election. The name of a candidate shall not
7 be printed on the ballot unless he or she has been nominated by
8 a petition signed by not less than 100 pensioners of the Fund.
9 Petitions shall be filed with the recording secretary of the
10 Fund on or before October 1 of the odd-numbered year. If the
11 nominations do not exceed 3, the mailing of ballots shall be
12 eliminated and the nominated candidates shall be declared
13 elected. Otherwise, the 3 candidates receiving the highest
14 number of votes cast shall be declared elected. The mailing and
15 counting of the ballots shall be conducted by the office of the
16 Fund with volunteer assistance from pensioners at the request
17 of the Board.

18 (3) Principals election. The name of a candidate shall not
19 be printed on the ballot unless he or she has been nominated by
20 a petition signed by at least 25 contributors who are
21 principals or administrators. Petitions shall be filed with the
22 recording secretary of the Fund on or before October 1 of the
23 election year. Every member who is a principal or an
24 administrator may vote at the election for one candidate who is
25 a contributor who is a principal. If only one eligible
26 candidate is nominated, the election shall not be held and the

1 nominated candidate shall be declared elected. Otherwise, the
2 candidate receiving the highest number of votes cast shall be
3 declared elected. The mailing and counting of the ballots shall
4 be conducted by the office of the Fund.

5 (4) Vacancies. The Board may fill vacancies occurring in
6 the membership of the Board elected by the principals,
7 administrators, teachers other than principals or
8 administrators, or pensioners at any regular meeting of the
9 Board. The Board of Education may fill vacancies occurring in
10 the membership of the Board appointed by the Board of Education
11 at any regular meeting of the Board of Education.

12 (5) This Section is repealed 90 days after the effective
13 date of this amendatory Act of the 97th General Assembly.

14 (Source: P.A. 94-514, eff. 8-10-05.)

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

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40 ILCS 5/5-178

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40 ILCS 5/6-174

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40 ILCS 5/8-192

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40 ILCS 5/11-181

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40 ILCS 5/17-137

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