



Sen. Robert F. Martwick

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10300SB1646sam004

LRB103 27811 RPS 60172 a

1 AMENDMENT TO SENATE BILL 1646

2 AMENDMENT NO. _____. Amend Senate Bill 1646, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 2, on page 44, immediately below line 21, by inserting the
5 following:

6 "Article 11.

7 Section 11-5. The Illinois Pension Code is amended by
8 changing Sections 22B-115 and 22B-116 as follows:

9 (40 ILCS 5/22B-115)

10 Sec. 22B-115. Board of Trustees of the Fund.

11 (a) No later than one month after the effective date of
12 this amendatory Act of the 101st General Assembly or as soon
13 thereafter as may be practicable, the Governor shall appoint,
14 by and with the advice and consent of the Senate, a transition
15 board of trustees consisting of 9 members as follows:

1 (1) three members representing municipalities who are
2 mayors, presidents, chief executive officers, chief
3 financial officers, or other officers, executives, or
4 department heads of municipalities and appointed from
5 among candidates recommended by the Illinois Municipal
6 League;

7 (2) three members representing participants and who
8 are participants, 2 of whom shall be appointed from among
9 candidates recommended by a statewide fraternal
10 organization representing more than 20,000 active and
11 retired police officers in the State of Illinois, and one
12 of whom shall be appointed from among candidates
13 recommended by a benevolent association representing sworn
14 police officers in the State of Illinois;

15 (3) two members representing beneficiaries and who are
16 beneficiaries, one of whom shall be appointed from among
17 candidates recommended by a statewide fraternal
18 organization representing more than 20,000 active and
19 retired police officers in the State of Illinois, and one
20 of whom shall be appointed from among candidates
21 recommended by a benevolent association representing sworn
22 police officers in the State of Illinois; and

23 (4) one member who is a representative of the Illinois
24 Municipal League.

25 The transition board members shall serve until the initial
26 permanent board members are elected and qualified.

1 The transition board of trustees shall select the
2 chairperson of the transition board of trustees from among the
3 trustees for the duration of the transition board's tenure.

4 (b) The permanent board of trustees shall consist of 9
5 members as follows:

6 (1) Three members who are mayors, presidents, chief
7 executive officers, chief financial officers, or other
8 officers, executives, or department heads of
9 municipalities that have participating pension funds and
10 are elected by the mayors and presidents of municipalities
11 that have participating pension funds.

12 (2) Three members who are participants of
13 participating pension funds and are elected by the
14 participants of participating pension funds.

15 (3) Two members who are beneficiaries of participating
16 pension funds and are elected by the beneficiaries of
17 participating pension funds.

18 (4) One member recommended by the Illinois Municipal
19 League who shall be appointed by the Governor with the
20 advice and consent of the Senate.

21 The permanent board of trustees shall select the
22 chairperson of the permanent board of trustees from among the
23 trustees for a term of 2 years. The holder of the office of
24 chairperson shall alternate between a person elected or
25 appointed under item (1) or (4) of this subsection (b) and a
26 person elected under item (2) or (3) of this subsection (b).

1 (c) Each trustee shall qualify by taking an oath of office
2 before the Secretary of State or the legal counsel of the fund
3 stating that he or she will diligently and honestly administer
4 the affairs of the board and will not violate or knowingly
5 permit the violation of any provision of this Article.

6 (d) Trustees shall receive no salary for service on the
7 board but shall be reimbursed for travel expenses incurred
8 while on business for the board according to the standards in
9 effect for members of the Commission on Government Forecasting
10 and Accountability.

11 A municipality employing a police officer who is an
12 elected or appointed trustee of the board must allow
13 reasonable time off with compensation for the police officer
14 to conduct official business related to his or her position on
15 the board, including time for travel. The board shall notify
16 the municipality in advance of the dates, times, and locations
17 of this official business. The Fund shall timely reimburse the
18 municipality for the reasonable costs incurred that are due to
19 the police officer's absence.

