



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2916

by Rep. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-172.1

from Ch. 108 1/2, par. 7-172.1

Amends the IMRF Article of the Illinois Pension Code. Provides that the Fund may begin enforcement action against employers who have failed to remit contributions to the Fund when the contributions are 60 (rather than 90) days overdue. Effective immediately.

LRB099 08065 EFG 28211 b

FISCAL 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 7-172.1 as follows:

6 (40 ILCS 5/7-172.1) (from Ch. 108 1/2, par. 7-172.1)

7 Sec. 7-172.1. Actions to enforce payments by  
8 municipalities and instrumentalities.

9 (a) If any participating municipality or participating  
10 instrumentality fails to transmit to the Fund contributions  
11 required of it under this Article or contributions collected by  
12 it from its participating employees for the purposes of this  
13 Article for more than 60 ~~90~~ days after the payment of such  
14 contributions is due, the Fund, after giving notice to such  
15 municipality or instrumentality, may certify to the State  
16 Comptroller the amounts of such delinquent payments and the  
17 Comptroller shall deduct the amounts so certified or any part  
18 thereof from any grants of State funds to the municipality or  
19 instrumentality involved and shall pay the amount so deducted  
20 to the Fund. If State funds from which such deductions may be  
21 made are not available, the Fund may proceed against the  
22 municipality or instrumentality to recover the amounts of such  
23 delinquent payments in the appropriate circuit court.

1           (b) If any participating municipality fails to transmit to  
2 the Fund contributions required of it under this Article or  
3 contributions collected by it from its participating employees  
4 for the purposes of this Article for more than 60 ~~90~~ days after  
5 the payment of such contributions is due, the Fund, after  
6 giving notice to such municipality, may certify the fact of  
7 such delinquent payment to the county treasurer of the county  
8 in which such municipality is located, who shall thereafter  
9 remit the amounts collected from the tax levied by the  
10 municipality under Section 7-171 directly to the Fund.

11           (c) If reports furnished to the Fund by the municipality or  
12 instrumentality involved are inadequate for the computation of  
13 the amounts of such delinquent payments, the Fund may provide  
14 for such audit of the records of the municipality or  
15 instrumentality as may be required to establish the amounts of  
16 such delinquent payments. The municipality or instrumentality  
17 shall make its records available to the Fund for the purpose of  
18 such audit. The cost of such audit shall be added to the amount  
19 of the delinquent payments and shall be recovered by the Fund  
20 from the municipality or instrumentality at the same time and  
21 in the same manner as the delinquent payments are recovered.

22           (Source: P.A. 86-273.)

23           Section 99. Effective date. This Act takes effect upon  
24 becoming law.