



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4788

Introduced 1/12/2010, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/8-192	from Ch. 108 1/2, par. 8-192
40 ILCS 5/8-193	from Ch. 108 1/2, par. 8-193
40 ILCS 5/8-194	from Ch. 108 1/2, par. 8-194

Amends the Chicago Municipal Article of the Illinois Pension Code. Allows the city treasurer, with the approval of the board, to appoint a designee from among employees of the city who are versed in the affairs of the treasurer's office to act in the absence of the treasurer on all matters pertaining to administering the provisions of the Article. Provides that, beginning with the election in 2011, the Board shall consist of the city comptroller, the city treasurer, 2 members who shall be employees, and one member who shall be an employee annuitant (rather than the city comptroller, the city treasurer, and 3 members who shall be employees). Makes conforming changes.

LRB096 15811 AMC 31052 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning the 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 8-192, 8-193, and 8-194 as follows:

6 (40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

7 Sec. 8-192. Board created. A board of 5 members shall  
8 constitute a Board of Trustees authorized to carry out the  
9 provisions of this Article. The board shall be known as the  
10 Retirement Board of the Municipal Employees', Officers', and  
11 Officials' Annuity and Benefit Fund of the city, or for the  
12 sake of brevity may also be known and referred to as the  
13 Retirement Board of the Municipal Employees' Annuity and  
14 Benefit Fund of such city. Until the election in 2011, the ~~The~~  
15 board shall consist of the city comptroller, the city  
16 treasurer, and 3 members who shall be employees, to be elected  
17 as follows:

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

20 One employee shall be elected for a term ending on the  
21 first day in the month of December of the first year next  
22 following the effective date; one for a term ending December  
23 1st of the following year; and one for a term ending on

1 December 1st of the second following year.

2 The city comptroller, with the approval of the board, may  
3 appoint a designee from among employees of the city who are  
4 versed in the affairs of the comptroller's office to act in the  
5 absence of the comptroller on all matters pertaining to  
6 administering the provisions of this Article.

7 The city treasurer, with the approval of the board, may  
8 appoint a designee from among employees of the city who are  
9 versed in the affairs of the treasurer's office to act in the  
10 absence of the treasurer on all matters pertaining to  
11 administering the provisions of this Article.

12 The members of a Retirement Board of a municipal  
13 employees', officers', and officials' annuity and benefit fund  
14 holding office in a city at the time this Article becomes  
15 effective, including elective and ex-officio members, shall  
16 continue in office until the expiration of their terms and  
17 until their respective successors are elected or appointed and  
18 have qualified.

19 Beginning with the election in 2011, the Board shall  
20 consist of the city comptroller, the city treasurer, 2 members  
21 who shall be employees, and one member who shall be an employee  
22 annuitant. If an employee who is an elected member of the board  
23 on the effective date of this amendatory Act of the 96th  
24 General Assembly resigns from the service of the employer and  
25 retires on annuity upon resignation before the end of his or  
26 her current term and before the 2011 trustee election, he or

1 she may continue as a board member until the end of his or her  
2 term. Only one previously active board member may continue to  
3 serve on the board after retirement.

4 An employee member who takes advantage of the early  
5 retirement incentives provided under this amendatory Act of the  
6 93rd General Assembly may continue as a member until the end of  
7 his or her term.

8 The initial annuitant member of the board elected in 2011  
9 shall be elected for a 3-year term ending on December 1, 2014.  
10 Thereafter, the annuitant member shall be elected for a 3-year  
11 term ending on December 1st of the third year following the  
12 election.

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

14 (40 ILCS 5/8-193) (from Ch. 108 1/2, par. 8-193)

15 Sec. 8-193. Board elections.

16 (a) In each year, the board shall conduct a regular  
17 election, under rules adopted by it, at least 30 days prior to  
18 the expiration of the term of the employee member whose term  
19 next expires, for the election of a successor for a term of 3  
20 years. Each employee member and his successor shall be an  
21 employee who holds a position by certification and appointment  
22 as a result of a competitive civil service examination as  
23 distinguished from temporary appointment for a period of not  
24 less than 5 years prior to the date of election or so holds a  
25 position which is not exempt from the classified or the

1 personnel ordinance by a city that adopted a career service  
2 ordinance. At any such election including the initial election  
3 and special elections to fill vacancies in such office, all  
4 persons who are employee participants at the time such election  
5 is held, shall have a right to vote. The ballot shall be of  
6 secret character.

7 (b) The board shall conduct a regular election, under rules  
8 adopted by it, at least 30 days prior to the term of the  
9 annuitant member, for the election of a successor for a term of  
10 3 years. Each annuitant member and his or her successor shall  
11 be a former employee receiving a retirement annuity from the  
12 Fund. The employee annuitant shall have retired from a position  
13 described in paragraph (a) of this Section for an active board  
14 member and shall have been a contributing member of the Fund on  
15 a payday-by-payday basis for the 5 years immediately preceding  
16 withdrawal, based on salary paid on the regular payroll of the  
17 employer. At any such election all persons who are receiving an  
18 employee annuity from the Fund at the time the election is held  
19 have a right to vote. The ballot shall be a secret character.

20 (c) Any elective member of the board shall hold office  
21 until his successor is elected and qualified.

22 Any person elected or appointed as a member of the board  
23 shall qualify by taking an oath of office to be administered by  
24 the city clerk. A copy thereof shall be kept in the office of  
25 the city clerk.

26 (Source: P.A. 81-782.)

1 (40 ILCS 5/8-194) (from Ch. 108 1/2, par. 8-194)

2 Sec. 8-194. Board vacancy.

3 A vacancy in the membership of the board shall be filled as  
4 follows:

5 If the vacancy is that of an ex-officio member, the mayor  
6 of the city shall appoint a person to serve until a person  
7 qualified as hereinbefore described shall assume the duties of  
8 member. If the vacancy is that of an elective office the  
9 remaining elective members of the board shall appoint a  
10 successor from among the employees or employee annuitants (as  
11 the case may be) who shall serve until an employee or employee  
12 annuitant is elected and qualified for the remainder of the  
13 unexpired term. The employee or employee annuitant shall be  
14 elected at a special election to be held concurrently with and  
15 in the same manner as the next regular election ~~for an employee~~  
16 ~~member.~~

17 Any appointive or elective member who leaves the service of  
18 the employer, other than the employee annuitant member, or  
19 becomes a member of any other annuity and benefit fund, or any  
20 pension fund, shall automatically cease to be a member of the  
21 board, except as provided in Section 8-192. If the employee  
22 annuitant member ceases to be an annuitant of the Fund, he or  
23 she shall cease to be a member of the board and the position is  
24 deemed to have become vacant.

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