



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1355

2 AMENDMENT NO. _____. Amend Senate Bill 1355 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing 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

1 program, but may be revoked at any time with respect to persons
2 who have not paid an additional optional contribution under
3 this Section before the date of revocation.

4 An elected county officer may elect to establish
5 alternative credits for an alternative annuity by electing in
6 writing to make additional optional contributions in
7 accordance with this Section and procedures established by the
8 board. These alternative credits are available only for periods
9 of service as an elected county officer. The elected county
10 officer may discontinue making the additional optional
11 contributions by notifying the Fund in writing in accordance
12 with this Section and procedures established by the board.

13 Additional optional contributions for the alternative
14 annuity shall be as follows:

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

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

34 (3) With respect to service as an elected county

1 officer before the option is elected, if payment is made
2 after the county board or board of forest preserve
3 commissioners has filed with the Board of the Fund a
4 resolution or ordinance requiring an additional
5 contribution under this paragraph, then the contribution
6 required under paragraph (2) shall include an amount to be
7 determined by the Fund, equal to the actuarial present
8 value of the additional employer cost that would otherwise
9 result from the alternative credits being established for
10 that service. A county board's or board of forest preserve
11 commissioner's resolution or ordinance requiring
12 additional contributions under this paragraph (3) is
13 irrevocable.

14 No additional optional contributions may be made for any
15 period of service for which credit has been previously
16 forfeited by acceptance of a refund, unless the refund is
17 repaid in full with interest at the effective rate from the
18 date of refund to the date of repayment.

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

33 This formula applies only to service in an elected county
34 office that the officer held for at least 8 years, and only to

1 service for which additional optional contributions have been
2 paid under this Section. If an elected county officer qualifies
3 to have this formula applied to service in more than one
4 elected county office, the qualifying service shall be
5 accumulated for purposes of determining the applicable accrual
6 percentages, but the salary used for each office shall be the
7 separate salary calculated for that office, as defined in
8 subsection (g).

9 To the extent that the elected county officer has service
10 credit that does not qualify for this formula, his retirement
11 annuity will first be determined in accordance with this
12 formula with respect to the service to which this formula
13 applies, and then in accordance with the remaining Sections of
14 this Article with respect to the service to which this formula
15 does not apply.

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

32 (d) Refunds of additional optional contributions shall be
33 made on the same basis and under the same conditions as
34 provided under Section 7-166, 7-167 and 7-168. Interest shall

1 be credited at the effective rate on the same basis and under
2 the same conditions as for other contributions.

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

8 (e) The plan of optional alternative benefits and
9 contributions shall be available to persons who are elected
10 county officers and active contributors to the Fund on or after
11 November 15, 1994. A person who was an elected county officer
12 and an active contributor to the Fund on November 15, 1994 but
13 is no longer an active contributor may apply to make additional
14 optional contributions under this Section at any time within 90
15 days after the effective date of this amendatory Act of 1997;
16 if the person is an annuitant, the resulting increase in
17 annuity shall begin to accrue on the first day of the month
18 following the month in which the required payment is received
19 by the Fund.

20 (f) For the purposes of this Section and Section 7-145.2,
21 the terms "elected county officer" and "elected county office"
22 include, but are not limited to: (1) the county clerk,
23 recorder, treasurer, coroner, assessor (if elected), auditor,
24 sheriff, and State's Attorney; members of the county board;
25 members of a board of commissioners of a forest preserve
26 district who are elected pursuant to Section 3c of the
27 Downstate Forest Preserve District Act; and the clerk of the
28 circuit court; and (2) a person who has been appointed to fill
29 a vacancy in an office that is normally filled by election on a
30 countywide basis, for the duration of his or her service in
31 that office. The terms "elected county officer" and "elected
32 county office" do not include any officer or office of a county
33 or forest preserve district that has not consented to the
34 availability of benefits under this Section and Section

1 7-145.2.

2 (g) For the purposes of this Section and Section 7-145.2,
3 the term "salary" means the final rate of earnings for the
4 elected county office held, calculated in a manner consistent
5 with Section 7-116, but for that office only. If an elected
6 county officer qualifies to have the formula in subsection (b)
7 applied to service in more than one elected county office, a
8 separate salary shall be calculated and applied with respect to
9 each such office.

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

14 (Source: P.A. 90-32, eff. 6-27-97; 91-685, eff. 1-26-00;
15 91-887, eff. 7-6-00.)

