

1 AN ACT in relation to 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
5 changing 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 a board of trustees to be known as the "Board of
9 Trustees of the Firefighters' Pension Fund". The membership
10 of the board for each municipality shall be, respectively, as
11 follows: in cities, the treasurer, clerk, marshall or chief
12 officer of the fire department, and the comptroller if there
13 is one, or if not, the mayor; in each township, village or
14 incorporated town, the president of the municipality's board
15 of trustees, the village or town clerk, village or town
16 attorney (or, if that attorney declines in writing to serve,
17 then a person appointed by the village or town president with
18 the advice and consent of the village or town board of
19 trustees), the village or town treasurer, and the chief
20 officer of the fire department; and in each fire protection
21 district, the president and other 2 members of its board of
22 trustees and the marshall or chief of its fire department or
23 service, as the case may be; and in all the municipalities
24 above designated 3 additional persons chosen from their
25 active firefighters and one other person who has retired
26 under the "Firemen's Pension Fund Act of 1919", or this
27 Article.

28 For the purposes of this Section, a firefighter receiving
29 a disability pension shall be considered a retired
30 firefighter. In the event that there are no retired
31 firefighters under the Fund or if none is willing to serve on

1 the board, then an additional active firefighter shall be
2 elected to the board in lieu of the retired firefighter that
3 would otherwise be elected.

4 If the regularly constituted fire department of a
5 municipality is dissolved and Section 4-106.1 is not
6 applicable, the board shall continue to exist and administer
7 the Fund so long as there continues to be any annuitant or
8 deferred pensioner in the Fund. In such cases, elections
9 shall continue to be held as specified in this Section,
10 except that: (1) deferred pensioners shall be deemed to be
11 active members for the purposes of such elections; (2) any
12 otherwise unfillable positions on the board, including ex
13 officio positions, shall be filled by election from the
14 remaining firefighters and deferred pensioners of the Fund,
15 to the extent possible; and (3) if the membership of the
16 board falls below 3 persons, the Illinois Director of
17 Insurance or his designee shall be deemed a member of the
18 board, ex officio.

19 The members chosen from the active and retired
20 firefighters shall be elected by ballot at elections to be
21 held on the 3rd Monday in April of the applicable years under
22 the Australian ballot system, at such place or places, in the
23 municipality, and under such regulations as shall be
24 prescribed by the board.

25 No person shall cast more than one vote for each
26 candidate for whom he or she is eligible to vote. In the
27 elections for board members to be chosen from the active
28 firefighters, all active firefighters and no others may vote.
29 In the elections for board members to be chosen from retired
30 firefighters, the retired firefighters and no others may
31 vote.

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

1 The board shall canvass the ballots and declare which
2 persons have been elected and for what term or terms
3 respectively. In case of a tie vote between 2 or more
4 candidates, the board shall determine by lot which candidate
5 or candidates have been elected and for what term or terms
6 respectively. In the event of the failure, resignation, or
7 inability to act of any board member, a successor shall be
8 elected for the unexpired term at a special election called
9 by the board and conducted in the same manner as a regular
10 election.

11 The board shall elect annually from its members a
12 president and secretary.

13 Board members shall not receive or have any right to
14 receive any salary from a pension fund for services performed
15 as board members.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.