



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3908

Introduced 2/10/2017, by Rep. Deb Conroy

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-137

from Ch. 108 1/2, par. 7-137

40 ILCS 5/7-137.3 new

Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. Prohibits participation by a person who is an elected or appointed official of a forest preserve district and is first so elected or appointed on or after the effective date of the amendatory Act. Provides that a person who is an elected or appointed official of a forest preserve district shall not be considered a participating employee, unless (1) the person was first elected or appointed to that office before the effective date of the amendatory Act; (2) the person has elected to become a participating employee; and (3) the person has submitted logs evidencing that he or she has met a specified hourly standard. Contains provisions specifying the manner of documenting and submitting the time spent on official government business. Provides that an elected or appointed official of a forest preserve district who fails to submit time sheets or fails to conduct official government business for either 600 or 1,000 hours (whichever is applicable) with respect to that position shall not be permitted to continue participation in the Fund as an elected or appointed official of a forest preserve district. Effective immediately.

LRB100 10740 RPS 20970 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

A BILL FOR

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 7-137 and by adding Section 7-137.3 as follows:

6 (40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

7 Sec. 7-137. Participating and covered employees.

8 (a) The persons described in this paragraph (a) shall be  
9 included within and be subject to this Article and eligible to  
10 benefits from this fund, beginning upon the dates hereinafter  
11 specified:

12 1. Except as to the employees specifically excluded  
13 under the provisions of this Article, all persons who are  
14 employees of any municipality (or instrumentality thereof)  
15 or participating instrumentality on the effective date of  
16 participation of the municipality or participating  
17 instrumentality beginning upon such effective date.

18 2. Except as to the employees specifically excluded  
19 under the provisions of this Article, all persons, who  
20 became employees of any participating municipality (or  
21 instrumentality thereof) or participating instrumentality  
22 after the effective date of participation of such  
23 municipality or participating instrumentality, beginning

1 upon the date such person becomes an employee.

2 3. All persons who file notice with the board as  
3 provided in paragraph (b) 2 and 3 of this Section,  
4 beginning upon the date of filing such notice.

5 (b) The following described persons shall not be considered  
6 participating employees eligible for benefits from this fund,  
7 but shall be included within and be subject to this Article  
8 (each of the descriptions is not exclusive but is cumulative):

9 1. Any person who occupies an office or is employed in  
10 a position normally requiring performance of duty during  
11 less than 600 hours a year for a municipality (including  
12 all instrumentalities thereof) or a participating  
13 instrumentality. If a school treasurer performs services  
14 for more than one school district, the total number of  
15 hours of service normally required for the several school  
16 districts shall be considered to determine whether he  
17 qualifies under this paragraph;

18 2. Except as provided in items 2.5, ~~and 2.6,~~ 2.7, and  
19 2.8, any person who holds elective office unless he has  
20 elected while in that office in a written notice on file  
21 with the board to become a participating employee;

22 2.5. Except as provided in item 2.6, any person who  
23 holds elective office as a member of a county board,  
24 unless:

25 (i) the person was first elected as a member of a  
26 county board before the effective date of this

1           amendatory Act of the 99th General Assembly;

2           (ii) the person has elected while in that office,  
3           in a written notice on file with the board, to become a  
4           participating employee;

5           (iii) the county board has filed the resolution  
6           required by subsection (a) of Section 7-137.2 of this  
7           Article; and

8           (iv) the person has submitted the required time  
9           sheets evidencing that the person has met the hourly  
10          standard as required by subsection (b) of Section  
11          7-137.2 of this Article;

12          2.6. Any person who is an elected member of a county  
13          board and is first so elected on or after the effective  
14          date of this amendatory Act of the 99th General Assembly;

15          2.7. Any person who is an elected or appointed official  
16          of a forest preserve district, unless:

17                 (i) the person was first elected or appointed to  
18                 that office before the effective date of this amendatory  
19                 Act of the 100th General Assembly;

20                 (ii) the person has elected while in that office,  
21                 in a written notice on file with the board, to become a  
22                 participating employee; and

23                 (iii) the person has submitted the required time  
24                 sheets evidencing that the person has met the hourly  
25                 standard as required by Section 7-137.3;

26          2.8. Any person who is an elected or appointed official

1 of a forest preserve district and is first so elected or  
2 appointed on or after the effective date of this amendatory  
3 Act of the 100th General Assembly;

4 3. Any person working for a city hospital unless any  
5 such person, while in active employment, has elected in a  
6 written notice on file with the board to become a  
7 participating employee and notification thereof is  
8 received by the board;

9 4. Any person who becomes an employee after June 30,  
10 1979 as a public service employment program participant  
11 under the federal Comprehensive Employment and Training  
12 Act and whose wages or fringe benefits are paid in whole or  
13 in part by funds provided under such Act;

14 5. Any person who is actively employed by a  
15 municipality on its effective date of participation in the  
16 Fund if that municipality (i) has at least 35 employees on  
17 its effective date of participation; (ii) is located in a  
18 county with at least 2,000,000 inhabitants; and (iii)  
19 maintains an independent defined benefit pension plan for  
20 the benefit of its eligible employees, unless the person  
21 files with the board within 90 days after the  
22 municipality's effective date of participation an  
23 irrevocable election to participate.

