

1 AN ACT in relation to 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
5 changing Section 7-132 as follows:

6 (40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

7 Sec. 7-132. Municipalities, instrumentalities and
8 participating instrumentalities included and effective dates.

9 (A) Municipalities and their instrumentalities.

10 (a) The following described municipalities, but not
11 including any with more than 1,000,000 inhabitants, and the
12 instrumentalities thereof, shall be included within and be
13 subject to this Article beginning upon the effective dates
14 specified by the Board:

15 (1) Except as to the municipalities and
16 instrumentalities thereof specifically excluded under
17 this Article, every county shall be subject to this
18 Article, and all cities, villages and incorporated towns
19 having a population in excess of 5,000 inhabitants as
20 determined by the last preceding decennial or subsequent
21 federal census, shall be subject to this Article
22 following publication of the census by the Bureau of the
23 Census. Within 90 days after publication of the census,
24 the Board shall notify any municipality that has become
25 subject to this Article as a result of that census, and
26 shall provide information to the corporate authorities of
27 the municipality explaining the duties and consequences
28 of participation. The notification shall also include a
29 proposed date upon which participation by the
30 municipality will commence.

31 However, for any city, village or incorporated town

1 that attains a population over 5,000 inhabitants after
2 having provided social security coverage for its
3 employees under the Social Security Enabling Act,
4 participation under this Article shall not be mandatory
5 but may be elected in accordance with subparagraph (3) or
6 (4) of this paragraph (a), whichever is applicable.

7 (2) School districts, other than those specifically
8 excluded under this Article, shall be subject to this
9 Article, without election, with respect to all employees
10 thereof.

11 (3) Towns and all other bodies politic and
12 corporate which are formed by vote of, or are subject to
13 control by, the electors in towns and are located in
14 towns which are not participating municipalities on the
15 effective date of this Act, may become subject to this
16 Article by election pursuant to Section 7-132.1.

17 (4) Any other municipality (together with its
18 instrumentalities), other than those specifically
19 excluded from participation and those described in
20 paragraph (3) above, may elect to be included either by
21 referendum under Section 7-134 or by the adoption of a
22 resolution or ordinance by its governing body. A copy of
23 such resolution or ordinance duly authenticated and
24 certified by the clerk of the municipality or other
25 appropriate official of its governing body shall
26 constitute the required notice to the board of such
27 action.

28 (b) A municipality that is about to begin participation
29 shall submit to the Board an application to participate, in a
30 form acceptable to the Board, not later than 90 days prior to
31 the proposed effective date of participation. The Board
32 shall act upon the application within 90 days, and if it
33 finds that the application is in conformity with its
34 requirements and the requirements of this Article,

1 participation by the applicant shall commence on a date
2 acceptable to the municipality and specified by the Board,
3 but in no event more than one year from the date of
4 application.

5 (c) A participating municipality which succeeds to the
6 functions of a participating municipality which is dissolved
7 or terminates its existence shall assume and be transferred
8 the net accumulation balance in the municipality reserve and
9 the municipality account receivable balance of the terminated
10 municipality.

11 (d) In the case of a Veterans Assistance Commission
12 whose employees were being treated by the Fund on January 1,
13 1990 as employees of the county served by the Commission, the
14 Fund may continue to treat the employees of the Veterans
15 Assistance Commission as county employees for the purposes of
16 this Article, unless the Commission becomes a participating
17 instrumentality in accordance with subsection (B) of this
18 Section.

19 (B) Participating instrumentalities.

20 (a) The participating instrumentalities designated in
21 paragraph (b) of this subsection shall be included within and
22 be subject to this Article if:

23 (1) an application to participate, in a form
24 acceptable to the Board and adopted by a two-thirds vote
25 of the governing body, is presented to the Board not
26 later than 90 days prior to the proposed effective date;
27 and

28 (2) the Board finds that the application is in
29 conformity with its requirements, that the applicant has
30 reasonable expectation to continue as a political entity
31 for a period of at least 10 years and has the prospective
32 financial capacity to meet its current and future
33 obligations to the Fund, and that the actuarial soundness
34 of the Fund may be reasonably expected to be unimpaired

1 by approval of participation by the applicant.

2 The Board shall notify the applicant of its findings
3 within 90 days after receiving the application, and if the
4 Board approves the application, participation by the
5 applicant shall commence on the effective date specified by
6 the Board.

