

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 7-109.3 and 7-132 and adding Section 7-109.4 as  
6 follows:

7 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

8 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

9 (a) "Sheriff's law enforcement employee" or "SLEP" means:

10 (1) A county sheriff and all deputies, other than  
11 special deputies, employed on a full time basis in the  
12 office of the sheriff.

13 (2) A person who has elected to participate in this  
14 Fund under Section 3-109.1 of this Code, and who is  
15 employed by a participating municipality to perform police  
16 duties.

17 (3) A law enforcement officer employed on a full time  
18 basis by a Forest Preserve District, provided that such  
19 officer shall be deemed a "sheriff's law enforcement  
20 employee" for the purposes of this Article, and service in  
21 that capacity shall be deemed to be service as a sheriff's  
22 law enforcement employee, only if the board of  
23 commissioners of the District have so elected by adoption  
24 of an affirmative resolution. Such election, once made, may  
25 not be rescinded.

26 (4) A person not eligible to participate in a fund  
27 established under Article 3 of this Code who is employed on  
28 a full-time basis by a participating municipality or  
29 participating instrumentality to perform police duties at  
30 an airport, but only if the governing authority of the  
31 employer has approved sheriff's law enforcement employee  
32 status for its airport police employees by adoption of an

1 affirmative resolution. Such approval, once given, may not  
2 be rescinded.

3 (5) An elected or appointed coroner who has elected to  
4 participate in this Fund as a sheriff's law enforcement  
5 employee under Section 3-109.4.

6 (b) An employee who is a sheriff's law enforcement employee  
7 and is granted military leave or authorized leave of absence  
8 shall receive service credit in that capacity. Sheriff's law  
9 enforcement employees shall not be entitled to out-of-State  
10 service credit under Section 7-139.

11 (Source: P.A. 92-16, eff. 6-28-01.)

12 (40 ILCS 5/7-109.4 new)

13 Sec. 7-109.4. SLEP credit for coroner.

14 (a) An elected or appointed coroner who participates in the  
15 Fund may elect to participate as a sheriff's law enforcement  
16 employee.

17 (b) An elected or appointed coroner who has elected to  
18 participate in the Fund as a sheriff's law enforcement employee  
19 may have his or her service as a coroner prior to the date of  
20 that election deemed service as a sheriff's law enforcement  
21 employee by paying to the Fund the additional contribution  
22 required under Section 7-173.1, plus interest thereon at the  
23 effective rate from the date of the service to the date of  
24 payment.

25 (40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

26 Sec. 7-132. Municipalities, instrumentalities and  
27 participating instrumentalities included and effective dates.

28 (A) Municipalities and their instrumentalities.

29 (a) The following described municipalities, but not  
30 including any with more than 1,000,000 inhabitants, and the  
31 instrumentalities thereof, shall be included within and be  
32 subject to this Article beginning upon the effective dates  
33 specified by the Board:

1           (1) Except as to the municipalities and  
2 instrumentalities thereof specifically excluded under this  
3 Article, every county shall be subject to this Article, and  
4 all cities, villages and incorporated towns having a  
5 population in excess of 5,000 inhabitants as determined by  
6 the last preceding decennial or subsequent federal census,  
7 shall be subject to this Article following publication of  
8 the census by the Bureau of the Census. Within 90 days  
9 after publication of the census, the Board shall notify any  
10 municipality that has become subject to this Article as a  
11 result of that census, and shall provide information to the  
12 corporate authorities of the municipality explaining the  
13 duties and consequences of participation. The notification  
14 shall also include a proposed date upon which participation  
15 by the municipality will commence.

16           However, for any city, village or incorporated town  
17 that attains a population over 5,000 inhabitants after  
18 having provided social security coverage for its employees  
19 under the Social Security Enabling Act, participation  
20 under this Article shall not be mandatory but may be  
21 elected in accordance with subparagraph (3) or (4) of this  
22 paragraph (a), whichever is applicable.

23           (2) School districts, other than those specifically  
24 excluded under this Article, shall be subject to this  
25 Article, without election, with respect to all employees  
26 thereof.

