

HB3578



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3578

Introduced 2/28/2007, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-121.6

from Ch. 108 1/2, par. 9-121.6

30 ILCS 805/8.31 new

Amends the Cook County Article of the Illinois Pension Code. Provides that the plan of optional alternative benefits and contributions for Cook county officers elected by vote of the people only applies to county officers elected by vote of the people on or before the effective date of the amendatory Act. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 11357 AMC 32113 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 9-121.6 as follows:

6 (40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)

7 Sec. 9-121.6. Alternative annuity for county officers. (a)
8 Any county officer elected by vote of the people may elect to
9 establish alternative credits for an alternative annuity by
10 electing in writing to make additional optional contributions
11 in accordance with this Section and procedures established by
12 the board. Such elected county officer may discontinue making
13 the additional optional contributions by notifying the Fund in
14 writing in accordance with this Section and procedures
15 established by the board.

16 Additional optional contributions for the alternative
17 annuity shall be as follows:

18 (1) For service after the option is elected, an additional
19 contribution of 3% of salary shall be contributed to the Fund
20 on the same basis and under the same conditions as
21 contributions required under Sections 9-170 and 9-176.

22 (2) For service before the option is elected, an additional
23 contribution of 3% of the salary for the applicable period of

1 service, plus interest at the effective rate from the date of
2 service to the date of payment. All payments for past service
3 must be paid in full before credit is given. No additional
4 optional contributions may be made for any period of service
5 for which credit has been previously forfeited by acceptance of
6 a refund, unless the refund is repaid in full with interest at
7 the effective rate from the date of refund to the date of
8 repayment.

9 (b) In lieu of the retirement annuity otherwise payable
10 under this Article, any county officer elected by vote of the
11 people who (1) has elected to participate in the Fund and make
12 additional optional contributions in accordance with this
13 Section, and (2) has attained age 60 with at least 10 years of
14 service credit, or has attained age 65 with at least 8 years of
15 service credit, may elect to have his retirement annuity
16 computed as follows: 3% of the participant's salary at the time
17 of termination of service for each of the first 8 years of
18 service credit, plus 4% of such salary for each of the next 4
19 years of service credit, plus 5% of such salary for each year
20 of service credit in excess of 12 years, subject to a maximum
21 of 80% of such salary. To the extent such elected county
22 officer has made additional optional contributions with
23 respect to only a portion of his years of service credit, his
24 retirement annuity will first be determined in accordance with
25 this Section to the extent such additional optional
26 contributions were made, and then in accordance with the

1 remaining Sections of this Article to the extent of years of
2 service credit with respect to which additional optional
3 contributions were not made.

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

21 (d) Refunds of additional optional contributions shall be
22 made on the same basis and under the same conditions as
23 provided under Section 9-164, 9-166 and 9-167. Interest shall
24 be credited at the effective rate on the same basis and under
25 the same conditions as for other contributions. Optional
26 contributions shall be accounted for in a separate Elected

1 County Officer Optional Contribution Reserve. Optional
2 contributions under this Section shall be included in the
3 amount of employee contributions used to compute the tax levy
4 under Section 9-169.

5 (e) The effective date of this plan of optional alternative
6 benefits and contributions shall be January 1, 1988, or the
7 date upon which approval is received from the U.S. Internal
8 Revenue Service, whichever is later. The plan of optional
9 alternative benefits and contributions shall not be available
10 to any former county officer or employee receiving an annuity
11 from the Fund on the effective date of the plan, unless he
12 re-enters service as an elected county officer and renders at
13 least 3 years of additional service after the date of re-entry.

14 (f) The plan of optional alternative benefits and
15 contributions authorized under this Section applies only to
16 county officers elected by vote of the people on or before the
17 effective date of this amendatory Act of the 95th General
18 Assembly.

19 (Source: P.A. 85-964.)

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.31 as follows:

22 (30 ILCS 805/8.31 new)

23 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 95th General Assembly.