



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1440

Introduced 2/21/2007, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-137.1  
30 ILCS 805/8.31 new

from Ch. 108 1/2, par. 7-137.1

Amends the IMRF Article of the Illinois Pension Code. In the provisions allowing certain annuitants to hold elective office without participating in the Fund or losing their retirement annuities, allows a separate election for each term of office. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

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FISCAL NOTE ACT  
MAY APPLY

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 7-137.1 as follows:

6 (40 ILCS 5/7-137.1) (from Ch. 108 1/2, par. 7-137.1)

7 Sec. 7-137.1. Elected officials.

8 (a) A person holding an elective office who has elected to  
9 participate in the Fund while in that office may revoke that  
10 election and cease participating in the Fund by notifying the  
11 Board in writing before January 1, 1992.

12 Upon such revocation, the person shall forfeit all  
13 creditable service earned while holding that office, and the  
14 Board shall refund to the person, without interest, all  
15 employee contributions paid for the forfeited creditable  
16 service. The Board shall also refund or credit to the employing  
17 municipality, without interest, the employer contributions  
18 relating to the forfeited service, except those for death and  
19 disability.

20 (b) Notwithstanding the provisions of Sections 7-141 and  
21 7-144, beginning January 1, 1992, a person who holds an  
22 elective office and has not elected to participate in the Fund  
23 with respect to that term of office (or has revoked his

1 election to participate with respect to that term of office  
2 under subsection (a) of this Section) shall not be disqualified  
3 from receiving a retirement annuity during that term of office  
4 by reason of holding that ~~such~~ office, provided that the  
5 annuity is not based on any credits received for participating  
6 during ~~while holding~~ that term of office.

7 (Source: P.A. 87-740.)

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.31 as follows:

10 (30 ILCS 805/8.31 new)

11 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
12 of this Act, no reimbursement by the State is required for the  
13 implementation of any mandate created by this amendatory Act of  
14 the 95th General Assembly.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.