27           (3) Towns and all other bodies politic and corporate  
28 which are formed by vote of, or are subject to control by,  
29 the electors in towns and are located in towns which are  
30 not participating municipalities on the effective date of  
31 this Act, may become subject to this Article by election  
32 pursuant to Section 7-132.1.

33           (4) Any other municipality (together with its  
34 instrumentalities), other than those specifically excluded  
35 from participation and those described in paragraph (3)  
36 above, may elect to be included either by referendum under

1 Section 7-134 or by the adoption of a resolution or  
2 ordinance by its governing body. A copy of such resolution  
3 or ordinance duly authenticated and certified by the clerk  
4 of the municipality or other appropriate official of its  
5 governing body shall constitute the required notice to the  
6 board of such action.

7 (b) A municipality that is about to begin participation  
8 shall submit to the Board an application to participate, in a  
9 form acceptable to the Board, not later than 90 days prior to  
10 the proposed effective date of participation. The Board shall  
11 act upon the application within 90 days, and if it finds that  
12 the application is in conformity with its requirements and the  
13 requirements of this Article, participation by the applicant  
14 shall commence on a date acceptable to the municipality and  
15 specified by the Board, but in no event more than one year from  
16 the date of application.

17 (c) A participating municipality which succeeds to the  
18 functions of a participating municipality which is dissolved or  
19 terminates its existence shall assume and be transferred the  
20 net accumulation balance in the municipality reserve and the  
21 municipality account receivable balance of the terminated  
22 municipality.

23 (d) In the case of a Veterans Assistance Commission whose  
24 employees were being treated by the Fund on January 1, 1990 as  
25 employees of the county served by the Commission, the Fund may  
26 continue to treat the employees of the Veterans Assistance  
27 Commission as county employees for the purposes of this  
28 Article, unless the Commission becomes a participating  
29 instrumentality in accordance with subsection (B) of this  
30 Section.

31 (B) Participating instrumentalities.

32 (a) The participating instrumentalities designated in  
33 paragraph (b) of this subsection shall be included within and  
34 be subject to this Article if:

35 (1) an application to participate, in a form acceptable

1 to the Board and adopted by a two-thirds vote of the  
2 governing body, is presented to the Board not later than 90  
3 days prior to the proposed effective date; and

4 (2) the Board finds that the application is in  
5 conformity with its requirements, that the applicant has  
6 reasonable expectation to continue as a political entity  
7 for a period of at least 10 years and has the prospective  
8 financial capacity to meet its current and future  
9 obligations to the Fund, and that the actuarial soundness  
10 of the Fund may be reasonably expected to be unimpaired by  
11 approval of participation by the applicant.

12 The Board shall notify the applicant of its findings within  
13 90 days after receiving the application, and if the Board  
14 approves the application, participation by the applicant shall  
15 commence on the effective date specified by the Board.

16 (b) The following participating instrumentalities, so long  
17 as they meet the requirements of Section 7-108 and the area  
18 served by them or within their jurisdiction is not located  
19 entirely within a municipality having more than one million  
20 inhabitants, may be included hereunder:

21 i. Township School District Trustees.

22 ii. Multiple County and Consolidated Health  
23 Departments created under Division 5-25 of the Counties  
24 Code or its predecessor law.

25 iii. Public Building Commissions created under the  
26 Public Building Commission Act, and located in counties of  
27 less than 1,000,000 inhabitants.

28 iv. A multitype, consolidated or cooperative library  
29 system created under the Illinois Library System Act. Any  
30 library system created under the Illinois Library System  
31 Act that has one or more predecessors that participated in  
32 the Fund may participate in the Fund upon application. The  
33 Board shall establish procedures for implementing the  
34 transfer of rights and obligations from the predecessor  
35 system to the successor system.

36 v. Regional Planning Commissions created under

1 Division 5-14 of the Counties Code or its predecessor law.

2 vi. Local Public Housing Authorities created under the  
3 Housing Authorities Act, located in counties of less than  
4 1,000,000 inhabitants.

5 vii. Illinois Municipal League.

6 viii. Northeastern Illinois Metropolitan Area Planning  
7 Commission.

8 ix. Southwestern Illinois Metropolitan Area Planning  
9 Commission.

10 x. Illinois Association of Park Districts.

