



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2437

Introduced 2/3/2004, by Denny Jacobs

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-145.1

Amends the IMRF Article of the Illinois Pension Code. Makes appointed assessors eligible for the special retirement formula for elected county officers. Effective immediately.

LRB093 17799 LRD 43479 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT in relation to 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 7-145.1 as follows:

6 (40 ILCS 5/7-145.1)

7 Sec. 7-145.1. Alternative annuity for county officers.

8 (a) The benefits provided in this Section and Section
9 7-145.2 are available only if the county board has filed with
10 the Board of the Fund a resolution or ordinance expressly
11 consenting to the availability of these benefits for its
12 elected county officers. The county board's consent is
13 irrevocable with respect to persons participating in the
14 program, but may be revoked at any time with respect to persons
15 who have not paid an additional optional contribution under
16 this Section before the date of revocation.

17 An elected county officer may elect to establish
18 alternative credits for an alternative annuity by electing in
19 writing to make additional optional contributions in
20 accordance with this Section and procedures established by the
21 board. These alternative credits are available only for periods
22 of service as an elected county officer. The elected county
23 officer may discontinue making the additional optional
24 contributions by notifying the Fund in writing in accordance
25 with this Section and procedures established by the board.

26 Additional optional contributions for the alternative
27 annuity shall be as follows:

28 (1) For service as an elected county officer after the
29 option is elected, an additional contribution of 3% of
30 salary shall be contributed to the Fund on the same basis
31 and under the same conditions as contributions required
32 under Section 7-173.

1 (2) For service as an elected county officer before the
2 option is elected, an additional contribution of 3% of the
3 salary for the applicable period of service, plus interest
4 at the effective rate from the date of service to the date
5 of payment, plus any additional amount required by the
6 county board under paragraph (3). All payments for past
7 service must be paid in full before credit is given.

8 (3) With respect to service as an elected county
9 officer before the option is elected, if payment is made
10 after the county board has filed with the Board of the Fund
11 a resolution or ordinance requiring an additional
12 contribution under this paragraph, then the contribution
13 required under paragraph (2) shall include an amount to be
14 determined by the Fund, equal to the actuarial present
15 value of the additional employer cost that would otherwise
16 result from the alternative credits being established for
17 that service. A county board's resolution or ordinance
18 requiring additional contributions under this paragraph
19 (3) is irrevocable.

20 No additional optional contributions may be made for any
21 period of service for which credit has been previously
22 forfeited by acceptance of a refund, unless the refund is
23 repaid in full with interest at the effective rate from the
24 date of refund to the date of repayment.

25 (b) In lieu of the retirement annuity otherwise payable
26 under this Article, an elected county officer who (1) has
27 elected to participate in the Fund and make additional optional
28 contributions in accordance with this Section, (2) has held and
29 made additional optional contributions with respect to the same
30 elected county office for at least 8 years, and (3) has
31 attained age 55 with at least 8 years of service credit (or has
32 attained age 50 with at least 20 years of service as a
33 sheriff's law enforcement employee) may elect to have his
34 retirement annuity computed as follows: 3% of the participant's
35 salary for each of the first 8 years of service credit, plus 4%
36 of that salary for each of the next 4 years of service credit,

1 plus 5% of that salary for each year of service credit in
2 excess of 12 years, subject to a maximum of 80% of that salary.

3 This formula applies only to service in an elected county
4 office that the officer held for at least 8 years, and only to
5 service for which additional optional contributions have been
6 paid under this Section. If an elected county officer qualifies
7 to have this formula applied to service in more than one
8 elected county office, the qualifying service shall be
9 accumulated for purposes of determining the applicable accrual
10 percentages, but the salary used for each office shall be the
11 separate salary calculated for that office, as defined in
12 subsection (g).

13 To the extent that the elected county officer has service
14 credit that does not qualify for this formula, his retirement
15 annuity will first be determined in accordance with this
16 formula with respect to the service to which this formula
17 applies, and then in accordance with the remaining Sections of
18 this Article with respect to the service to which this formula
19 does not apply.

20 (c) In lieu of the disability benefits otherwise payable
21 under this Article, an elected county officer who (1) has
22 elected to participate in the Fund, and (2) has become
23 permanently disabled and as a consequence is unable to perform
24 the duties of his office, and (3) was making optional
25 contributions in accordance with this Section at the time the
26 disability was incurred, may elect to receive a disability
27 annuity calculated in accordance with the formula in subsection
28 (b). For the purposes of this subsection, an elected county
29 officer shall be considered permanently disabled only if: (i)
30 disability occurs while in service as an elected county officer
31 and is of such a nature as to prevent him from reasonably
32 performing the duties of his office at the time; and (ii) the
33 board has received a written certification by at least 2
34 licensed physicians appointed by it stating that the officer is
35 disabled and that the disability is likely to be permanent.

36 (d) Refunds of additional optional contributions shall be

1 made on the same basis and under the same conditions as
2 provided under Section 7-166, 7-167 and 7-168. Interest shall
3 be credited at the effective rate on the same basis and under
4 the same conditions as for other contributions.

5 If an elected county officer fails to hold that same
6 elected county office for at least 8 years, he or she shall be
7 entitled after leaving office to receive a refund of the
8 additional optional contributions made with respect to that
9 office, plus interest at the effective rate.

10 (e) The plan of optional alternative benefits and
11 contributions shall be available to persons who are elected
12 county officers and active contributors to the Fund on or after
13 November 15, 1994. A person who was an elected county officer
14 and an active contributor to the Fund on November 15, 1994 but
15 is no longer an active contributor may apply to make additional
16 optional contributions under this Section at any time within 90
17 days after the effective date of this amendatory Act of 1997;
18 if the person is an annuitant, the resulting increase in
19 annuity shall begin to accrue on the first day of the month
20 following the month in which the required payment is received
21 by the Fund.

22 (f) For the purposes of this Section and Section 7-145.2,
23 the terms "elected county officer" and "elected county office"
24 include, but are not limited to: (1) the county clerk,
25 recorder, treasurer, coroner, assessor ~~(if elected)~~, auditor,
26 sheriff, and State's Attorney; members of the county board; and
27 the clerk of the circuit court; and (2) a person who has been
28 appointed to fill a vacancy in an office that is normally
29 filled by election on a countywide basis, for the duration of
30 his or her service in that office. The terms "elected county
31 officer" and "elected county office" do not include any officer
32 or office of a county that has not consented to the
33 availability of benefits under this Section and Section
34 7-145.2.

35 (g) For the purposes of this Section and Section 7-145.2,
36 the term "salary" means the final rate of earnings for the

1 elected county office held, calculated in a manner consistent
2 with Section 7-116, but for that office only. If an elected
3 county officer qualifies to have the formula in subsection (b)
4 applied to service in more than one elected county office, a
5 separate salary shall be calculated and applied with respect to
6 each such office.

7 (h) The changes to this Section made by this amendatory Act
8 of the 91st General Assembly apply to persons who first make an
9 additional optional contribution under this Section on or after
10 the effective date of this amendatory Act.

11 (Source: P.A. 90-32, eff. 6-27-97; 91-685, eff. 1-26-00;
12 91-887, eff. 7-6-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.