



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1175**

Introduced 02/08/05, by Rep. Angelo Saviano

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/7-145.1  
30 ILCS 805/8.29 new

Amends the Illinois Municipal Retirement Fund Article of the Illinois Pension Code. Provides that the alternative annuity that is available to certain county officers is available to members of a board of commissioners of a forest preserve district who are elected to serve on a forest preserve district that is located in a county having a population of more than 800,000 but fewer than 3,000,000 inhabitants. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 06047 AMC 36107 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 to elected county officers other than  
10 members of a board of commissioners of a forest preserve  
11 district who are elected pursuant to Section 3c of the  
12 Downstate Forest Preserve District Act only if the county board  
13 has filed with the Board of the Fund a resolution or ordinance  
14 expressly consenting to the availability of these benefits for  
15 its elected county officers. The benefits provided in this  
16 Section and Section 7-145.2 are available to members of a board  
17 of commissioners of a forest preserve district who are elected  
18 pursuant to Section 3c of the Downstate Forest Preserve  
19 District Act only if that board of commissioners has filed with  
20 the Board of the Fund a resolution or ordinance expressly  
21 consenting to the availability of these benefits for its  
22 elected county officers. The county board's or board of  
23 commissioners of a forest preserve district's consent is  
24 irrevocable with respect to persons participating in the  
25 program, but may be revoked at any time with respect to persons  
26 who have not paid an additional optional contribution under  
27 this Section before the date of revocation.

28 An elected county officer may elect to establish  
29 alternative credits for an alternative annuity by electing in  
30 writing to make additional optional contributions in  
31 accordance with this Section and procedures established by the  
32 board. These alternative credits are available only for periods

1 of service as an elected county officer. The elected county  
2 officer may discontinue making the additional optional  
3 contributions by notifying the Fund in writing in accordance  
4 with this Section and procedures established by the board.

5 Additional optional contributions for the alternative  
6 annuity shall be as follows:

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

12 (2) For service as an elected county officer before the  
13 option is elected, an additional contribution of 3% of the  
14 salary for the applicable period of service, plus interest  
15 at the effective rate from the date of service to the date  
16 of payment, plus any additional amount required by the  
17 county board under paragraph (3) in the case of elected  
18 county officers other than members of a forest preserve  
19 district who are elected pursuant to Section 3c of the  
20 Downstate Forest Preserve District Act or by the board of  
21 forest preserve commissioners in the case of elected county  
22 officers who are members of a forest preserve district who  
23 are elected pursuant to Section 3c of the Downstate Forest  
24 Preserve District Act. All payments for past service must  
25 be paid in full before credit is given.

26 (3) With respect to service as an elected county  
27 officer before the option is elected, if payment is made  
28 after the county board or board of forest preserve  
29 commissioners has filed with the Board of the Fund a  
30 resolution or ordinance requiring an additional  
31 contribution under this paragraph, then the contribution  
32 required under paragraph (2) shall include an amount to be  
33 determined by the Fund, equal to the actuarial present  
34 value of the additional employer cost that would otherwise  
35 result from the alternative credits being established for  
36 that service. A county board's or board of forest preserve

1        commissioner's resolution or ordinance requiring  
2        additional contributions under this paragraph (3) is  
3        irrevocable.

4        No additional optional contributions may be made for any  
5        period of service for which credit has been previously  
6        forfeited by acceptance of a refund, unless the refund is  
7        repaid in full with interest at the effective rate from the  
8        date of refund to the date of repayment.

9        (b) In lieu of the retirement annuity otherwise payable  
10       under this Article, an elected county officer who (1) has  
11       elected to participate in the Fund and make additional optional  
12       contributions in accordance with this Section, (2) has held and  
13       made additional optional contributions with respect to the same  
14       elected county office for at least 8 years, and (3) has  
15       attained age 55 with at least 8 years of service credit (or has  
16       attained age 50 with at least 20 years of service as a  
17       sheriff's law enforcement employee) may elect to have his  
18       retirement annuity computed as follows: 3% of the participant's  
19       salary for each of the first 8 years of service credit, plus 4%  
20       of that salary for each of the next 4 years of service credit,  
21       plus 5% of that salary for each year of service credit in  
22       excess of 12 years, subject to a maximum of 80% of that salary.

