



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5107

Introduced 2/8/2024, by Rep. William E Hauter

SYNOPSIS AS INTRODUCED:

25 ILCS 115/2.5 new

40 ILCS 5/2-110

40 ILCS 5/2-155.5 new

from Ch. 108 1/2, par. 2-110

Amends the General Assembly Compensation Act. Provides that "minimum attendance requirement" means 60% of the spring legislative session days of the applicable chamber for that member or, for a member who becomes a member of the General Assembly after the spring legislative session has commenced, 60% of the remaining spring legislative session days of the applicable chamber. Provides that beginning with the 104th General Assembly, a member of the General Assembly must meet the minimum attendance requirement in order to be entitled to an annual salary under the Act. Provides that if, upon the completion of the spring legislative session, a member failed to meet the minimum attendance requirement, the member shall not receive any compensation under the Act for the remainder of the calendar year and shall reimburse the State, in a manner determined by the State Comptroller, by rule, for the payments received in the calendar year. Amends the General Assembly Article of the Illinois Pension Code. Provides that a participant who is a member and fails to meet the minimum attendance requirement shall forfeit any service credit granted during that calendar year. Provides that any contributions for the forfeited service credit shall be refunded to the participant. Makes conforming changes. Effective immediately.

LRB103 34503 RPS 64336 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The General Assembly Compensation Act is
5 amended by adding Section 2.5 as follows:

6 (25 ILCS 115/2.5 new)

7 Sec. 2.5. Salary; minimum attendance requirement.

8 (a) In this Section, "minimum attendance requirement"
9 means 60% of the spring legislative session days of the
10 applicable chamber of the General Assembly for that member or,
11 for a member who becomes a member of the General Assembly after
12 the spring legislative session has commenced, 60% of the
13 remaining spring legislative session days of the applicable
14 chamber of the General Assembly for that member.

15 (b) In order to be entitled to the annual salary set by
16 this Act, a member of the General Assembly must meet the
17 minimum attendance requirement under this Section. If, upon
18 the completion of the spring legislative session, a member
19 failed to meet the minimum attendance requirement, the member
20 shall not receive any compensation under this Act for the
21 remainder of the calendar year and shall reimburse the State,
22 in a manner determined by the State Comptroller, by rule, for
23 the payments received in that calendar year.

1 (c) This Section applies beginning with the 104th General
2 Assembly.

3 Section 10. The Illinois Pension Code is amended by
4 changing Section 2-110 and by adding Section 2-155.5 as
5 follows:

6 (40 ILCS 5/2-110) (from Ch. 108 1/2, par. 2-110)
7 Sec. 2-110. Service.

8 (A) "Service" means the period beginning on the day when a
9 person first became a member, and ending on the date under
10 consideration, excluding all intervening periods of
11 nonmembership following resignation or expiration of any term
12 of office.

13 (B) "Service" includes:

14 (a) Military service during war by a person who
15 entered such service while a member, whether rendered
16 before or after the expiration of any term of office; plus
17 up to 2 years of military service that need not have
18 immediately followed service as a member, and need not
19 have been served during wartime, provided that the member
20 makes contributions to the System for such service (1) at
21 the rates provided in Section 2-126 based upon the
22 member's rate of compensation on the last date as a
23 participant prior to such military service, or on the
24 first date as a participant after such military service,

1 whichever is greater, plus (2) if payment is made on or
2 after May 1, 1993, an amount determined by the Board to be
3 equal to the employer's normal cost of the benefits
4 accrued for such military service, plus (3) interest at
5 the effective rate from the date of first membership in
6 the System to the date of payment.

7 The amendment to this subdivision (B) (a) made by this
8 amendatory Act of 1993 shall apply to persons who are
9 active contributors to the System on or after November 30,
10 1992. A person who was an active contributor to the System
11 on November 30, 1992 but is no longer an active
12 contributor may apply to purchase military credit under
13 this subdivision (B) (a) within 60 days after the effective
14 date of this amendatory Act of 1993; if the person is an
15 annuitant, the resulting increase in annuity shall begin
16 to accrue on the first day of the month following the month
17 in which the required payment is received by the System.
18 The change in the required contribution for purchased
19 military credit made by this amendatory Act of 1993 shall
20 not entitle any person to a refund of contributions
21 already paid.

22 (b) Service as a judge of a court of this State, but
23 credit for such service is subject to the following
24 conditions: (1) such person shall have been a member for
25 at least 4 years and contributed to the system for service
26 as a judge subsequent to July 8, 1947, at the rates herein

1 provided, including interest at 2% per annum to the date
2 of payment based on the salary in effect during such
3 service; (2) the member was not an eligible member of nor
4 entitled to credit for such service in any other
5 retirement system in the State maintained in whole or in
6 part by public contributions; and (3) the last 4 years of
7 service prior to retirement on annuity was rendered while
8 a member.