24 (c) Any person electing to be a participating employee,  
25 pursuant to paragraph (b) of this Section may not change such  
26 election, except as provided in Section 7-137.1.

1 (d) Any employee who occupied the position of school nurse  
2 in any participating municipality on August 8, 1961 and  
3 continuously thereafter until the effective date of the  
4 exercise of the option authorized by this subparagraph, who on  
5 August 7, 1961 was a member of the Teachers' Retirement System  
6 of Illinois, by virtue of certification by the Department of  
7 Registration and Education as a public health nurse, may elect  
8 to terminate participation in this Fund in order to  
9 re-establish membership in such System. The election may be  
10 exercised by filing written notice thereof with the Board or  
11 with the Board of Trustees of said Teachers' Retirement System,  
12 not later than September 30, 1963, and shall be effective on  
13 the first day of the calendar month next following the month in  
14 which the notice was filed. If the written notice is filed with  
15 such Teachers' Retirement System, that System shall  
16 immediately notify this Fund, but neither failure nor delay in  
17 notification shall affect the validity of the employee's  
18 election. If the option is exercised, the Fund shall notify  
19 such Teachers' Retirement System of such fact and transfer to  
20 that system the amounts contributed by the employee to this  
21 Fund, including interest at 3% per annum, but excluding  
22 contributions applicable to social security coverage during  
23 the period beginning August 8, 1961 to the effective date of  
24 the employee's election. Participation in this Fund as to any  
25 credits on or after August 8, 1961 and up to the effective date  
26 of the employee's election shall terminate on such effective

1 date.

2 (e) Any participating municipality or participating  
3 instrumentality, other than a school district or special  
4 education joint agreement created under Section 10-22.31 of the  
5 School Code, may, by a resolution or ordinance duly adopted by  
6 its governing body, elect to exclude from participation and  
7 eligibility for benefits all persons who are employed after the  
8 effective date of such resolution or ordinance and who occupy  
9 an office or are employed in a position normally requiring  
10 performance of duty for less than 1000 hours per year for the  
11 participating municipality (including all instrumentalities  
12 thereof) or participating instrumentality except for persons  
13 employed in a position normally requiring performance of duty  
14 for 600 hours or more per year (i) by such participating  
15 municipality or participating instrumentality prior to the  
16 effective date of the resolution or ordinance and (ii) by a  
17 participating municipality or participating instrumentality,  
18 which had not adopted such a resolution when the person was  
19 employed, and the function served by the employee's position is  
20 assumed by another participating municipality or participating  
21 instrumentality. Notwithstanding the foregoing, a  
22 participating municipality or participating instrumentality  
23 which is formed solely to succeed to the functions of a  
24 participating municipality or participating instrumentality  
25 shall be considered to have adopted any such resolution or  
26 ordinance which may have been applicable to the employees

1 performing such functions. The election made by the resolution  
2 or ordinance shall take effect at the time specified in the  
3 resolution or ordinance, and once effective shall be  
4 irrevocable.

5 (Source: P.A. 99-900, eff. 8-26-16.)

6 (40 ILCS 5/7-137.3 new)

7 Sec. 7-137.3. Participation by an elected or appointed  
8 official of a forest preserve district. An elected or appointed  
9 official of a forest preserve district who participates in the  
10 Fund with respect to that position shall monthly submit, to the  
11 authorized agent or his or her designee, time sheets  
12 documenting the time spent on official government business as  
13 an elected or appointed official of a forest preserve district.  
14 The time sheets shall be (1) submitted on paper or  
15 electronically, or both, and (2) maintained by the forest  
16 preserve district for 5 years. An elected or appointed official  
17 of a forest preserve district who fails to submit time sheets  
18 or fails to conduct official government business with respect  
19 to that position for either 600 hours or 1000 hours (whichever  
20 is applicable) annually shall not be permitted to continue  
21 participation in the Fund as an elected or appointed official  
22 of a forest preserve district. The Fund may request that the  
23 governing body certify that an elected or appointed official of  
24 a forest preserve district is permitted to continue  
25 participation with respect to that position.



1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.