20 (e) No trustee shall have any interest in any brokerage
21 fee, commission, or other profit or gain arising out of any
22 investment directed by the board. This subsection does not
23 preclude ownership by any member of any minority interest in
24 any common stock or any corporate obligation in which an
25 investment is directed by the board.

26 (f) Notwithstanding any provision or interpretation of law

1 to the contrary, any member of the transition board may also be
2 elected or appointed as a member of the permanent board.

3 Notwithstanding any provision or interpretation of law to
4 the contrary, any trustee of a fund established under Article
5 3 of this Code may also be appointed as a member of the
6 transition board or elected or appointed as a member of the
7 permanent board.

8 The restriction in Section 3.1 of the Lobbyist
9 Registration Act shall not apply to a member of the transition
10 board appointed pursuant to item (4) of subsection (a) or to a
11 member of the permanent board appointed pursuant to item (4)
12 of subsection (b).

13 (Source: P.A. 101-610, eff. 1-1-20.)

14 (40 ILCS 5/22B-116)

15 Sec. 22B-116. Conduct and administration of elections;
16 terms of office.

17 (a) For the election of the permanent trustees, the
18 transition board shall administer the initial elections and
19 the permanent board shall administer all subsequent elections.
20 Each board shall develop and implement such procedures as it
21 determines to be appropriate for the conduct of such
22 elections. For the purposes of obtaining information necessary
23 to conduct elections under this Section, participating pension
24 funds shall cooperate with the Fund.

25 (b) All nominations for election shall be by petition.

1 Each petition for a trustee shall be executed as follows:

2 (1) for trustees to be elected by the mayors and
3 presidents of municipalities that have participating
4 pension funds, by at least 20 such mayors and presidents;

5 (2) for trustees to be elected by participants, by at
6 least 400 participants; and

7 (3) for trustees to be elected by beneficiaries, by at
8 least 100 beneficiaries.

9 (c) A separate ballot shall be used for each class of
10 trustee. The board shall prepare and send ballots and ballot
11 envelopes to the participants and beneficiaries eligible to
12 vote in accordance with rules adopted by the board. The
13 ballots shall contain the names of all candidates in
14 alphabetical order. The ballot envelope shall have on the
15 outside a form of certificate stating that the person voting
16 the ballot is a participant or beneficiary entitled to vote.

17 Participants and beneficiaries, upon receipt of the
18 ballot, shall vote the ballot and place it in the ballot
19 envelope, seal the envelope, execute the certificate thereon,
20 and return the ballot to the Fund.

21 The board shall set a final date for ballot return, and
22 ballots received prior to that date in a ballot envelope with a
23 properly executed certificate and properly voted shall be
24 valid ballots.

25 The board shall set a day for counting the ballots and name
26 judges and clerks of election to conduct the count of ballots

1 and shall make any rules necessary for the conduct of the
2 count.

3 The candidate or candidates receiving the highest number
4 of votes for each class of trustee shall be elected. In the
5 case of a tie vote, the winner shall be determined in
6 accordance with procedures developed by the Department of
7 Insurance.

8 In lieu of conducting elections via mail balloting as
9 described in this Section, the board may instead adopt rules
10 to provide for elections to be carried out solely via Internet
11 balloting or phone balloting. Nothing in this Section
12 prohibits the Fund from contracting with a third party to
13 administer the election in accordance with this Section.

14 (d) At any election, voting shall be as follows:

15 (1) Each person authorized to vote for an elected
16 trustee may cast one vote for each related position for
17 which such person is entitled to vote and may cast such
18 vote for any candidate or candidates on the ballot for
19 such trustee position.

20 (2) If only one candidate for each position is
21 properly nominated in petitions received, that candidate
22 shall be deemed the winner and no election under this
23 Section shall be required.

24 (3) The results shall be entered in the minutes of the
25 first meeting of the board following the tally of votes.

26 (e) The initial election for permanent trustees shall be

1 held and the permanent board shall be seated no later than 12
2 months after the effective date of this amendatory Act of the
3 101st General Assembly. Each subsequent election shall be held
4 no later than 30 days prior to the end of the term of the
5 incumbent trustees.

