



Sen. Michael W. Frerichs

Filed: 3/23/2007

09500SB1587sam003

LRB095 11140 AMC 34476 a

1 AMENDMENT TO SENATE BILL 1587

2 AMENDMENT NO. _____. Amend Senate Bill 1587 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 16-163, 16-164, and 16-165 as follows:

6 (40 ILCS 5/16-163) (from Ch. 108 1/2, par. 16-163)

7 Sec. 16-163. Board created. A board of 11 members
8 constitutes the board of trustees authorized to carry out the
9 provisions of this Article and is responsible for the general
10 administration of the System. The board shall be known as the
11 Board of Trustees of the Teachers' Retirement System of the
12 State of Illinois. The board shall be composed of the
13 Superintendent of Education, ex officio, who shall be the
14 president of the board; 3 ~~4~~ persons, not members of the System,
15 to be appointed by the Governor, who shall hold no elected
16 State office; 5 ~~4~~ persons who, at the time of their election,

1 are teachers as defined in Section 16-106, elected by the
2 contributing members; and 2 annuitant members elected by the
3 annuitants of the System, as provided in Section 16-165.

4 (Source: P.A. 94-423, eff. 8-2-05.)

5 (40 ILCS 5/16-164) (from Ch. 108 1/2, par. 16-164)

6 Sec. 16-164. Board - appointed members - vacancies. Terms
7 of office for the appointed members shall begin on July 15 of
8 an even-numbered year. The Governor shall appoint 2 members as
9 trustees in 2008, one member shall hold office for a term of 4
10 years and one member shall hold office only until the elected
11 teacher member added by this amendatory Act of the 95th General
12 Assembly is elected and qualified to serve. In 2010 and each
13 4th year thereafter, the Governor shall appoint 2 members. In
14 2012 and every 4th year thereafter, the Governor shall appoint
15 one member. Except as otherwise provided in this Section, each
16 appointed member ~~each even numbered year who~~ shall hold office
17 for a term of 4 years. Each such appointee shall reside in and
18 be a taxpayer in the territory covered by this system, shall be
19 interested in public school welfare, and experienced and
20 competent in financial and business management. A vacancy in
21 the term of an appointed trustee shall be filled for the
22 unexpired term by appointment of the Governor.

23 (Source: P.A. 83-1440.)

24 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

1 Sec. 16-165. Board; elected members; vacancies.

2 (a) In each odd-numbered year, there shall be elected 2
3 teachers who shall hold office for a term of 4 years beginning
4 July 15 next following their election, in the manner provided
5 under this Section. An elected teacher member of the board who
6 ceases to be a teacher as defined in Section 16-106 may
7 continue to serve on the board for the remainder of the term to
8 which he or she was elected.

9 (a-5) The elected teacher member added by this amendatory
10 Act of the 95th General Assembly shall be filled as soon as
11 possible in the manner provided for vacancies, for an initial
12 term ending July 15, 2011. One additional elected teacher
13 trustee shall be elected in 2011, and in every fourth year
14 thereafter, for a term of 4 years beginning July 15 next
15 following his or her election.

16 (b) One elected annuitant trustee shall first be elected in
17 1987, and in every fourth year thereafter, for a term of 4
18 years beginning July 15 next following his or her election.

19 (c) The elected annuitant position created by this
20 amendatory Act of the 91st General Assembly shall be filled as
21 soon as possible in the manner provided for vacancies, for an
22 initial term ending July 15, 2001. One elected annuitant
23 trustee shall be elected in 2001, and in every fourth year
24 thereafter, for a term of 4 years beginning July 15 next
25 following his or her election.

26 (d) Elections shall be held on May 1, unless May 1 falls on

1 a Saturday or Sunday, in which event the election shall be
2 conducted on the following Monday. Candidates shall be
3 nominated by petitions in writing, signed by not less than 500
4 teachers or annuitants, as the case may be, with their
5 addresses shown opposite their names. The petitions shall be
6 filed with the board's Secretary not less than 90 nor more than
7 120 days prior to May 1. The Secretary shall determine their
8 validity not less than 75 days before the election.

9 (d-5) Beginning July 15, 2009, not more than 4 of the 5
10 active teachers elected to the Board of Trustees may be active
11 members of the same statewide teacher organization. For the
12 purposes of this Section, "statewide teacher organization"
13 means a teacher organization (1) in which membership is not
14 restricted to persons living or teaching within a limited
15 geographical area of this State and (2) that has among its
16 membership at least 10,000 persons who participate in this
17 System.

18 Candidates for the active teacher positions on the Board
19 shall indicate, in their nomination petitions and campaign
20 materials, which (if any) statewide teacher organizations they
21 have belonged to during the 5 years preceding the election.

22 (e) If, for either teacher or annuitant members, the number
23 of qualified nominees exceeds the number of available
24 positions, the system shall prepare an appropriate ballot with
25 the names of the candidates in alphabetical order and shall
26 mail one copy thereof, at least 10 days prior to the election

1 day, to each teacher or annuitant of this system as of the
2 latest date practicable, at the latest known address, together
3 with a return envelope addressed to the board and also a
4 smaller envelope marked "For Ballot Only", and a slip for
5 signature. Each voter, upon marking his ballot with a cross
6 mark in the square before the name of the person voted for,
7 shall place the ballot in the envelope marked "For Ballot
8 Only", seal the envelope, write on the slip provided therefor
9 his signature and address, enclose both the slip and sealed
10 envelope containing the marked ballot in the return envelope
11 addressed to the board, and mail it. Whether a person is
12 eligible to vote for the teacher nominees or the annuitant
13 nominees shall be determined from system payroll records as of
14 March 1.

15 Upon receipt of the return envelopes, the system shall open
16 them and set aside unopened the envelopes marked "For Ballot
17 Only". On election day ballots shall be publicly opened and
18 counted by the trustees or canvassers appointed therefor. Each
19 vote cast for a candidate represents one vote only. No ballot
20 arriving after 10 o'clock a.m. on election day shall be
21 counted.

22 (e-3) The 2 teacher candidates and the annuitant candidate
23 receiving the highest number of votes shall be declared
24 elected, except that beginning with the election in 2009, if
25 the teacher candidate who receives the highest number of votes
26 and the incumbent teacher members who are not up for election

1 belong to the same statewide teacher organization, then the
2 second teacher candidate to be declared elected shall be the
3 candidate not a member of that statewide teacher organization
4 who receives the highest number of votes, unless there is no
5 such candidate. The board shall declare the results of the
6 election, keep a record thereof, and notify the candidates of
7 the results thereof within 30 days after the election.

8 (e-6) If, for either class of members, there are only as
9 many qualified nominees as there are positions available, the
10 balloting as described in this Section shall not be conducted
11 for those nominees, and the board shall declare them duly
12 elected.

13 (f) A vacancy occurring in the elective membership of the
14 board shall be filled for the unexpired term by a person
15 qualified for the vacant position, selected by the remaining
16 elected members of the board, if there are no more than 6
17 months remaining on the term. For a term with more than 6
18 months remaining, the Director of the Teachers' Retirement
19 System of the State of Illinois shall institute an election in
20 accordance with this Act to fill the unexpired term.

21 (Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05;
22 revised 12-8-05.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."