



Rep. Daniel J. Burke

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1 AMENDMENT TO SENATE BILL 3629

2 AMENDMENT NO. _____. Amend Senate Bill 3629 on page 1, in
3 line 5, after "12-116,", by inserting "12-127, 12-133,
4 12-149,"; and

5 on page 1, below line 13, by inserting the following:

6 "(40 ILCS 5/12-127) (from Ch. 108 1/2, par. 12-127)
7 Sec. 12-127. Computation of service.

8 (a) If an employee during any leave of absence for 30 days
9 or more without pay who is not receiving ordinary disability or
10 duty disability benefits contributes the percentage of salary
11 theretofore deducted from his salary for annuity purposes, the
12 employer shall contribute corresponding amounts for such
13 purposes. Payment for any approved leave of absence shall not
14 be valid unless made during such absence or within 30 days from
15 expiration thereof. The aggregate of leaves of absence for
16 which contributions may be made during the entire employee's

1 service shall be 1 year.

2 (b) In computing service, credit shall be given for all
3 leaves of absence subject to the limitations specified in the
4 following paragraph during the time an employee was engaged in
5 the military or naval service of the United States of America
6 during the years 1914 to 1919, inclusive, or between September
7 16, 1940, and July 25, 1947, or between June 25, 1950, and
8 January 31, 1955, and any such service rendered after January
9 31, 1955, and who within 180 days subsequent to the completion
10 of military or naval service re-enters the service of the
11 employer.

12 The total credit any employee shall receive for military or
13 naval service during the entire term of service as an employee
14 shall be subject to the following conditions and limitations:

15 (1) if entry into military or naval service occurs
16 after July 1, 1961, the total credit shall not exceed 3
17 years;

18 (2) if entry into military or naval service occurred on
19 or prior to July 1, 1961, the total credit shall not exceed
20 5 years;

21 (3) an employee who on July 1, 1961, had accrued more
22 than 5 years of such military or naval service shall be
23 entitled to the total amount of such accrued credit.

24 The contributions an employee would have made during the
25 period of such military or naval service, together with the
26 prescribed employer contributions, shall be made by the

1 employer and shall be based on the salary for the position
2 occupied by the employee on the date of commencement of the
3 leave of absence.

4 (c) For all purposes of this Article except the provisions
5 of Section 12-133, the following shall constitute a year of
6 service in any fiscal year for salary payable according to the
7 basis specified: Monthly Basis: 4 months; Weekly Basis: 17
8 weeks; Daily Basis: 100 days; Hourly Basis: 800 hours, except
9 that in the case of an employee becoming a participant of the
10 fund on and after July 1, 1973, the following schedule shall
11 govern for all purposes of this Article: Service during 9
12 months or more in any fiscal year shall constitute a year of
13 service; 6 to 8 months, inclusive, 3/4 of a year; 3 to 5
14 months, inclusive, 1/2 year; less than 3 months, 1/4 of a year;
15 15 days or more in any month, a month of service. However, for
16 the 6-month fiscal year July 1, 2012 through December 31, 2012,
17 the amount of service earned shall not exceed 1/2 year.

18 (d) The periods an employee received ordinary or duty
19 disability benefit shall be included in the computation of
20 service.

21 (e) Upon receipt of the specified payment, credits
22 transferred to a fund established under this Article pursuant
23 to subsection (d) of Section 8-226.1, subsection (d) of Section
24 9-121.1, or Section 14-105.1 of this Code shall be included in
25 the computation of service.

26 (f) A contributing employee may establish additional

1 service credit for a period of up to 2 years spent in active
2 military service for which he or she does not qualify for
3 credit under subsection (b), provided that (1) the person was
4 not dishonorably discharged from the military service, and (2)
5 the amount of service credit established by the person under
6 this subsection (f), when added to the amount of any military
7 service credit granted to the person under subsection (b),
8 shall not exceed 5 years. In order to establish military
9 service credit under this subsection (f), the applicant must
10 submit a written application to the Fund, including a copy of
11 the applicant's discharge from military service, and pay to the
12 Fund (1) employee contributions at the rates provided in this
13 Article based upon the person's salary on the last date as a
14 participating employee prior to the military service, or on the
15 first date as a participating employee after the military
16 service, whichever is greater, plus (2) an amount determined by
17 the board to be equal to the employer's normal cost of the
18 benefits accrued for such military service, plus (3) regular
19 interest on items (1) and (2) from the date of conclusion of
20 the military service to the date of payment. Contributions must
21 be paid in a single lump sum before the credit will be granted.
22 Credit established under this subsection may be used for
23 pension purposes only.

24 (g) A contributing employee may establish additional
25 service credit for a period of up to 5 years of employment by
26 the United States federal government for which he or she does

1 not qualify for credit under any other provision of this
2 Article, provided that (1) the amount of service credit
3 established by the person under this subsection (g), when added
4 to the amount of all military service credit granted to the
5 person under subsections (b) and (f), shall not exceed 5 years,
6 and (2) any credit received for the federal employment in any
7 other public pension fund or retirement system has been
8 terminated or relinquished.