9 (c) Service as a participating employee under Articles
10 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 or 18 of
11 the Illinois Pension Code. Credit for such service may be
12 established by a member and, if permitted by the credit
13 transfer Section of the appropriate Article, by a former
14 member who is not yet an annuitant, and is subject to the
15 following conditions: (1) that the credits accrued under
16 the above mentioned Articles have been transferred to this
17 system; and (2) that the member has contributed to this
18 system an amount equal to (i) the contribution rate in
19 effect for participants at the date of membership in this
20 system multiplied by the salary then in effect for members
21 of the General Assembly for each year of service for which
22 credit is being transferred, plus (ii) the State's share
23 of the normal cost of benefits under this system expressed
24 as a percent of payroll, as determined by the system's
25 actuary as of the date of the participant's membership in
26 this system, multiplied by the salary then in effect for

1 members of the General Assembly, for each year of service
2 for which credit is being transferred, plus (iii) interest
3 on items (i) and (ii) above at 6% per annum compounded
4 annually, from the date of membership to the date of
5 payment by the participant, less (iv) the amount
6 transferred to this system on behalf of the participant on
7 account of service rendered while a participant under the
8 above mentioned Articles.

9 (d) Service, before October 1, 1975, as an officer
10 elected by the people of Illinois, for which creditable
11 service is required to be transferred from the State
12 Employees' Retirement System to this system by this
13 amendatory Act of 1975.

14 (e) Service rendered prior to January 1, 1964, as a
15 justice of the peace or police magistrate or as a civil
16 referee in the Municipal Court of Chicago, but credit for
17 such service may not be granted until the member has paid
18 to the system an amount equal to (1) the contribution rate
19 for participants at the date of membership in this system
20 multiplied by the salary then in effect for members of the
21 General Assembly for each year of service for which credit
22 is being transferred, plus (2) the State's share of the
23 normal cost of benefits under this system expressed as a
24 percent of payroll, as determined by the system's actuary
25 as of the date of the participant's membership in this
26 system, multiplied by the salary then in effect for

1 members of the General Assembly, for each year of service
2 for which credit is allowed, plus, (3) interest on (1) and
3 (2) above at 6% per annum compounded annually from the
4 date of membership to the date of payment by the member.
5 However, a participant may not receive more than 6 years
6 of credit for such service nor may any member receive
7 credit under this paragraph for service for which credit
8 has been granted in any other public pension fund or
9 retirement system in the State.

10 (f) Service before January 16, 1981, as an officer
11 elected by the people of Illinois, for which creditable
12 service is transferred from the State Employees'
13 Retirement System to this system.

14 (C) Service during any fraction of a month shall be
15 considered as a month of service.

16 Service includes the total period of time for which a
17 participant is elected as a member or officer, even though he
18 or she does not complete the term because of death,
19 resignation, judicial decision, or operation of law, provided
20 that the contributions required under this Article for such
21 entire period of office have been made by or on behalf of the
22 participant. In the case of a participant appointed or elected
23 to fill a vacancy, service includes the total period from
24 January 1 of the year in which his or her service commences to
25 the end of the term in which the vacancy occurs, provided the
26 participant contributes in the year of appointment an amount

1 equal to the contributions that would have been required had
2 the participant received salary for the entire year. The
3 foregoing provisions relating to a participant appointed or
4 elected to fill a vacancy shall not apply if the participant
5 was a member of the other legislative chamber at the time of
6 appointment or election.

7 (D) Notwithstanding the other provisions of this Section,
8 if application to transfer or establish service credit under
9 paragraph (c) or (e) of subsection (B) of this Section is made
10 between January 1, 1992 and February 1, 1993, the contribution
11 required for such credit shall be an amount equal to (1) the
12 contribution rate in effect for participants at the date of
13 membership in this system multiplied by the salary then in
14 effect for members of the General Assembly for each year of
15 service for which credit is being granted, plus (2) interest
16 thereon at 6% per annum compounded annually, from the date of
17 membership to the date of payment by the member, less (3) any
18 amount transferred to this system on behalf of the member on
19 account of such service credit.

20 (E) "Service" does not include periods for which service
21 credit was forfeited under Section 2-155.5, notwithstanding
22 any other provision of this Section.

23 (Source: P.A. 86-27; 86-1028; 87-794; 87-1265.)

24 (40 ILCS 5/2-155.5 new)

25 Sec. 2-155.5. Service credit forfeiture. A participant who

1 is a member and, upon the conclusion of the spring legislative
2 session, fails to meet the minimum attendance requirement, as
3 defined under Section 2.5 of the General Assembly Compensation
4 Act, shall forfeit any service credit granted during that
5 calendar year. Any contributions for the forfeited service
6 credit shall be refunded to the participant. This Section
7 applies to a person who first becomes a participant on or after
8 January 10, 2024.

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