



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB0581

Introduced 2/6/2009, by Rep. Angelo Saviano

#### 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 805/8.33 new	

Amends the Chicago Teacher Article of the Illinois Pension Code. Makes various changes in provisions concerning the creation of the Board of Trustees of the Fund, Board membership, and Board elections, including changing the principal trustee to a principal/administrator trustee. Amends the State Mandates Act to require implementation without reimbursement.

LRB096 03528 AMC 13553 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 Section 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 12 members, 2 of whom shall be members  
11 of the Board of Education, 6 of whom shall be teacher trustees  
12 ~~contributors who are not principals~~, one of whom shall be a  
13 principal/administrator trustee ~~contributor who is a~~  
14 ~~principal~~, and 3 of whom shall be pensioner trustees  
15 ~~pensioners~~, all to be chosen as provided in this Article.

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

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

18 Sec. 17-138. Board membership; terms of office.

19 (a) Board of Education appointees. At the first meeting of  
20 the Board of Education in November of each year, the Board of  
21 Education shall appoint one of its members to serve, while a  
22 member of the Board of Education, on the Board of Trustees for

1 a term of 2 years.

2 (b) Teacher trustees. During the first week of November ~~On~~  
3 ~~the last school day of the 4th week of October of each year,~~  
4 ~~there shall be elected 2~~ contributors who are certified  
5 teachers, but not principals or administrators shall be elected  
6 members of the Board. The term of office for teacher trustees  
7 shall be ~~members of the Board from the teachers other than~~  
8 ~~principals, who shall hold office for terms of 3 years while~~  
9 retaining their status as teachers ~~other than principals, and~~  
10 ~~other members to fill unexpired terms. In the event that~~  
11 ~~schools are not in session on or during the week prior to the~~  
12 ~~last Friday in October, this election shall be held on the~~  
13 ~~Friday of the first subsequent full week of school. The~~  
14 ~~election shall be by secret ballot and shall be held in such~~  
15 ~~manner as the Board by bylaws or rules shall provide. Only~~  
16 ~~teachers who are not principals shall be eligible to vote in~~  
17 ~~the election.~~

18 (c) Principal/administrator trustee. During the first week  
19 of November of 1995 and every third year thereafter, one  
20 contributor who is a principal or administrator shall be  
21 elected a member of the Board. The principal/administrator ~~This~~  
22 trustee shall hold office for a term of 3 years while retaining  
23 his or her status as a principal or administrator. ~~The election~~  
24 ~~shall be by mail ballot and only contributors who are~~  
25 ~~principals shall be eligible to vote. The election shall be~~  
26 ~~held in the manner provided by the Board by rule or bylaw.~~

1        (d) Pensioner trustees. During the first week of November  
2 of each odd-numbered year, 3 pensioners who are receiving a  
3 service or disability pension under this Article ~~there shall be~~  
4 ~~elected 3 members of the Board.~~ The pensioner trustees ~~from the~~  
5 ~~pensioners, who~~ shall hold office for a term of 2 years while  
6 retaining their status as pensioners. ~~The election shall be by~~  
7 ~~mail ballot to all service and disability pensioners, and shall~~  
8 ~~be held in such manner as the Board by bylaws or rules shall~~  
9 ~~provide.~~

10        (e) Appointment of successors. All trustees, ~~while members~~  
11 ~~of the Board of Education or while principals, teachers other~~  
12 ~~than principals, or pensioners, as the case may be,~~ shall hold  
13 their offices until their successors ~~shall~~ have been appointed  
14 or elected and qualified by subscribing to the constitutional  
15 oath of office at the ~~immediately succeeding~~ regular meeting of  
16 the Board immediately succeeding the election.

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

18 (40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)

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

20        (a) Form of election. The elections shall be by secret  
21 ballot and shall be held in such manner as the Board's bylaws  
22 or rules shall provide. Eligible voters may vote for as many  
23 candidates for which there are positions available in their  
24 elections. Voting shall be subject to the following conditions:

25        (1) Only current contributors who are not principals or

1 administrators shall be eligible to vote in the teacher  
2 trustee election.

3 (2) Only current contributors who are principals or  
4 administrators shall be eligible to vote in the  
5 principal/administrator trustee election.

6 (3) Only current service and disability pensioners  
7 shall be eligible to vote in the pensioner trustee  
8 election.