9 In order to establish service credit under this subsection
10 (g), the applicant must submit a written application to the
11 Fund, including such documentation of the federal employment as
12 the Board may require, and pay to the Fund (1) employee
13 contributions at the rates provided in this Article based upon
14 the person's salary on the last date as a participating
15 employee prior to the federal service, or on the first date as
16 a participating employee after the federal service, whichever
17 is greater, plus (2) an amount determined by the Board to be
18 equal to the employer's normal cost of the benefits accrued for
19 such federal service, plus (3) regular interest on items (1)
20 and (2) from the date of conclusion of the federal service to
21 the date of payment. Contributions must be paid in a single
22 lump sum before the credit is granted. Credit established under
23 this subsection may be used for pension purposes only.

24 (Source: P.A. 86-272; 86-1488; 87-1265.)

1 Sec. 12-133. Fixed benefit retirement annuity.

2 (a) Subject to the provisions of paragraph (b) of this
3 Section, the retirement annuity for any employee who withdraws
4 from service on or after January 1, 1983 and before January 1,
5 1990, at age 60 or over, having at least 4 years of service,
6 shall be 1.70% for each of the first 10 years of service; 2.00%
7 for each of the next 10 years of service; 2.40% for each year
8 of service in excess of 20 but not exceeding 30; and 2.80% for
9 each year of service in excess of 30, with a pro-rated amount
10 for service of less than a full year, based upon the highest
11 average annual salary for any 4 consecutive years within the
12 last 10 years of service immediately preceding the date of
13 withdrawal, provided that: (1) if retirement of the employee
14 occurs below age 60, such annuity shall be reduced 1/2 of 1%
15 for each month or fraction thereof that the employee's age is
16 less than 60, except that an employee retiring at age 55 or
17 over but less than age 60, having at least 35 years of service,
18 shall not be subject to the reduction in his retirement annuity
19 because of retirement below age 60; (2) the annuity shall not
20 exceed 75% of such average annual salary; (3) the actual salary
21 shall be considered in the computation of this annuity.

22 The retirement annuity for any employee who withdraws from
23 service on or after January 1, 1990 and prior to December 31,
24 2003 at age 50 or over with at least 10 years of service, or at
25 age 60 or over with at least 4 years of service, shall be 1.90%
26 for each of the first 10 years of service, 2.20% for each of

1 the next 10 years of service, 2.40% for each of the next 10
2 years of service, and 2.80% for each year of service in excess
3 of 30, with a pro-rated amount for service of less than a full
4 year, based upon the highest average annual salary for any 4
5 consecutive years within the last 10 years of service
6 immediately preceding the date of withdrawal, provided that:

7 (1) if retirement of the employee occurs below age 60,
8 such annuity shall be reduced 1/4 of 1% (1/2 of 1% in the
9 case of withdrawal from service before January 1, 1991) for
10 each month or fraction thereof that the employee's age is
11 less than 60, except that an employee retiring at age 50 or
12 over having at least 30 years of service shall not be
13 subject to the reduction in retirement annuity because of
14 retirement below age 60;

15 (2) the annuity shall not exceed 80% of such average
16 annual salary; and

17 (3) the actual salary shall be considered in the
18 computation of this annuity.

19 An employee who withdraws from service on or after December
20 31, 2003, at age 50 or over with at least 10 years of service or
21 at age 60 or over with at least 4 years of service, shall
22 receive, in lieu of any other retirement annuity provided for
23 in this Section, a retirement annuity calculated as follows:
24 for each year of service immediately preceding the date of
25 withdrawal, 2.40% of the highest average annual salary for any
26 4 consecutive years within the last 10 years of service

1 immediately preceding the date of withdrawal, with a prorated
2 amount for service of less than a full year, provided that:

3 (1) if retirement of the employee occurs below age 60,
4 such annuity shall be reduced 1/4 of 1% for each month or
5 fraction thereof that the employee's age is less than 60,
6 except that an employee retiring at age 50 or over having
7 at least 30 years of service shall not be subject to the
8 reduction in retirement annuity because of retirement
9 below age 60;

10 (2) the annuity shall not exceed 80% of such average
11 annual salary; and

12 (3) the actual salary shall be considered in the
13 computation of this annuity.

14 Notwithstanding any other formula, the annuity for
15 employees retiring on or after January 31, 2004 and on or
16 before February 29, 2004 with at least 30 years of service
17 shall be 80% of average annual salary for any 4 consecutive
18 years within the last 10 years of service immediately preceding
19 the date of withdrawal.

20 (b) In lieu of the retirement annuity provided as an
21 actuarial equivalent of the total accumulations from
22 contributions by the employee, contributions by the employer,
23 and prior service annuity plus regular interest, an employee in
24 service prior to July 1, 1971 shall be entitled to the largest
25 applicable retirement annuity provided in this Section if the
26 same is larger than the annuity provided in other Sections of

1 this Article.

