



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1583

Introduced 2/9/2011, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-169

from Ch. 108 1/2, par. 9-169

Amends the Cook County Article of the Illinois Pension Code. Deletes a prohibition on the use of county funds, other than those funds raised by the tax levied by the county under that Article, in order to make the required contribution by the county. Provides that, in lieu of levying all or a portion of the required tax in any year, the county may deposit with the county treasurer no later than March 1 of that year for the benefit of the Cook County Employees' and Officers' Annuity and Benefit Fund an amount that, together with the levied tax for that year, is not less than the amount of the county's contribution for that year, as certified to the county board by the Board of Trustees of the Cook County Employees' and Officers' Annuity and Benefit Fund. Authorizes the deposit to be derived from any source legally available for that purpose, including, but not limited to, the proceeds of county borrowings. Provides that such a deposit shall, to the extent of the amounts so deposited, satisfy the requirement to levy a tax for that year. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB097 07604 JDS 47715 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 9-169 as follows:

6 (40 ILCS 5/9-169) (from Ch. 108 1/2, par. 9-169)

7 Sec. 9-169. Financing - Tax levy.

8 (a) The county board shall levy a tax annually upon all
9 taxable property in the county at the rate that will produce a
10 sum which, when added to the amounts deducted from the salaries
11 of the employees or otherwise contributed by them is sufficient
12 for the requirements of this Article.

13 For the years before 1962 the tax rate shall be as provided
14 in "The 1925 Act". For the years 1962 and 1963 the tax rate
15 shall be not more than .0200 per cent; for the years 1964 and
16 1965 the tax rate shall be not more than .0202 per cent; for
17 the years 1966 and 1967 the tax rate shall be not more than
18 .0207 per cent; for the year 1968 the tax rate shall be not
19 more than .0220 per cent; for the year 1969 the tax rate shall
20 be not more than .0233 per cent; for the year 1970 the tax rate
21 shall be not more than .0255 per cent; for the year 1971 the
22 tax rate shall be not more than .0268 per cent of the value, as
23 equalized or assessed by the Department of Revenue upon all

1 taxable property in the county. Beginning with the year 1972
2 and for each year thereafter the county shall levy a tax
3 annually at a rate on the dollar of the value, as equalized or
4 assessed by the Department of Revenue of all taxable property
5 within the county that will produce, when extended, not to
6 exceed an amount equal to the total amount of contributions
7 made by the employees to the fund in the calendar year 2 years
8 prior to the year for which the annual applicable tax is levied
9 multiplied by .8 for the years 1972 through 1976; by .8 for the
10 year 1977; by .87 for the year 1978; by .94 for the year 1979;
11 by 1.02 for the year 1980 and by 1.10 for the year 1981 and by
12 1.18 for the year 1982 and by 1.36 for the year 1983 and by 1.54
13 for the year 1984 and for each year thereafter.

14 This tax shall be levied and collected in like manner with
15 the general taxes of the county, and shall be in addition to
16 all other taxes which the county is authorized to levy upon the
17 aggregate valuation of all taxable property within the county
18 and shall be exclusive of and in addition to the amount of tax
19 the county is authorized to levy for general purposes under any
20 laws which may limit the amount of tax which the county may
21 levy for general purposes. The county clerk, in reducing tax
22 levies under any Act concerning the levy and extension of
23 taxes, shall not consider this tax as a part of the general tax
24 levy for county purposes, and shall not include it within any
25 limitation of the per cent of the assessed valuation upon which
26 taxes are required to be extended for the county. It is lawful

1 to extend this tax in addition to the general county rate fixed
2 by statute, without being authorized as additional by a vote of
3 the people of the county.

4 Revenues derived from this tax shall be paid to the
5 treasurer of the county and held by him for the benefit of the
6 fund.

7 If the payments on account of taxes are insufficient during
8 any year to meet the requirements of this Article, the county
9 may issue tax anticipation warrants against the current tax
10 levy.

11 (b) By January 10, annually, the board shall notify the
12 county board of the requirement of this Article that this tax
13 shall be levied. The board shall make an annual determination
14 of the required county contributions, and shall certify the
15 results thereof to the county board.

16 (c) The various sums to be contributed by the county board
17 and allocated for the purposes of this Article and any interest
18 to be contributed by the county shall be taken from the revenue
19 derived from this tax or as otherwise provided in this Section
20 ~~and no money of the county derived from any source other than~~
21 ~~the levy and collection of this tax or the sale of tax~~
22 ~~anticipation warrants, except state or federal funds~~
23 ~~contributed for annuity and benefit purposes for employees of a~~
24 ~~county department of public aid under "The Illinois Public Aid~~
25 ~~Code", approved April 11, 1967, as now or hereafter amended,~~
26 ~~may be used to provide revenue for the fund.~~

1 If it is not possible or practicable for the county to make
2 contributions for age and service annuity and widow's annuity
3 concurrently with the employee contributions made for such
4 purposes, such county shall make such contributions as soon as
5 possible and practicable thereafter with interest thereon at
6 the effective rate until the time it shall be made.

7 (d) With respect to employees whose wages are funded as
8 participants under the Comprehensive Employment and Training
9 Act of 1973, as amended (P.L. 93-203, 87 Stat. 839, P.L.
10 93-567, 88 Stat. 1845), hereinafter referred to as CETA,
11 subsequent to October 1, 1978, and in instances where the board
12 has elected to establish a manpower program reserve, the board
13 shall compute the amounts necessary to be credited to the
14 manpower program reserves established and maintained as herein
15 provided, and shall make a periodic determination of the amount
16 of required contributions from the County to the reserve to be
17 reimbursed by the federal government in accordance with rules
18 and regulations established by the Secretary of the United
19 States Department of Labor or his designee, and certify the
20 results thereof to the County Board. Any such amounts shall
21 become a credit to the County and will be used to reduce the
22 amount which the County would otherwise contribute during
23 succeeding years for all employees.

24 (e) In lieu of establishing a manpower program reserve with
25 respect to employees whose wages are funded as participants
26 under the Comprehensive Employment and Training Act of 1973, as

1 authorized by subsection (d), the board may elect to establish
2 a special County contribution rate for all such employees. If
3 this option is elected, the County shall contribute to the Fund
4 from federal funds provided under the Comprehensive Employment
5 and Training Act program at the special rate so established and
6 such contributions shall become a credit to the County and be
7 used to reduce the amount which the County would otherwise
8 contribute during succeeding years for all employees.

9 (f) In lieu of levying all or a portion of the tax required
10 under this Section in any year, the county may deposit with the
11 county treasurer no later than March 1 of that year for the
12 benefit of the fund, to be held in accordance with this
13 Article, an amount that, together with the taxes levied under
14 this Section for that year, is not less than the amount of the
15 county contributions for that year as certified by the board to
16 the county board. The deposit may be derived from any source
17 legally available for that purpose, including, but not limited
18 to, the proceeds of county borrowings. The making of a deposit
19 shall satisfy fully the requirements of this Section for that
20 year to the extent of the amounts so deposited. Amounts
21 deposited under this subsection may be used by the fund for any
22 of the purposes for which the proceeds of the tax levied under
23 this Section may be used, including the payment of any amount
24 that is otherwise required by this Article to be paid from the
25 proceeds of that tax.

26 (g) A home rule unit, including a county, may not regulate

1 the levy of a tax under this Section in a manner that is
2 inconsistent with the regulation by the State of the levy of
3 such a tax under this Section. This subsection (g) is a
4 limitation under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution on the concurrent exercise by home
6 rule units of powers and functions exercised by the State.

7 (Source: P.A. 95-369, eff. 8-23-07.)

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