

HB3088



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3088

by Rep. Marcus C. Evans, Jr.

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
40 ILCS 5/17-144	from Ch. 108 1/2, par. 17-144

Amends the Chicago Teacher Article of the Illinois Pension Code. Makes changes concerning the composition and election of members of the Board of Trustees of the Fund. Effective immediately.

LRB098 07989 EFG 38079 b

PENSION IMPACT
NOTE ACT MAY
APPLY

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, 17-139, and 17-144 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 contributors who
12 are not administrators ~~principals~~, one of whom shall be a
13 contributor who is an administrator ~~a principal~~, and 3 of whom
14 shall be pensioners, all to be chosen as provided in this
15 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. At the first meeting of the
19 Board of Education in November of each year, the Board of
20 Education shall appoint one of its members to serve, while a
21 member of the Board of Education, on the Board of Trustees for
22 a term of 2 years.

1 During the first week of November, ~~On the last school day~~
2 ~~of the 4th week of October of each year~~ there shall be elected
3 2 members of the Board from the teachers other than
4 administrators principals, who shall hold office for terms of 3
5 years, provided the trustee retains his or her ~~while retaining~~
6 ~~their~~ status as a teacher ~~teachers~~ other than an administrator
7 ~~principals,~~ and other members to fill any unexpired terms. ~~In~~
8 ~~the event that schools are not in session on or during the week~~
9 ~~prior to the last Friday in October, this election shall be~~
10 ~~held on the Friday of the first subsequent full week of school.~~
11 The election shall be by secret ballot conducted in person or
12 by secure electronic ballot, and shall be held in such manner
13 as the Board by bylaws or rules shall provide. Only teachers
14 who are not administrators principals shall be eligible to vote
15 in the election.

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

26 During the first week of November of each odd-numbered year

1 there shall be elected 3 members of the Board from the
2 pensioners, who shall hold office for a term of 2 years while
3 retaining their status as pensioners. The election shall be by
4 mail ballot or secure electronic ballot to all service and
5 disability pensioners, and shall be held in such manner as the
6 Board by bylaws or rules shall provide.

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

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

15 (40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)

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

17 (1) Contributors other than administrators ~~principals~~
18 election. Every member who is not ~~a principal or~~ an
19 administrator may vote at the election for as many persons as
20 there are trustees to be elected by the contributors who are
21 not ~~principals or~~ administrators, provided that the
22 contributor obtained that voter eligibility status on or before
23 September 1 of the election year. The name of a candidate shall
24 not be placed on ~~printed upon~~ the ballot unless he or she has
25 been assigned on a regular certificate for at least 10 years in

1 the Chicago public schools or charter schools and nominated by
2 a petition signed by not less than 200 contributors who are not
3 ~~principals or~~ administrators.

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

18 Elections to fill vacancies on the Board shall be held at
19 the next annual election.

20 (2) Pensioners election. The name of a candidate shall not
21 be placed ~~printed~~ on the ballot unless he or she has been
22 nominated by a petition signed by not less than 100 pensioners
23 of the Fund. Petitions shall be filed with the recording
24 secretary of the Fund on or before October 1 of the
25 odd-numbered year. If the nominations do not exceed 3, the
26 mailing of ballots shall be eliminated and the nominated

1 candidates shall be declared elected. Otherwise, the 3
2 candidates receiving the highest number of votes cast shall be
3 declared elected. ~~The mailing and counting of the ballots shall~~
4 ~~be conducted by the office of the Fund with volunteer~~
5 ~~assistance from pensioners at the request of the Board.~~

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

22 (4) Vacancies. The Board may fill vacancies occurring in
23 the membership of the Board elected by the ~~principals,~~
24 administrators, teachers other than ~~principals or~~
25 administrators, or pensioners at any regular meeting of the
26 Board. The Board of Education may fill vacancies occurring in

1 the membership of the Board appointed by the Board of Education
2 at any regular meeting of the Board of Education.

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

4 (40 ILCS 5/17-144) (from Ch. 108 1/2, par. 17-144)

5 Sec. 17-144. To fill vacancies. To fill any vacancies
6 occurring in the Board of members elected from the teachers, ~~or~~
7 pensioners, or administrators until the next annual election,
8 when the vacancies shall be filled as provided by this Article.

9 (Source: P.A. 90-566, eff. 1-2-98.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.