



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5172

Introduced 2/8/2012, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-137	from Ch. 108 1/2, par. 17-137
40 ILCS 5/17-138	from Ch. 108 1/2, par. 17-138
40 ILCS 5/17-139	from Ch. 108 1/2, par. 17-139
30 ILCS 805/8.36 new	

Amends the Chicago Teacher Article of the Illinois Pension Code. Adds a pensioner member to the Board of Trustees and makes corresponding changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB097 16957 EFG 62146 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 17-137, 17-138, and 17-139 as follows:

6 (40 ILCS 5/17-137) (from Ch. 108 1/2, par. 17-137)

7 Sec. 17-137. Board created. There shall be elected a Board
8 of Trustees, herein also referred to as the "Board", to
9 administer and control the Fund created by this Article. The
10 Board shall consist of 13 ~~12~~ members, 2 of whom shall be
11 members of the Board of Education, 6 of whom shall be
12 contributors who are not principals, one of whom shall be a
13 contributor who is a principal, and 4 ~~3~~ of whom shall be
14 pensioners, all to be chosen as provided in this Article.

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

16 (40 ILCS 5/17-138) (from Ch. 108 1/2, par. 17-138)

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

22 On the last school day of the 4th week of October of each

1 year there shall be elected 2 members of the Board from the
2 teachers other than principals, who shall hold office for terms
3 of 3 years while retaining their status as teachers other than
4 principals, and other members to fill unexpired terms. In the
5 event that schools are not in session on or during the week
6 prior to the last Friday in October, this election shall be
7 held on the Friday of the first subsequent full week of school.
8 The election shall be by secret ballot and shall be held in
9 such manner as the Board by bylaws or rules shall provide. Only
10 teachers who are not principals shall be eligible to vote in
11 the election.

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

20 During the first week of November of each odd-numbered year
21 there shall be elected 4 ~~3~~ members of the Board from the
22 pensioners, who shall hold office for a term of 2 years while
23 retaining their status as pensioners. The election shall be by
24 mail ballot to all service and disability pensioners, and shall
25 be held in such manner as the Board by bylaws or rules shall
26 provide.

1 All trustees, while members of the Board of Education or
2 while principals, teachers other than principals, or
3 pensioners, as the case may be, shall hold their offices until
4 their successors shall have been appointed or elected and
5 qualified by subscribing to the constitutional oath of office
6 at the immediately succeeding regular meeting of the Board.
7 (Source: P.A. 89-136, eff. 7-14-95; 90-566, eff. 1-2-98.)

8 (40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)

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

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

20 Petitions shall be filed with the recording secretary of
21 the Fund on or after September 15 of each year and not later
22 than October 1st of that year. No more than one candidate may
23 be nominated by any one petition. If the nominations do not
24 exceed the number of candidates to be elected, the canvassing
25 board shall declare the nominated candidates elected.

1 Otherwise, candidates receiving the highest number of votes
2 cast for their respective terms shall be declared elected. The
3 location and number of polling places shall be designated by
4 the Board. The election shall be conducted by the teachers who
5 are not principals or administrators, and the judges of the
6 election shall be selected from the teachers who are not
7 principals or administrators, in such manner as the board in
8 its bylaws or rules provides.

9 Elections to fill vacancies on the Board shall be held at
10 the next annual election.

11 (2) Pensioners election. The name of a candidate shall not
12 be printed on the ballot unless he or she has been nominated by
13 a petition signed by not less than 100 pensioners of the Fund.
14 Petitions shall be filed with the recording secretary of the
15 Fund on or before October 1 of the odd-numbered year. If the
16 nominations do not exceed 4 ~~3~~, the mailing of ballots shall be
17 eliminated and the nominated candidates shall be declared
18 elected. Otherwise, the 4 ~~3~~ candidates receiving the highest
19 number of votes cast shall be declared elected. The mailing and
20 counting of the ballots shall be conducted by the office of the
21 Fund with volunteer assistance from pensioners at the request
22 of the Board.

23 (3) Principals election. The name of a candidate shall not
24 be printed on the ballot unless he or she has been nominated by
25 a petition signed by at least 25 contributors who are
26 principals or administrators. Petitions shall be filed with the

1 recording secretary of the Fund on or before October 1 of the
2 election year. Every member who is a principal or an
3 administrator may vote at the election for one candidate who is
4 a contributor who is a principal. If only one eligible
5 candidate is nominated, the election shall not be held and the
6 nominated candidate shall be declared elected. Otherwise, the
7 candidate receiving the highest number of votes cast shall be
8 declared elected. The mailing and counting of the ballots shall
9 be conducted by the office of the Fund.

10 (4) Vacancies. The Board may fill vacancies occurring in
11 the membership of the Board elected by the principals,
12 administrators, teachers other than principals or
13 administrators, or pensioners at any regular meeting of the
14 Board. The Board of Education may fill vacancies occurring in
15 the membership of the Board appointed by the Board of Education
16 at any regular meeting of the Board of Education.

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

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.36 as follows:

20 (30 ILCS 805/8.36 new)

21 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 97th General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.