



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2972

Introduced 1/20/2006, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-128.1
30 ILCS 805/8.30 new

from Ch. 108 1/2, par. 9-128.1

Amends the Cook County Article of the Illinois Pension Code. Adds corrections officers with the County Department of Corrections who withdraw or retire after December 31, 2005 to provisions concerning annuities for members of the County Police Department. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 19003 AMC 54489 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 9-128.1 as follows:

6 (40 ILCS 5/9-128.1) (from Ch. 108 1/2, par. 9-128.1)

7 Sec. 9-128.1. Annuities for members of the County Police
8 Department and the County Department of Corrections.

9 (a) In lieu of the regular or minimum annuity or annuities
10 for any deputy sheriff who is a member of a County Police
11 Department, he may, upon withdrawal from service after not less
12 than 20 years of service in the position of deputy sheriff as
13 defined below, upon or after attainment of age 55, receive a
14 total annuity equal to 2% for each year of service based upon
15 his highest average annual salary for any 4 consecutive years
16 within the last 10 years of service immediately preceding the
17 date of withdrawal from service, subject to a maximum annuity
18 equal to 75% of such average annual salary.

19 (b) Any deputy sheriff who withdraws from the service after
20 July 1, 1979, after having attained age 53 in the service with
21 23 or more years of service credit shall be entitled to an
22 annuity computed as follows if such annuity is greater than
23 that provided in the foregoing paragraphs of this Section
24 9-128.1: An annuity equal to 50% of the average salary for the
25 4 highest consecutive years of the last 10 years of service
26 plus additional annuity equal to 2% of such average salary for
27 each completed year of service or fraction thereof rendered
28 after his attainment of age 53 and the completion of 23 years
29 of service, plus an additional annuity equal to 1% of such
30 average salary for each completed year of service or fraction
31 thereof in excess of 23 years up to age 53.

32 (c) Any deputy sheriff who withdraws from the service after

1 December 31, 1987 and any corrections officer with the County
2 Department of Corrections who withdraws from service after
3 December 31, 2005 with a total of 20 or more years of service
4 credit, shall be entitled, upon attainment of age 50, to an
5 annuity computed as follows if such annuity is greater than
6 that provided in the foregoing paragraphs of this Section
7 9-128.1: An annuity equal to 50% of the average salary for the
8 4 highest consecutive years of the last 10 years of service,
9 plus additional annuity equal to 2% of such average salary for
10 each completed year of service or fraction thereof in excess of
11 20 years.

12 (d) A deputy sheriff who reaches compulsory retirement age
13 and a corrections officer with the County Department of
14 Corrections who reaches compulsory retirement age after
15 December 31, 2005 who has less than 23 years of combined
16 service shall be entitled to a minimum annuity equal to an
17 amount determined by the product of (1) his years of service
18 and (2) 2% of his average salary for the 4 consecutive highest
19 years of salary within the last 10 years of service immediately
20 prior to his reaching compulsory retirement age.

21 (e) Any deputy sheriff who retires after January 1, 1984
22 and any corrections officer with the County Department of
23 Corrections who retires after December 31, 2005 who elects to
24 receive an annuity under this Section, and who has credits
25 under this Article for service not as a deputy sheriff or a
26 corrections officer with the County Department of Corrections,
27 shall be entitled to receive, in addition to the amount of
28 annuity otherwise provided under this Section, an additional
29 amount of annuity provided from the totals accumulated to his
30 credit for prior service and age and service annuities for such
31 service not as a deputy sheriff.

32 (f) The term "deputy sheriff" means an employee charged
33 with the duty of law enforcement as a deputy sheriff as
34 specified in Section 1 of "An Act in relation to County Police
35 Departments in certain Counties, creating a County Police
36 Department Merit Board and defining its powers and duties",

1 approved August 5, 1963, who rendered service in such position
2 before and after such date.

3 The terms "deputy sheriff" and "member of a County Police
4 Department" shall also include an elected sheriff of the county
5 who has elected to become a contributor and who has submitted
6 to the board his written election to be included within the
7 provisions of this Section. With respect to any such sheriff,
8 service as the elected sheriff of the county shall be deemed to
9 be service in the position of deputy sheriff for the purposes
10 of this Section provided that the employee contributions
11 therefor are made at the rate prescribed for members of the
12 County Police Department. A sheriff electing to be included
13 under this Section may also elect to have his service as
14 sheriff of the county before the date of such election included
15 as service as a deputy sheriff for the purposes of this
16 Section, by making an additional contribution for each year of
17 such service, equal to the difference between the amount he
18 would have contributed to the Fund during such year had he been
19 contributing at the rate then in effect for members of the
20 County Police Department and the amount actually contributed,
21 plus interest thereon at the rate of 6% per annum from the end
22 of such year to the date of payment.