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

18 (70 ILCS 805/3c)

19 Sec. 3c. Elected board of commissioners in certain
20 counties. If the boundaries of a district are co-extensive with
21 the boundaries of a county having a population of more than
22 800,000 but less than 3,000,000, all commissioners of the
23 forest preserve district shall be elected from the same
24 districts as members of the county board beginning with the
25 general election held in 2002 and each succeeding general
26 election. One commissioner shall be elected from each district.
27 At their first meeting after their election in 2002 and
28 following each subsequent decennial reapportionment of the
29 county under Division 2-3 of the Counties Code, the elected
30 commissioners shall publicly by lot divide themselves into 2
31 groups, as equal in size as possible. Commissioners from the
32 first group shall serve for terms of 2, 4, and 4 years; and

1 commissioners from the second group shall serve terms of 4, 4,
2 and 2 years. Beginning with the general election in 2002, the
3 president of the board of commissioners of the forest preserve
4 district shall be elected by the voters of the county, rather
5 than by the commissioners. The president shall be a resident of
6 the county and shall be elected throughout the county for a
7 4-year term without having been first elected as commissioner
8 of the forest preserve district. Each commissioner shall be a
9 resident of the county board district from which he or she was
10 elected not later than the date of the commencement of the term
11 of office. The term of office for the president and
12 commissioners elected under this Section shall commence on the
13 first Monday of the month following the month of election.
14 Neither a commissioner nor the president of the board of
15 commissioners of that forest preserve district shall serve
16 simultaneously as member or chairman of the county board. No
17 person shall seek election to both the forest preserve
18 commission and the county board at the same election. ~~The~~
19 ~~compensation for the president shall be an amount equal to 85%~~
20 ~~of the annual salary of the county board chairman.~~ The
21 president, with the advice and consent of the board of
22 commissioners shall appoint a secretary, treasurer, and such
23 other officers as deemed necessary by the board of
24 commissioners, which officers need not be members of the board
25 of commissioners. The president shall have the powers and
26 duties as specified in Section 12 of this Act.

27 Candidates for president and commissioner shall be
28 candidates of established political parties.

29 If a vacancy in the office of president or commissioner
30 occurs, other than by expiration of the president's or
31 commissioner's term, the forest preserve district board of
32 commissioners shall declare that a vacancy exists and
33 notification of the vacancy shall be given to the county
34 central committee of each established political party within 3

1 business days after the occurrence of the vacancy. If the
2 vacancy occurs in the office of forest preserve district
3 commissioner, the president of the board of commissioners
4 shall, within 60 days after the date of the vacancy, with the
5 advice and consent of other commissioners then serving, appoint
6 a person to serve for the remainder of the unexpired term. The
7 appointee shall be affiliated with the same political party as
8 the commissioner in whose office the vacancy occurred and be a
9 resident of such district. If a vacancy in the office of
10 president occurs, other than by expiration of the president's
11 term, the remaining members of the board of commissioners
12 shall, within 60 days after the vacancy, appoint one of the
13 commissioners to serve as president for the remainder of the
14 unexpired term. In that case, the office of the commissioner
15 who is appointed to serve as president shall be deemed vacant
16 and shall be filled within 60 days by appointment of the
17 president with the advice and consent of the other forest
18 preserve district commissioners. The commissioner who is
19 appointed to fill a vacancy in the office of president shall be
20 affiliated with the same political party as the person who
21 occupied the office of president prior to the vacancy. A person
22 appointed to fill a vacancy in the office of president or
23 commissioner shall establish his or her party affiliation by
24 his or her record of voting in primary elections or by holding
25 or having held an office in an established political party
26 organization before the appointment. If the appointee has not
27 voted in a party primary election or is not holding or has not
28 held an office in an established political party organization
29 before the appointment, the appointee shall establish his or
30 her political party affiliation by his or her record of
31 participating in an established political party's nomination
32 or election caucus. If, however, more than 28 months remain in
33 the unexpired term of a commissioner or the president, the
34 appointment shall be until the next general election, at which

1 time the vacated office of commissioner or president shall be
2 filled by election for the remainder of the term.
3 Notwithstanding any law to the contrary, if a vacancy occurs
4 after the last day provided in Section 7-12 of the Election
5 Code for filing nomination papers for the office of president
6 of a forest preserve district where that office is elected as
7 provided for in this Section, or as set forth in Section 7-61
8 of the Election Code, a vacancy in nomination shall be filled
9 by the passage of a resolution by the nominating committee of
10 the affected political party within the time periods specified
11 in the Election Code. The nominating committee shall consist of
12 the chairman of the county central committee and the township
13 chairmen of the affected political party. All other vacancies
14 in nomination shall be filled in accordance with the provisions
15 of the Election Code.

16 The president and commissioners elected under this Section
17 may be reimbursed for their reasonable expenses actually
18 incurred in performing their official duties under this Act in
19 accordance with the provisions of Section 3a. The reimbursement
20 paid under this Section shall be paid by the forest preserve
21 district.

22 Compensation for the president and the forest preserve
23 commissioners elected under this Section shall be established
24 by the board of commissioners of the forest preserve district
25 ~~the same as that of county board members of the county with~~
26 ~~which the forest preserve district's boundaries are~~
27 ~~co-extensive.~~

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

29 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

30 Sec. 5e. Property owned by a forest preserve district and
31 property in which a forest preserve district is the grantee of
32 a conservation easement or the grantee of a conservation right,
33 as defined in subsection (a) of Section 1 of the Real Property

1 Conservation Rights Act, shall not be subject to eminent domain
2 or condemnation proceedings, except as otherwise provided in
3 Section 15 of the O'Hare Modernization Act.

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.29 as follows:

7 (30 ILCS 805/8.29 new)

8 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 94th General Assembly."