23       This formula applies only to service in an elected county  
24       office that the officer held for at least 8 years, and only to  
25       service for which additional optional contributions have been  
26       paid under this Section. If an elected county officer qualifies  
27       to have this formula applied to service in more than one  
28       elected county office, the qualifying service shall be  
29       accumulated for purposes of determining the applicable accrual  
30       percentages, but the salary used for each office shall be the  
31       separate salary calculated for that office, as defined in  
32       subsection (g).

33       To the extent that the elected county officer has service  
34       credit that does not qualify for this formula, his retirement  
35       annuity will first be determined in accordance with this  
36       formula with respect to the service to which this formula

1 applies, and then in accordance with the remaining Sections of  
2 this Article with respect to the service to which this formula  
3 does not apply.

4 (c) In lieu of the disability benefits otherwise payable  
5 under this Article, an elected county officer who (1) has  
6 elected to participate in the Fund, and (2) has become  
7 permanently disabled and as a consequence is unable to perform  
8 the duties of his office, and (3) was making optional  
9 contributions in accordance with this Section at the time the  
10 disability was incurred, may elect to receive a disability  
11 annuity calculated in accordance with the formula in subsection  
12 (b). For the purposes of this subsection, an elected county  
13 officer shall be considered permanently disabled only if: (i)  
14 disability occurs while in service as an elected county officer  
15 and is of such a nature as to prevent him from reasonably  
16 performing the duties of his office at the time; and (ii) the  
17 board has received a written certification by at least 2  
18 licensed physicians appointed by it stating that the officer is  
19 disabled and that the disability is likely to be permanent.

20 (d) Refunds of additional optional contributions shall be  
21 made on the same basis and under the same conditions as  
22 provided under Section 7-166, 7-167 and 7-168. Interest shall  
23 be credited at the effective rate on the same basis and under  
24 the same conditions as for other contributions.

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

30 (e) The plan of optional alternative benefits and  
31 contributions shall be available to persons who are elected  
32 county officers and active contributors to the Fund on or after  
33 November 15, 1994. A person who was an elected county officer  
34 and an active contributor to the Fund on November 15, 1994 but  
35 is no longer an active contributor may apply to make additional  
36 optional contributions under this Section at any time within 90

1 days after the effective date of this amendatory Act of 1997;  
2 if the person is an annuitant, the resulting increase in  
3 annuity shall begin to accrue on the first day of the month  
4 following the month in which the required payment is received  
5 by the Fund.

6 (f) For the purposes of this Section and Section 7-145.2,  
7 the terms "elected county officer" and "elected county office"  
8 include, but are not limited to: (1) the county clerk,  
9 recorder, treasurer, coroner, assessor (if elected), auditor,  
10 sheriff, and State's Attorney; members of the county board;  
11 members of a board of commissioners of a forest preserve  
12 district who are elected pursuant to Section 3c of the  
13 Downstate Forest Preserve District Act; and the clerk of the  
14 circuit court; and (2) a person who has been appointed to fill  
15 a vacancy in an office that is normally filled by election on a  
16 countywide basis, for the duration of his or her service in  
17 that office. The terms "elected county officer" and "elected  
18 county office" do not include any officer or office of a county  
19 or forest preserve district that has not consented to the  
20 availability of benefits under this Section and Section  
21 7-145.2.

22 (g) For the purposes of this Section and Section 7-145.2,  
23 the term "salary" means the final rate of earnings for the  
24 elected county office held, calculated in a manner consistent  
25 with Section 7-116, but for that office only. If an elected  
26 county officer qualifies to have the formula in subsection (b)  
27 applied to service in more than one elected county office, a  
28 separate salary shall be calculated and applied with respect to  
29 each such office.

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

34 (Source: P.A. 90-32, eff. 6-27-97; 91-685, eff. 1-26-00;  
35 91-887, eff. 7-6-00.)

1 Section 90. The State Mandates Act is amended by adding  
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 94th General Assembly.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.