9 (b) Qualifications for trustee positions. Candidates for  
10 trustee positions shall meet the following requirements:

11 (1) Candidates for teacher trustee must be current  
12 contributors to the Fund, assigned on a regular certificate  
13 for at least 10 years in the Chicago public schools or  
14 charter schools, and nominated by a petition signed by not  
15 less than 200 current contributors who are not principals  
16 or administrators.

17 (2) Candidates for principal/administrator trustee  
18 must be current contributors to the Fund, meet the  
19 definition of administrator under Section 17-106.1 of this  
20 Code, and be nominated by a petition signed by not less  
21 than 25 current contributors who are principals or  
22 administrators.

23 (3) Candidates for pensioner trustee must be current  
24 recipients of a Fund service, reciprocal, or disability  
25 pension and be nominated by a petition signed by not less  
26 than 100 current recipients of a Fund pension.

1       (c) Nomination period. The nomination period shall run from  
2       May 1 of the year in which the respective elections are  
3       scheduled to October 1 of that year.

4       (d) Form and submission of petitions and election of  
5       candidates. Nomination petitions shall be provided to  
6       candidates meeting the eligibility requirements by the Fund.  
7       Petitions shall be filed with the Fund election coordinator on  
8       or before October 1st of the year in which the respective  
9       elections occur. If the nominations do not exceed the number of  
10       candidates to be elected, then the nominated candidates shall  
11       be declared elected by the canvassing board. If there are  
12       sufficient candidates to conduct an election, then the election  
13       shall be conducted in the manner that the Board, by bylaws or  
14       rules, shall provide. The candidates receiving the highest  
15       number of votes cast for their respective positions shall be  
16       declared elected.

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

1       ~~Petitions shall be filed with the recording secretary of~~  
2 ~~the Fund on or after September 15 of each year and not later~~  
3 ~~than October 1st of that year. No more than one candidate may~~  
4 ~~be nominated by any one petition. If the nominations do not~~  
5 ~~exceed the number of candidates to be elected, the canvassing~~  
6 ~~board shall declare the nominated candidates elected.~~  
7 ~~Otherwise, candidates receiving the highest number of votes~~  
8 ~~cast for their respective terms shall be declared elected. The~~  
9 ~~location and number of polling places shall be designated by~~  
10 ~~the Board. The election shall be conducted by the teachers who~~  
11 ~~are not principals or administrators, and the judges of the~~  
12 ~~election shall be selected from the teachers who are not~~  
13 ~~principals or administrators, in such manner as the board in~~  
14 ~~its bylaws or rules provides.~~

15       ~~Elections to fill vacancies on the Board shall be held at~~  
16 ~~the next annual election.~~

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

1 ~~Fund with volunteer assistance from pensioners at the request~~  
2 ~~of the Board.~~

3 ~~(3) Principals election. The name of a candidate shall not~~  
4 ~~be printed on the ballot unless he or she has been nominated by~~  
5 ~~a petition signed by at least 25 contributors who are~~  
6 ~~principals or administrators. Petitions shall be filed with the~~  
7 ~~recording secretary of the Fund on or before October 1 of the~~  
8 ~~election year. Every member who is a principal or an~~  
9 ~~administrator may vote at the election for one candidate who is~~  
10 ~~a contributor who is a principal. If only one eligible~~  
11 ~~candidate is nominated, the election shall not be held and the~~  
12 ~~nominated candidate shall be declared elected. Otherwise, the~~  
13 ~~candidate receiving the highest number of votes cast shall be~~  
14 ~~declared elected. The mailing and counting of the ballots shall~~  
15 ~~be conducted by the office of the Fund.~~

16 ~~(e) (4) Vacancies. The Board may fill vacancies occurring~~  
17 ~~in the teacher trustee, principal/administrator trustee, or~~  
18 ~~pensioner trustee positions membership of the Board elected by~~  
19 ~~the principals, administrators, teachers other than principals~~  
20 ~~or administrators, or pensioners at any regular meeting of the~~  
21 ~~Board. The Board of Education may fill vacancies occurring in~~  
22 ~~the membership of the Board appointed by the Board of Education~~  
23 ~~appointed trustee positions at any regular meeting of the Board~~  
24 ~~of Education.~~

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



1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.33 as follows:

3           (30 ILCS 805/8.33 new)

4           Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
5           of this Act, no reimbursement by the State is required for the  
6           implementation of any mandate created by this amendatory Act of  
7           the 96th General Assembly.