



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0420

Introduced 2/16/2005, by Sen. Don Harmon - Kirk W. Dillard - Peter J. Roskam

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-145.1
70 ILCS 805/3c
70 ILCS 805/5e from Ch. 96 1/2, par. 6308e
30 ILCS 805/8.29 new

Amends the Illinois Municipal Retirement Fund Article of the Illinois Pension Code. Provides that the alternative annuity that is available to certain county officers is available to members of a board of commissioners of a forest preserve district who are elected to serve on a forest preserve district that is located in a county having a population of more than 800,000 but fewer than 3,000,000 inhabitants. Amends the Downstate Forest Preserve District Act. Provides that, in addition to property owned by a forest preserve district, property in which a forest preserve district is the grantee of a conservation easement or the grantee of a conservation right, as defined in the Real Property Conservation Rights Act, shall not be subject to eminent domain or condemnation proceedings, except as otherwise specifically provided. Deletes a provision that requires that the compensation for the president of the board of commissioners in certain counties shall be an amount equal to 85% of the annual salary of the county board chairman. Provides that the compensation of the president and the forest preserve commissioners shall be established by the board of commissioners of the forest preserve district (now, the compensation of the forest preserve commissioners is the same as that of county board members in the county with which the forest preserve is co-extensive). Amends the State Mandates Act to require implementation without reimbursement.

LRB094 09298 MKM 39537 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT in relation to forest preserve districts.

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 7-145.1 as follows:

6 (40 ILCS 5/7-145.1)

7 Sec. 7-145.1. Alternative annuity for county officers.

8 (a) The benefits provided in this Section and Section
9 7-145.2 are available to elected county officers other than
10 members of a board of commissioners of a forest preserve
11 district who are elected pursuant to Section 3c of the
12 Downstate Forest Preserve District Act only if the county board
13 has filed with the Board of the Fund a resolution or ordinance
14 expressly consenting to the availability of these benefits for
15 its elected county officers. The benefits provided in this
16 Section and Section 7-145.2 are available to members of a board
17 of commissioners of a forest preserve district who are elected
18 pursuant to Section 3c of the Downstate Forest Preserve
19 District Act only if that board of commissioners has filed with
20 the Board of the Fund a resolution or ordinance expressly
21 consenting to the availability of these benefits for its
22 elected county officers. The county board's or board of
23 commissioners of a forest preserve district's consent is
24 irrevocable with respect to persons participating in the
25 program, but may be revoked at any time with respect to persons
26 who have not paid an additional optional contribution under
27 this Section before the date of revocation.

28 An elected county officer may elect to establish
29 alternative credits for an alternative annuity by electing in
30 writing to make additional optional contributions in
31 accordance with this Section and procedures established by the
32 board. These alternative credits are available only for periods

1 of service as an elected county officer. The elected county
2 officer may discontinue making the additional optional
3 contributions by notifying the Fund in writing in accordance
4 with this Section and procedures established by the board.

5 Additional optional contributions for the alternative
6 annuity shall be as follows:

7 (1) For service as an elected county officer after the
8 option is elected, an additional contribution of 3% of
9 salary shall be contributed to the Fund on the same basis
10 and under the same conditions as contributions required
11 under Section 7-173.

12 (2) For service as an elected county officer before the
13 option is elected, an additional contribution of 3% of the
14 salary for the applicable period of service, plus interest
15 at the effective rate from the date of service to the date
16 of payment, plus any additional amount required by the
17 county board under paragraph (3) in the case of elected
18 county officers other than members of a forest preserve
19 district who are elected pursuant to Section 3c of the
20 Downstate Forest Preserve District Act or by the board of
21 forest preserve commissioners in the case of elected county
22 officers who are members of a forest preserve district who
23 are elected pursuant to Section 3c of the Downstate Forest
24 Preserve District Act. All payments for past service must
25 be paid in full before credit is given.

26 (3) With respect to service as an elected county
27 officer before the option is elected, if payment is made
28 after the county board or board of forest preserve
29 commissioners has filed with the Board of the Fund a
30 resolution or ordinance requiring an additional
31 contribution under this paragraph, then the contribution
32 required under paragraph (2) shall include an amount to be
33 determined by the Fund, equal to the actuarial present
34 value of the additional employer cost that would otherwise
35 result from the alternative credits being established for
36 that service. A county board's or board of forest preserve

1 commissioner's resolution or ordinance requiring
2 additional contributions under this paragraph (3) is
3 irrevocable.

4 No additional optional contributions may be made for any
5 period of service for which credit has been previously
6 forfeited by acceptance of a refund, unless the refund is
7 repaid in full with interest at the effective rate from the
8 date of refund to the date of repayment.