23 (g) In no case shall an annual annuity provided in this
24 Section 9-128.1 exceed 80% of the average annual salary for any
25 4 consecutive years within the last 10 years of service
26 immediately preceding the date of withdrawal from service.

27 A deputy sheriff may in addition, be entitled to the
28 benefits provided by Section 9-133 or 9-133.1 if he so
29 qualifies under such Sections.

30 (h) A deputy sheriff may elect, between January 1 and
31 January 15, 1983, to transfer his creditable service as a
32 member of the State Employees' Retirement System of Illinois to
33 any Fund established under this Article of which he is a
34 member, and such transferred creditable service shall be
35 included as service for the purpose of calculating his benefits
36 under this Article to the extent that the payment specified in

1 Section 14-105.3 has been received by such Fund.

2 (i) An active deputy sheriff who has at least 15 years of
3 service credit in that capacity may elect to have any or all of
4 his credits under this Article for service not as a deputy
5 sheriff deemed to be credits for service as a deputy sheriff,
6 by filing a written election with the Board, accompanied by
7 payment of an amount to be determined by the Board, equal to
8 (1) the difference between the amount of employee contributions
9 actually contributed by the applicant for such service not as a
10 deputy sheriff, and the amounts that would have been
11 contributed had such contributions been made at the rates
12 applicable to service as a deputy sheriff, plus (2) interest
13 thereon at the rate of 3% per annum, compounded annually, from
14 the date of service to the date of payment.

15 (j) Beginning on the effective date of this amendatory Act
16 of 1996, the terms "deputy sheriff" and "member of a County
17 Police Department" shall also include any chief of the County
18 Police Department or undersheriff of the County Sheriff's
19 Department who has submitted to the board his or her written
20 election to be included within the provisions of this Section.
21 With respect to any such police chief or undersheriff, service
22 as a chief of the County Police Department or an undersheriff
23 of the County Sheriff's Department shall be deemed to be
24 service in the position of deputy sheriff for the purposes of
25 this Section, provided that the employee contributions
26 therefor are made at the rate prescribed for members of the
27 County Police Department.

28 A chief of the County Police Department or undersheriff of
29 the County Sheriff's Department electing to be included under
30 this Section may also elect to have his or her service as chief
31 of the County Police Department or undersheriff of the County
32 Sheriff's Department before the date of the election included
33 as service as a deputy sheriff for the purposes of this
34 Section, by making an additional contribution for each year of
35 such service, equal to the difference between the amount that
36 he or she would have contributed to the Fund during that year

1 at the rate then in effect for members of the County Police
2 Department and the amount actually contributed, plus interest
3 thereon at the rate of 6% per year, compounded annually, from
4 the end of that year to the date of payment.

5 A chief of the County Police Department or undersheriff of
6 the County Sheriff's Department who has elected to be included
7 within the provisions of this Section may transfer to this Fund
8 credits and creditable service accumulated under any pension
9 fund or retirement system established under Article 3, 7, 8,
10 14, or 15, upon payment to the Fund of (1) the amount by which
11 the employee contributions that would have been required if he
12 or she had participated in this Fund during the period for
13 which credit is being transferred, plus interest, plus an equal
14 amount for employer contributions, exceeds the amounts
15 actually transferred from that other fund or system to this
16 Fund, plus (2) interest thereon at 6% per year, compounded
17 annually, from the date of transfer to the date of payment.

18 A chief of the County Police Department or undersheriff of
19 the County Sheriff's Department may purchase credits and
20 creditable service for up to 2 years of public employment
21 rendered to an out-of-state public agency. Payment for that
22 service shall be at the applicable rates in effect for employee
23 and employer contributions during the period for which credit
24 is being purchased, plus interest at the rate of 6% per year,
25 compounded annually, from the date of service until the date of
26 payment.

27 (k) The changes made to this Section by this amendatory Act
28 of the 94th General Assembly apply without regard to whether
29 the member was in service on or after its effective date. Any
30 increase attributable to the additional service allowable
31 under this amendatory Act of the 94th General Assembly shall be
32 included in the calculation of automatic annual increases
33 accruing after the effective date of the recalculation.

34 (Source: P.A. 89-643, eff. 8-9-96.)

35 Section 90. The State Mandates Act is amended by adding

1 Section 8.30 as follows:

2 (30 ILCS 805/8.30 new)

3 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 94th General Assembly.

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