7 (b) The following participating instrumentalities, so
8 long as they meet the requirements of Section 7-108 and the
9 area served by them or within their jurisdiction is not
10 located entirely within a municipality having more than one
11 million inhabitants, may be included hereunder:

12 i. Township School District Trustees.

13 ii. Multiple County and Consolidated Health
14 Departments created under Division 5-25 of the Counties
15 Code or its predecessor law.

16 iii. Public Building Commissions created under the
17 Public Building Commission Act, and located in counties
18 of less than 1,000,000 inhabitants.

19 iv. A multitype, consolidated or cooperative
20 library system created under the Illinois Library System
21 Act. Any library system created under the Illinois
22 Library System Act that has one or more predecessors that
23 participated in the Fund may participate in the Fund upon
24 application. The Board shall establish procedures for
25 implementing the transfer of rights and obligations from
26 the predecessor system to the successor system.

27 v. Regional Planning Commissions created under
28 Division 5-14 of the Counties Code or its predecessor
29 law.

30 vi. Local Public Housing Authorities created under
31 the Housing Authorities Act, located in counties of less
32 than 1,000,000 inhabitants.

33 vii. Illinois Municipal League.

34 viii. Northeastern Illinois Metropolitan Area

1 Planning Commission.

2 ix. Southwestern Illinois Metropolitan Area
3 Planning Commission.

4 x. Illinois Association of Park Districts.

5 xi. Illinois Supervisors, County Commissioners and
6 Superintendents of Highways Association.

7 xii. Tri-City Regional Port District.

8 xiii. An association, or not-for-profit
9 corporation, membership in which is authorized under
10 Section 85-15 of the Township Code.

11 xiv. Drainage Districts operating under the
12 Illinois Drainage Code.

13 xv. Local mass transit districts created under the
14 Local Mass Transit District Act.

15 xvi. Soil and water conservation districts created
16 under the Soil and Water Conservation Districts Law.

17 xvii. Commissions created to provide water supply
18 or sewer services or both under Division 135 or Division
19 136 of Article 11 of the Illinois Municipal Code.

20 xviii. Public water districts created under the
21 Public Water District Act.

22 xix. Veterans Assistance Commissions established
23 under Section 9 of the Military Veterans Assistance Act
24 that serve counties with a population of less than
25 1,000,000.

26 xx. The governing body of an entity, other than a
27 vocational education cooperative, created under an
28 intergovernmental cooperative agreement established
29 between participating municipalities under the
30 Intergovernmental Cooperation Act, which by the terms of
31 the agreement is the employer of the persons performing
32 services under the agreement under the usual common law
33 rules determining the employer-employee relationship.
34 The governing body of such an intergovernmental

1 cooperative entity established prior to July 1, 1988 may
2 make participation retroactive to the effective date of
3 the agreement and, if so, the effective date of
4 participation shall be the date the required application
5 is filed with the fund. If any such entity is unable to
6 pay the required employer contributions to the fund, then
7 the participating municipalities shall make payment of
8 the required contributions and the payments shall be
9 allocated as provided in the agreement or, if not so
10 provided, equally among them.

11 xxi. The Illinois Municipal Electric Agency.

12 xxii. The Waukegan Port District.

13 xxiii. The Fox Waterway Agency created under the
14 Fox Waterway Agency Act.

15 xxiv. The Illinois Municipal Gas Agency.

16 xxv. The Kaskaskia Regional Port District.

17 xxvi. The Southwestern Illinois Development
18 Authority.

19 xxvii. The United Counties Council of Illinois. If
20 the United Counties Council of Illinois becomes a
21 participating instrumentality included within and subject
22 to this Article, service with the Council under its
23 previous name (the Urban Counties Council of Illinois)
24 shall be deemed service with the same employer. The
25 employer may elect to make any employee contributions for
26 prior service on behalf of the employees.

27 (c) The governing boards of special education joint
28 agreements created under Section 10-22.31 of the School Code
29 without designation of an administrative district shall be
30 included within and be subject to this Article as
31 participating instrumentalities when the joint agreement
32 becomes effective. However, the governing board of any such
33 special education joint agreement in effect before September
34 5, 1975 shall not be subject to this Article unless the joint

1 agreement is modified by the school districts to provide that
2 the governing board is subject to this Article, except as
3 otherwise provided by this Section.