6 (f) The elected trustees shall each serve for terms of 4
7 years commencing on the first business day of the first month
8 after election; except that the terms of office of the
9 initially elected trustees shall be as follows:

10 (1) one trustee elected pursuant to item (1) of
11 subsection (b) of Section 22B-115 shall serve for a term
12 of 2 years and 2 trustees elected pursuant to item (1) of
13 subsection (b) of Section 22B-115 shall serve for a term
14 of 4 years;

15 (2) two trustees elected pursuant to item (2) of
16 subsection (b) of Section 22B-115 shall serve for a term
17 of 2 years and one trustee elected pursuant to item (2) of
18 subsection (b) of Section 22B-115 shall serve for a term
19 of 4 years; and

20 (3) one trustee elected pursuant to item (3) of
21 subsection (b) of Section 22B-115 shall serve for a term
22 of 2 years and one trustee elected pursuant to item (3) of
23 subsection (b) of Section 22B-115 shall serve for a term
24 of 4 years.

25 (g) The trustee appointed pursuant to item (4) of
26 subsection (b) of Section 22B-115 shall serve for a term of 2

1 years commencing on the first business day of the first month
2 after the election of the elected trustees.

3 (h) A member of the board who was elected pursuant to item
4 (1) of subsection (b) of Section 22B-115 who ceases to serve as
5 a mayor, president, chief executive officer, chief financial
6 officer, or other officer, executive, or department head of a
7 municipality that has a participating pension fund shall not
8 be eligible to serve as a member of the board and his or her
9 position shall be deemed vacant. A member of the board who was
10 elected by the participants of participating pension funds who
11 ceases to be a participant may serve the remainder of his or
12 her elected term.

13 For a vacancy of a trustee under item (1) of subsection (b)
14 of Section 22B-115, the vacancy shall be filled by appointment
15 by the board for the unexpired term from a list of candidates
16 recommended by the trustees under item (1) of subsection (b)
17 of Section 22B-115. The list of candidates shall be compiled
18 and presented to the board by the executive director of the
19 Fund.

20 For a vacancy of a trustee under item (2) of subsection (b)
21 of Section 22B-115, the vacancy shall be filled by appointment
22 by the board for the unexpired term from a list of candidates
23 recommended by the trustees under item (2) of subsection (b)
24 of Section 22B-115. The list of candidates shall be compiled
25 and presented to the board by the executive director of the
26 Fund.

1 For a vacancy of a trustee under item (3) of subsection (b)
2 of Section 22B-115, the vacancy shall be filled by appointment
3 by the board for the unexpired term from a list of candidates
4 recommended by the trustees under item (3) of subsection (b)
5 of Section 22B-115. The list of candidates shall be compiled
6 and presented to the board by the executive director of the
7 Fund.

8 ~~For a vacancy of an elected trustee occurring with an~~
9 ~~unexpired term of 6 months or more, an election shall be~~
10 ~~conducted for the vacancy in accordance with Section 22B-115~~
11 ~~and this Section.~~

12 ~~For a vacancy of an elected trustee occurring with an~~
13 ~~unexpired term of less than 6 months, the vacancy shall be~~
14 ~~filled by appointment by the board for the unexpired term as~~
15 ~~follows: a vacancy of a member elected pursuant to item (1) of~~
16 ~~subsection (b) of Section 22B-115 shall be filled by a mayor,~~
17 ~~president, chief executive officer, chief financial officer,~~
18 ~~or other officer, executive, or department head of a~~
19 ~~municipality that has a participating pension fund; a vacancy~~
20 ~~of a member elected pursuant to item (2) of subsection (b) of~~
21 ~~Section 22B-115 shall be filled by a participant of a~~
22 ~~participating pension fund; and a vacancy of a member elected~~
23 ~~under item (3) of subsection (b) of Section 22B-115 shall be~~
24 ~~filled by a beneficiary of a participating pension fund.~~

25 Vacancies among the appointed trustees shall be filled for
26 unexpired terms by appointment in like manner as for the

1 original appointments.

2 (Source: P.A. 101-610, eff. 1-1-20.)".