

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 4-121 as follows:

6 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

7 Sec. 4-121. Board created. There is created in each  
8 municipality or fire protection district a board of trustees to  
9 be known as the "Board of Trustees of the Firefighters' Pension  
10 Fund". The membership of the board for each municipality shall  
11 be, respectively, as follows: in cities, the treasurer, clerk,  
12 marshall or chief officer of the fire department, and the  
13 comptroller if there is one, or if not, the mayor; in each  
14 township, village or incorporated town, the president of the  
15 municipality's board of trustees, the village or town clerk,  
16 village or town attorney, village or town treasurer, and the  
17 chief officer of the fire department; and in each fire  
18 protection district, the president and other 2 members of its  
19 board of trustees and the marshall or chief of its fire  
20 department or service, as the case may be; and in all the  
21 municipalities above designated 3 additional persons chosen  
22 from their active firefighters and one other person who has  
23 retired under the "Firemen's Pension Fund Act of 1919", or this  
24 Article. Notwithstanding any provision of this Section to the  
25 contrary, the term of office of each member of a board  
26 established on or before the 3rd Monday in April, 2006 shall  
27 terminate on the 3rd Monday in April, 2006, but all incumbent  
28 members shall continue to exercise all of the powers and be  
29 subject to all of the duties of a member of the board until all  
30 the new members of the board take office.

31 Beginning on the 3rd Monday in April, 2006, the board for  
32 each municipality or fire protection district shall consist of

1 5 members. Two members of the board shall be appointed by the  
2 mayor or president of the board of trustees of the municipality  
3 or fire protection district involved. Two members of the board  
4 shall be active participants of the pension fund who are  
5 elected from the active participants of the fund. One member of  
6 the board shall be a person who is retired under the Firemen's  
7 Pension Fund Act of 1919 or this Article who is elected from  
8 persons retired under the Firemen's Pension Fund Act of 1919 or  
9 this Article.

10 For the purposes of this Section, a firefighter receiving a  
11 disability pension shall be considered a retired firefighter.  
12 In the event that there are no retired firefighters under the  
13 Fund or if none is willing to serve on the board, then an  
14 additional active firefighter shall be elected to the board in  
15 lieu of the retired firefighter that would otherwise be  
16 elected.

17 If the regularly constituted fire department of a  
18 municipality is dissolved and Section 4-106.1 is not  
19 applicable, the board shall continue to exist and administer  
20 the Fund so long as there continues to be any annuitant or  
21 deferred pensioner in the Fund. In such cases, elections shall  
22 continue to be held as specified in this Section, except that:  
23 (1) deferred pensioners shall be deemed to be active members  
24 for the purposes of such elections; (2) any otherwise  
25 unfillable positions on the board, including ex officio  
26 positions, shall be filled by election from the remaining  
27 firefighters and deferred pensioners of the Fund, to the extent  
28 possible; and (3) if the membership of the board falls below 3  
29 persons, the Illinois Director of Insurance or his designee  
30 shall be deemed a member of the board, ex officio.

31 The members chosen from the active and retired firefighters  
32 shall be elected by ballot at elections to be held on the 3rd  
33 Monday in April of the applicable years under the Australian  
34 ballot system, at such place or places, in the municipality,  
35 and under such regulations as shall be prescribed by the board.

36 No person shall cast more than one vote for each candidate

1 for whom he or she is eligible to vote. In the elections for  
2 board members to be chosen from the active firefighters, all  
3 active firefighters and no others may vote. In the elections  
4 for board members to be chosen from retired firefighters, the  
5 retired firefighters and no others may vote.

6 Each member of the board so elected shall hold office for a  
7 term of 3 years and until his or her successor has been duly  
8 elected and qualified.

9 The board shall canvass the ballots and declare which  
10 persons have been elected and for what term or terms  
11 respectively. In case of a tie vote between 2 or more  
12 candidates, the board shall determine by lot which candidate or  
13 candidates have been elected and for what term or terms  
14 respectively. In the event of the failure, resignation, or  
15 inability to act of any board member, a successor shall be  
16 elected for the unexpired term at a special election called by  
17 the board and conducted in the same manner as a regular  
18 election.

19 The board shall elect annually from its members a president  
20 and secretary.

21 Board members shall not receive or have any right to  
22 receive any salary from a pension fund for services performed  
23 as board members.

24 (Source: P.A. 84-1039.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.