4 The governing board of the Special Education District of
5 Lake County shall become subject to this Article as a
6 participating instrumentality on July 1, 1997.
7 Notwithstanding subdivision (a)1 of Section 7-139, on the
8 effective date of participation, employees of the governing
9 board of the Special Education District of Lake County shall
10 receive creditable service for their prior service with that
11 employer, up to a maximum of 5 years, without any employee
12 contribution. Employees may establish creditable service for
13 the remainder of their prior service with that employer, if
14 any, by applying in writing and paying an employee
15 contribution in an amount determined by the Fund, based on
16 the employee contribution rates in effect at the time of
17 application for the creditable service and the employee's
18 salary rate on the effective date of participation for that
19 employer, plus interest at the effective rate from the date
20 of the prior service to the date of payment. Application for
21 this creditable service must be made before July 1, 1998; the
22 payment may be made at any time while the employee is still
23 in service. The employer may elect to make the required
24 contribution on behalf of the employee.

25 The governing board of a special education joint
26 agreement created under Section 10-22.31 of the School Code
27 for which an administrative district has been designated, if
28 there are employees of the cooperative educational entity who
29 are not employees of the administrative district, may elect
30 to participate in the Fund and be included within this
31 Article as a participating instrumentality, subject to such
32 application procedures and rules as the Board may prescribe.

33 The Boards of Control of cooperative or joint educational
34 programs or projects created and administered under Section

1 3-15.14 of the School Code, whether or not the Boards act as
2 their own administrative district, shall be included within
3 and be subject to this Article as participating
4 instrumentalities when the agreement establishing the
5 cooperative or joint educational program or project becomes
6 effective.

7 The governing board of a special education joint
8 agreement entered into after June 30, 1984 and prior to
9 September 17, 1985 which provides for representation on the
10 governing board by less than all the participating districts
11 shall be included within and subject to this Article as a
12 participating instrumentality. Such participation shall be
13 effective as of the date the joint agreement becomes
14 effective.

15 The governing boards of educational service centers
16 established under Section 2-3.62 of the School Code shall be
17 included within and subject to this Article as participating
18 instrumentalities. The governing boards of vocational
19 education cooperative agreements created under the
20 Intergovernmental Cooperation Act and approved by the State
21 Board of Education shall be included within and be subject to
22 this Article as participating instrumentalities. If any such
23 governing boards or boards of control are unable to pay the
24 required employer contributions to the fund, then the school
25 districts served by such boards shall make payment of
26 required contributions as provided in Section 7-172. The
27 payments shall be allocated among the several school
28 districts in proportion to the number of students in average
29 daily attendance for the last full school year for each
30 district in relation to the total number of students in
31 average attendance for such period for all districts served.
32 If such educational service centers, vocational education
33 cooperatives or cooperative or joint educational programs or
34 projects created and administered under Section 3-15.14 of

1 the School Code are dissolved, the assets and obligations
2 shall be distributed among the districts in the same
3 proportions unless otherwise provided.

4 (d) The governing boards of special recreation joint
5 agreements created under Section 8-10b of the Park District
6 Code, operating without designation of an administrative
7 district or an administrative municipality appointed to
8 administer the program operating under the authority of such
9 joint agreement shall be included within and be subject to
10 this Article as participating instrumentalities when the
11 joint agreement becomes effective. However, the governing
12 board of any such special recreation joint agreement in
13 effect before January 1, 1980 shall not be subject to this
14 Article unless the joint agreement is modified, by the
15 districts and municipalities which are parties to the
16 agreement, to provide that the governing board is subject to
17 this Article.

18 If the Board returns any employer and employee
19 contributions to any employer which erroneously submitted
20 such contributions on behalf of a special recreation joint
21 agreement, the Board shall include interest computed from the
22 end of each year to the date of payment, not compounded, at
23 the rate of 7% per annum.

24 (e) Each multi-township assessment district, the board
25 of trustees of which has adopted this Article by ordinance
26 prior to April 1, 1982, shall be a participating
27 instrumentality included within and subject to this Article
28 effective December 1, 1981. The contributions required under
29 Section 7-172 shall be included in the budget prepared under
30 and allocated in accordance with Section 2-30 of the Property
31 Tax Code.

32 (f) Beginning January 1, 1992, each prospective
33 participating municipality or participating instrumentality
34 shall pay to the Fund the cost, as determined by the Board,

1 of a study prepared by the Fund or its actuary, detailing the
2 prospective costs of participation in the Fund to be expected
3 by the municipality or instrumentality.

4 (Source: P.A. 92-424, eff. 8-17-01.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.