11 xi. Illinois Supervisors, County Commissioners and  
12 Superintendents of Highways Association.

13 xii. Tri-City Regional Port District.

14 xiii. An association, or not-for-profit corporation,  
15 membership in which is authorized under Section 85-15 of  
16 the Township Code.

17 xiv. Drainage Districts operating under the Illinois  
18 Drainage Code.

19 xv. Local mass transit districts created under the  
20 Local Mass Transit District Act.

21 xvi. Soil and water conservation districts created  
22 under the Soil and Water Conservation Districts Law.

23 xvii. Commissions created to provide water supply or  
24 sewer services or both under Division 135 or Division 136  
25 of Article 11 of the Illinois Municipal Code.

26 xviii. Public water districts created under the Public  
27 Water District Act.

28 xix. Veterans Assistance Commissions established under  
29 Section 9 of the Military Veterans Assistance Act that  
30 serve counties with a population of less than 1,000,000.

31 xx. The governing body of an entity, other than a  
32 vocational education cooperative, created under an  
33 intergovernmental cooperative agreement established  
34 between participating municipalities under the  
35 Intergovernmental Cooperation Act, which by the terms of  
36 the agreement is the employer of the persons performing

1 services under the agreement under the usual common law  
2 rules determining the employer-employee relationship. The  
3 governing body of such an intergovernmental cooperative  
4 entity established prior to July 1, 1988 may make  
5 participation retroactive to the effective date of the  
6 agreement and, if so, the effective date of participation  
7 shall be the date the required application is filed with  
8 the fund. If any such entity is unable to pay the required  
9 employer contributions to the fund, then the participating  
10 municipalities shall make payment of the required  
11 contributions and the payments shall be allocated as  
12 provided in the agreement or, if not so provided, equally  
13 among them.

14 xxi. The Illinois Municipal Electric Agency.

15 xxii. The Waukegan Port District.

16 xxiii. The Fox Waterway Agency created under the Fox  
17 Waterway Agency Act.

18 xxiv. The Illinois Municipal Gas Agency.

19 xxv. The Kaskaskia Regional Port District.

20 xxvi. The Southwestern Illinois Development Authority.

21 xxvii. The Cairo Public Utility Company.

22 (c) The governing boards of special education joint  
23 agreements created under Section 10-22.31 of the School Code  
24 without designation of an administrative district shall be  
25 included within and be subject to this Article as participating  
26 instrumentalities when the joint agreement becomes effective.  
27 However, the governing board of any such special education  
28 joint agreement in effect before September 5, 1975 shall not be  
29 subject to this Article unless the joint agreement is modified  
30 by the school districts to provide that the governing board is  
31 subject to this Article, except as otherwise provided by this  
32 Section.

33 The governing board of the Special Education District of  
34 Lake County shall become subject to this Article as a  
35 participating instrumentality on July 1, 1997. Notwithstanding  
36 subdivision (a)1 of Section 7-139, on the effective date of

1 participation, employees of the governing board of the Special  
2 Education District of Lake County shall receive creditable  
3 service for their prior service with that employer, up to a  
4 maximum of 5 years, without any employee contribution.  
5 Employees may establish creditable service for the remainder of  
6 their prior service with that employer, if any, by applying in  
7 writing and paying an employee contribution in an amount  
8 determined by the Fund, based on the employee contribution  
9 rates in effect at the time of application for the creditable  
10 service and the employee's salary rate on the effective date of  
11 participation for that employer, plus interest at the effective  
12 rate from the date of the prior service to the date of payment.  
13 Application for this creditable service must be made before  
14 July 1, 1998; the payment may be made at any time while the  
15 employee is still in service. The employer may elect to make  
16 the required contribution on behalf of the employee.

17 The governing board of a special education joint agreement  
18 created under Section 10-22.31 of the School Code for which an  
19 administrative district has been designated, if there are  
20 employees of the cooperative educational entity who are not  
21 employees of the administrative district, may elect to  
22 participate in the Fund and be included within this Article as  
23 a participating instrumentality, subject to such application  
24 procedures and rules as the Board may prescribe.