9 (b) In lieu of the retirement annuity otherwise payable
10 under this Article, an elected county officer who (1) has
11 elected to participate in the Fund and make additional optional
12 contributions in accordance with this Section, (2) has held and
13 made additional optional contributions with respect to the same
14 elected county office for at least 8 years, and (3) has
15 attained age 55 with at least 8 years of service credit (or has
16 attained age 50 with at least 20 years of service as a
17 sheriff's law enforcement employee) may elect to have his
18 retirement annuity computed as follows: 3% of the participant's
19 salary for each of the first 8 years of service credit, plus 4%
20 of that salary for each of the next 4 years of service credit,
21 plus 5% of that salary for each year of service credit in
22 excess of 12 years, subject to a maximum of 80% of that salary.

23 This formula applies only to service in an elected county
24 office that the officer held for at least 8 years, and only to
25 service for which additional optional contributions have been
26 paid under this Section. If an elected county officer qualifies
27 to have this formula applied to service in more than one
28 elected county office, the qualifying service shall be
29 accumulated for purposes of determining the applicable accrual
30 percentages, but the salary used for each office shall be the
31 separate salary calculated for that office, as defined in
32 subsection (g).

33 To the extent that the elected county officer has service
34 credit that does not qualify for this formula, his retirement
35 annuity will first be determined in accordance with this
36 formula with respect to the service to which this formula

1 applies, and then in accordance with the remaining Sections of
2 this Article with respect to the service to which this formula
3 does not apply.

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

20 (d) Refunds of additional optional contributions shall be
21 made on the same basis and under the same conditions as
22 provided under Section 7-166, 7-167 and 7-168. Interest shall
23 be credited at the effective rate on the same basis and under
24 the same conditions as for other contributions.

25 If an elected county officer fails to hold that same
26 elected county office for at least 8 years, he or she shall be
27 entitled after leaving office to receive a refund of the
28 additional optional contributions made with respect to that
29 office, plus interest at the effective rate.

30 (e) The plan of optional alternative benefits and
31 contributions shall be available to persons who are elected
32 county officers and active contributors to the Fund on or after
33 November 15, 1994. A person who was an elected county officer
34 and an active contributor to the Fund on November 15, 1994 but
35 is no longer an active contributor may apply to make additional
36 optional contributions under this Section at any time within 90

1 days after the effective date of this amendatory Act of 1997;
2 if the person is an annuitant, the resulting increase in
3 annuity shall begin to accrue on the first day of the month
4 following the month in which the required payment is received
5 by the Fund.

6 (f) For the purposes of this Section and Section 7-145.2,
7 the terms "elected county officer" and "elected county office"
8 include, but are not limited to: (1) the county clerk,
9 recorder, treasurer, coroner, assessor (if elected), auditor,
10 sheriff, and State's Attorney; members of the county board;
11 members of a board of commissioners of a forest preserve
12 district who are elected pursuant to Section 3c of the
13 Downstate Forest Preserve District Act; and the clerk of the
14 circuit court; and (2) a person who has been appointed to fill
15 a vacancy in an office that is normally filled by election on a
16 countywide basis, for the duration of his or her service in
17 that office. The terms "elected county officer" and "elected
18 county office" do not include any officer or office of a county
19 or forest preserve district that has not consented to the
20 availability of benefits under this Section and Section
21 7-145.2.

22 (g) For the purposes of this Section and Section 7-145.2,
23 the term "salary" means the final rate of earnings for the
24 elected county office held, calculated in a manner consistent
25 with Section 7-116, but for that office only. If an elected
26 county officer qualifies to have the formula in subsection (b)
27 applied to service in more than one elected county office, a
28 separate salary shall be calculated and applied with respect to
29 each such office.

30 (h) The changes to this Section made by this amendatory Act
31 of the 91st General Assembly apply to persons who first make an
32 additional optional contribution under this Section on or after
33 the effective date of this amendatory Act.

34 (Source: P.A. 90-32, eff. 6-27-97; 91-685, eff. 1-26-00;
35 91-887, eff. 7-6-00.)

1 Section 10. The Downstate Forest Preserve District Act is
2 amended by changing Sections 3c and 5e as follows:

3 (70 ILCS 805/3c)

4 Sec. 3c. Elected board of commissioners in certain
5 counties. If the boundaries of a district are co-extensive with
6 the boundaries of a county having a population of more than
7 800,000 but less than 3,000,000, all commissioners of the
8 forest preserve district shall be elected from the same
9 districts as members of the county board beginning with the
10 general election held in 2002 and each succeeding general
11 election. One commissioner shall be elected from each district.
12 At their first meeting after their election in 2002 and
13 following each subsequent decennial reapportionment of the
14 county under Division 2-3 of the Counties Code, the elected
15 commissioners shall publicly by lot divide themselves into 2
16 groups, as equal in size as possible. Commissioners from the
17 first group shall serve for terms of 2, 4, and 4 years; and
18 commissioners from the second group shall serve terms of 4, 4,
19 and 2 years. Beginning with the general election in 2002, the
20 president of the board of commissioners of the forest preserve
21 district shall be elected by the voters of the county, rather
22 than by the commissioners. The president shall be a resident of
23 the county and shall be elected throughout the county for a
24 4-year term without having been first elected as commissioner
25 of the forest preserve district. Each commissioner shall be a
26 resident of the county board district from which he or she was
27 elected not later than the date of the commencement of the term
28 of office. The term of office for the president and
29 commissioners elected under this Section shall commence on the
30 first Monday of the month following the month of election.
31 Neither a commissioner nor the president of the board of
32 commissioners of that forest preserve district shall serve
33 simultaneously as member or chairman of the county board. No
34 person shall seek election to both the forest preserve
35 commission and the county board at the same election. ~~The~~