2 (c) The following schedule shall govern the computation of
3 service for the fixed benefit annuities provided by this
4 Section: Service during 9 months or more during any fiscal year
5 shall constitute a year of service; 6 to 8 months, inclusive,
6 3/4 of a year; 3 to 5 months, inclusive, 1/2 year; less than 3
7 months, 1/4 of a year; 15 days or more in any month, a month of
8 service. However, for the 6-month fiscal year July 1, 2012
9 through December 31, 2012, the amount of service earned shall
10 not exceed 1/2 year.

11 (d) The other provisions of this Section shall not apply in
12 the case of any former employee who is receiving a retirement
13 annuity from the fund and who re-enters service as an employee,
14 unless the employee renders from and after the date of
15 re-entry, at least 3 years of additional service.

16 (Source: P.A. 93-654, eff. 1-16-04.)

17 (40 ILCS 5/12-149) (from Ch. 108 1/2, par. 12-149)

18 Sec. 12-149. Financing. The board of park commissioners of
19 any such park district shall annually levy a tax (in addition
20 to the taxes now authorized by law) upon all taxable property
21 embraced in the district, at the rate which, when added to the
22 employee contributions under this Article and applied to the
23 fund created hereunder, shall be sufficient to provide for the
24 purposes of this Article in accordance with the provisions
25 thereof. Such tax shall be levied and collected with and in

1 like manner as the general taxes of such district, and shall
2 not in any event be included within any limitations of rate for
3 general park purposes as now or hereafter provided by law, but
4 shall be excluded therefrom and be in addition thereto. The
5 amount of such annual tax to and including the year 1977 shall
6 not exceed .0275% of the value, as equalized or assessed by the
7 Department of Revenue, of all taxable property embraced within
8 the park district, provided that for the year 1978, and for
9 each year thereafter, the amount of such annual tax shall be at
10 a rate on the dollar of assessed valuation of all taxable
11 property that will produce, when extended, for the year 1978
12 the following sum: 0.825 times the amount of employee
13 contributions during the fiscal year 1976; for the year 1979,
14 0.85 times the amount of employee contributions during the
15 fiscal year 1977; for the year 1980, 0.90 times the amount of
16 employee contributions during the fiscal year 1978; for the
17 year 1981, 0.95 times the amount of employee contributions
18 during the fiscal year 1979; for the year 1982, 1.00 times the
19 amount of employee contributions during the fiscal year 1980;
20 for the year 1983, 1.05 times the amount of contributions made
21 on behalf of employees during the fiscal year 1981; and for the
22 year 1984 and each year thereafter, an amount equal to 1.10
23 times the employee contributions during the fiscal year 2-years
24 prior to the year for which the applicable tax is levied. For
25 the year 2014, this calculation shall be 1.10 times the amount
26 of employee contributions during the 12-month fiscal year

1 ending June 30, 2012; and for the year 2015, this calculation
2 shall be 1.10 times the amount of employee contributions during
3 the 12-month fiscal year ending December 31, 2013. As used in
4 this Section, the term "employee contributions" means
5 contributions by employees for retirement annuity, spouse's
6 annuity, automatic increase in retirement annuity, and death
7 benefit.

8 In respect to park district employees, other than
9 policemen, who are transferred to the employment of a city by
10 virtue of the "Exchange of Functions Act of 1957", the
11 corporate authorities of the city shall annually levy a tax
12 upon all taxable property embraced in the city, as equalized or
13 assessed by the Department of Revenue, at such rate per cent of
14 the value of such property as shall be sufficient, when added
15 to the amounts deducted from the salary or wages of such
16 employees, to provide the benefits to which such employees,
17 their dependents and beneficiaries are entitled under the
18 provisions of this Article. The park district shall not levy a
19 tax hereunder in respect to such employees. The tax levied by
20 the city under authority of this Article shall be in addition
21 to and exclusive of all other taxes authorized by law to be
22 levied by the city for corporate, annuity fund or other
23 purposes.

24 All moneys accruing from the levy and collection of taxes,
25 pursuant to this section, shall be remitted to the board by the
26 employers as soon as they are received. Where a city has levied

1 a tax pursuant to this Section in respect to park district
2 employees transferred to the employment of a city, the
3 treasurer of such city or other authorized officer shall remit
4 the moneys accruing from the levy and collection of such tax as
5 soon as they are received. Such remittances shall be made upon
6 a pro rata share basis, whereby each employer shall pay to the
7 board such employer's proportionate percentage of each payment
8 of taxes received by it, according to the ratio which its tax
9 levy for this fund bears to the total tax levy of such
10 employer.

11 Should any board of park commissioners included under the
12 provisions of this Article be without authority to levy the tax
13 provided in this Section the corporation authorities (meaning
14 the supervisor, clerk and assessor) of the town or towns for
15 which such board shall be the board of park commissioners shall
16 levy such tax.

17 Employer contributions to the Fund may be reduced by
18 \$5,000,000 for calendar years 2004 and 2005.

19 (Source: P.A. 93-654, eff. 1-16-04.)".