25 The Boards of Control of cooperative or joint educational  
26 programs or projects created and administered under Section  
27 3-15.14 of the School Code, whether or not the Boards act as  
28 their own administrative district, shall be included within and  
29 be subject to this Article as participating instrumentalities  
30 when the agreement establishing the cooperative or joint  
31 educational program or project becomes effective.

32 The governing board of a special education joint agreement  
33 entered into after June 30, 1984 and prior to September 17,  
34 1985 which provides for representation on the governing board  
35 by less than all the participating districts shall be included  
36 within and subject to this Article as a participating



1 instrumentality. Such participation shall be effective as of  
2 the date the joint agreement becomes effective.

3 The governing boards of educational service centers  
4 established under Section 2-3.62 of the School Code shall be  
5 included within and subject to this Article as participating  
6 instrumentalities. The governing boards of vocational  
7 education cooperative agreements created under the  
8 Intergovernmental Cooperation Act and approved by the State  
9 Board of Education shall be included within and be subject to  
10 this Article as participating instrumentalities. If any such  
11 governing boards or boards of control are unable to pay the  
12 required employer contributions to the fund, then the school  
13 districts served by such boards shall make payment of required  
14 contributions as provided in Section 7-172. The payments shall  
15 be allocated among the several school districts in proportion  
16 to the number of students in average daily attendance for the  
17 last full school year for each district in relation to the  
18 total number of students in average attendance for such period  
19 for all districts served. If such educational service centers,  
20 vocational education cooperatives or cooperative or joint  
21 educational programs or projects created and administered  
22 under Section 3-15.14 of the School Code are dissolved, the  
23 assets and obligations shall be distributed among the districts  
24 in the same proportions unless otherwise provided.

25 (d) The governing boards of special recreation joint  
26 agreements created under Section 8-10b of the Park District  
27 Code, operating without designation of an administrative  
28 district or an administrative municipality appointed to  
29 administer the program operating under the authority of such  
30 joint agreement shall be included within and be subject to this  
31 Article as participating instrumentalities when the joint  
32 agreement becomes effective. However, the governing board of  
33 any such special recreation joint agreement in effect before  
34 January 1, 1980 shall not be subject to this Article unless the  
35 joint agreement is modified, by the districts and  
36 municipalities which are parties to the agreement, to provide

1 that the governing board is subject to this Article.

2 If the Board returns any employer and employee  
3 contributions to any employer which erroneously submitted such  
4 contributions on behalf of a special recreation joint  
5 agreement, the Board shall include interest computed from the  
6 end of each year to the date of payment, not compounded, at the  
7 rate of 7% per annum.

8 (e) Each multi-township assessment district, the board of  
9 trustees of which has adopted this Article by ordinance prior  
10 to April 1, 1982, shall be a participating instrumentality  
11 included within and subject to this Article effective December  
12 1, 1981. The contributions required under Section 7-172 shall  
13 be included in the budget prepared under and allocated in  
14 accordance with Section 2-30 of the Property Tax Code.

15 (f) The Illinois Medical District Commission created under  
16 the Illinois Medical District Act may be included within and  
17 subject to this Article as a participating instrumentality,  
18 notwithstanding that the location of the District is entirely  
19 within the City of Chicago. To become a participating  
20 instrumentality, the Commission must apply to the Board in the  
21 manner set forth in paragraph (a) of this subsection (B). If  
22 the Board approves the application, under the criteria and  
23 procedures set forth in paragraph (a) and any other applicable  
24 rules, criteria, and procedures of the Board, participation by  
25 the Commission shall commence on the effective date specified  
26 by the Board.

27 (C) Prospective participants.

28 ~~(f)~~ Beginning January 1, 1992, each prospective  
29 participating municipality or participating instrumentality  
30 shall pay to the Fund the cost, as determined by the Board, of  
31 a study prepared by the Fund or its actuary, detailing the  
32 prospective costs of participation in the Fund to be expected  
33 by the municipality or instrumentality.

34 (Source: P.A. 92-424, eff. 8-17-01; 93-777, eff. 7-21-04.)

1 Section 90. The State Mandates Act is amended by adding  
2 Section 8.30 as follows:

3 (30 ILCS 805/8.30 new)

4 Sec. 8.30. 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.