1 ~~compensation for the president shall be an amount equal to 85%~~
2 ~~of the annual salary of the county board chairman.~~ The
3 president, with the advice and consent of the board of
4 commissioners shall appoint a secretary, treasurer, and such
5 other officers as deemed necessary by the board of
6 commissioners, which officers need not be members of the board
7 of commissioners. The president shall have the powers and
8 duties as specified in Section 12 of this Act.

9 Candidates for president and commissioner shall be
10 candidates of established political parties.

11 If a vacancy in the office of president or commissioner
12 occurs, other than by expiration of the president's or
13 commissioner's term, the forest preserve district board of
14 commissioners shall declare that a vacancy exists and
15 notification of the vacancy shall be given to the county
16 central committee of each established political party within 3
17 business days after the occurrence of the vacancy. If the
18 vacancy occurs in the office of forest preserve district
19 commissioner, the president of the board of commissioners
20 shall, within 60 days after the date of the vacancy, with the
21 advice and consent of other commissioners then serving, appoint
22 a person to serve for the remainder of the unexpired term. The
23 appointee shall be affiliated with the same political party as
24 the commissioner in whose office the vacancy occurred and be a
25 resident of such district. If a vacancy in the office of
26 president occurs, other than by expiration of the president's
27 term, the remaining members of the board of commissioners
28 shall, within 60 days after the vacancy, appoint one of the
29 commissioners to serve as president for the remainder of the
30 unexpired term. In that case, the office of the commissioner
31 who is appointed to serve as president shall be deemed vacant
32 and shall be filled within 60 days by appointment of the
33 president with the advice and consent of the other forest
34 preserve district commissioners. The commissioner who is
35 appointed to fill a vacancy in the office of president shall be
36 affiliated with the same political party as the person who

1 occupied the office of president prior to the vacancy. A person
2 appointed to fill a vacancy in the office of president or
3 commissioner shall establish his or her party affiliation by
4 his or her record of voting in primary elections or by holding
5 or having held an office in an established political party
6 organization before the appointment. If the appointee has not
7 voted in a party primary election or is not holding or has not
8 held an office in an established political party organization
9 before the appointment, the appointee shall establish his or
10 her political party affiliation by his or her record of
11 participating in an established political party's nomination
12 or election caucus. If, however, more than 28 months remain in
13 the unexpired term of a commissioner or the president, the
14 appointment shall be until the next general election, at which
15 time the vacated office of commissioner or president shall be
16 filled by election for the remainder of the term.
17 Notwithstanding any law to the contrary, if a vacancy occurs
18 after the last day provided in Section 7-12 of the Election
19 Code for filing nomination papers for the office of president
20 of a forest preserve district where that office is elected as
21 provided for in this Section, or as set forth in Section 7-61
22 of the Election Code, a vacancy in nomination shall be filled
23 by the passage of a resolution by the nominating committee of
24 the affected political party within the time periods specified
25 in the Election Code. The nominating committee shall consist of
26 the chairman of the county central committee and the township
27 chairmen of the affected political party. All other vacancies
28 in nomination shall be filled in accordance with the provisions
29 of the Election Code.

30 The president and commissioners elected under this Section
31 may be reimbursed for their reasonable expenses actually
32 incurred in performing their official duties under this Act in
33 accordance with the provisions of Section 3a. The reimbursement
34 paid under this Section shall be paid by the forest preserve
35 district.

36 Compensation for the president and the forest preserve

1 commissioners elected under this Section shall be established
2 by the board of commissioners of the forest preserve district
3 ~~the same as that of county board members of the county with~~
4 ~~which the forest preserve district's boundaries are~~
5 ~~co-extensive.~~

6 (Source: P.A. 91-933, eff. 12-30-00; 92-583, eff. 6-26-02.)

7 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

8 Sec. 5e. Property owned by a forest preserve district and
9 property in which a forest preserve district is the grantee of
10 a conservation easement or the grantee of a conservation right,
11 as defined in subsection (a) of Section 1 of the Real Property
12 Conservation Rights Act, shall not be subject to eminent domain
13 or condemnation proceedings, except as otherwise provided in
14 Section 15 of the O'Hare Modernization Act.

15 (Source: P.A. 93-450, eff. 8-6-03.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.29 as follows:

18 (30 ILCS 805/8.29 new)

19 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 94th General Assembly.