



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1354

Introduced 2/9/2017, by Sen. Michael E. Hastings

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 805/8.41 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.

LRB100 06631 RPS 16672 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 administrators, one of whom shall be a
13 contributor who is an administrator, and 4 ~~3~~ of whom shall be
14 pensioners, all to be chosen as provided in this Article.

15 (Source: P.A. 98-449, eff. 8-16-13.)

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 During the first week of November, there shall be elected 2

1 members of the Board from the teachers other than
2 administrators, who shall hold office for terms of 3 years,
3 provided the trustee retains his or her status as a teacher
4 other than an administrator, and other members to fill any
5 unexpired terms. The election shall be by secret ballot
6 conducted in person or by secure electronic ballot, and shall
7 be held in such manner as the Board by bylaws or rules shall
8 provide. Only teachers who are not administrators shall be
9 eligible to vote in the election.

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

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

26 All trustees, while members of the Board of Education or

1 while administrators, teachers other than administrators, or
2 pensioners, as the case may be, shall hold their offices until
3 their successors shall have been appointed or elected and
4 qualified by subscribing to the constitutional oath of office
5 at the immediately succeeding regular meeting of the Board.

6 (Source: P.A. 98-449, eff. 8-16-13.)

7 (40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)

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

9 (1) Contributors other than administrators election. Every
10 member who is not an administrator may vote at the election for
11 as many persons as there are trustees to be elected by the
12 contributors who are not administrators, provided that the
13 contributor obtained that voter eligibility status on or before
14 October 1 of the election year. The name of a candidate shall
15 not be placed on the ballot unless he or she has been assigned
16 on a regular certificate for at least 10 years in the Chicago
17 public schools or charter schools and nominated by a petition
18 signed by not less than 200 contributors who are not
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.

5 Elections to fill vacancies on the Board shall be held at
6 the next annual election.

7 (2) Pensioners election. The name of a candidate shall not
8 be placed on the ballot unless he or she has been nominated by
9 a petition signed by not less than 100 pensioners of the Fund.
10 Petitions shall be filed with the recording secretary of the
11 Fund on or before October 1 of the odd-numbered year. If the
12 nominations do not exceed 4 ~~3~~, the mailing of ballots shall be
13 eliminated and the nominated candidates shall be declared
14 elected. Otherwise, the 4 ~~3~~ candidates receiving the highest
15 number of votes cast shall be declared elected.

16 (3) Administrators election. The name of a candidate shall
17 not be placed on the ballot unless he or she has been nominated
18 by a petition signed by at least 25 contributors who are
19 administrators. Petitions shall be filed with the recording
20 secretary of the Fund on or before October 1 of the election
21 year. Every member who is an administrator may vote at the
22 election for one candidate who is a contributor who is an
23 administrator, provided that the member obtained such voter
24 eligibility status on or before October 1 of the election year.
25 If only one eligible candidate is nominated, the election shall
26 not be held and the nominated candidate shall be declared

1 elected. Otherwise, the candidate receiving the highest number
2 of votes cast shall be declared elected.

3 (4) Vacancies. The Board may fill vacancies occurring in
4 the membership of the Board elected by the administrators,
5 teachers other than administrators, or pensioners at any
6 regular meeting of the Board. The Board of Education may fill
7 vacancies occurring in the membership of the Board appointed by
8 the Board of Education at any regular meeting of the Board of
9 Education.

10 (Source: P.A. 98-449, eff. 8-16-13.)

11 Section 90. The State Mandates Act is amended by adding
12 Section 8.41 as follows:

13 (30 ILCS 805/8.41 new)

14 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
15 of this Act, no reimbursement by the State is required for the
16 implementation of any mandate created by this amendatory Act of
17 the 100th General Assembly.

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