



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3606

Introduced 2/24/2009, by Rep. Gary Hannig

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-137.1

from Ch. 108 1/2, par. 7-137.1

30 ILCS 805/8.33 new

Amends the IMRF Article of the Illinois Pension Code. In the provisions allowing certain annuitants to hold elective office without participating in the Fund or losing their retirement annuities, allows a separate election for each term of office and requires that the person waive his or her salary or stipend for that elective office. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 11400 AMC 21864 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 changing  
5 Section 7-137.1 as follows:

6 (40 ILCS 5/7-137.1) (from Ch. 108 1/2, par. 7-137.1)

7 Sec. 7-137.1. Elected officials.

8 (a) A person holding an elective office who has elected to  
9 participate in the Fund while in that office may revoke that  
10 election and cease participating in the Fund by notifying the  
11 Board in writing before January 1, 1992.

12 Upon such revocation, the person shall forfeit all  
13 creditable service earned while holding that office, and the  
14 Board shall refund to the person, without interest, all  
15 employee contributions paid for the forfeited creditable  
16 service. The Board shall also refund or credit to the employing  
17 municipality, without interest, the employer contributions  
18 relating to the forfeited service, except those for death and  
19 disability.

20 (b) Notwithstanding the provisions of Section 7-141 and  
21 Section 7-144, beginning on the effective date of this  
22 amendatory Act of the 96th General Assembly, a person who holds  
23 an elective office and has not elected to participate in the

1 Fund with respect to that term of office shall not be  
2 disqualified from receiving a retirement annuity during that  
3 term of office by reason of holding that office, provided that  
4 (i) the person waives his or her salary or stipend for that  
5 elective office and (ii) the annuity is not based on any  
6 credits received for participating during that term of office.  
7 ~~Notwithstanding the provisions of Sections 7-141 and 7-144,~~  
8 ~~beginning January 1, 1992, a person who holds an elective~~  
9 ~~office and has not elected to participate in the Fund with~~  
10 ~~respect to that office (or has revoked his election to~~  
11 ~~participate with respect to that office under subsection (a) of~~  
12 ~~this Section) shall not be disqualified from receiving a~~  
13 ~~retirement annuity by reason of holding such office, provided~~  
14 ~~that the annuity is not based on any credits received for~~  
15 ~~participating while holding that office.~~

16 (Source: P.A. 87-740.)

17 Section 90. The State Mandates Act is amended by adding  
18 Section 8.33 as follows:

19 (30 ILCS 805/8.33 new)

20 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
21 of this Act, no reimbursement by the State is required for the  
22 implementation of any mandate created by this amendatory Act of  
23 the 96th General Assembly.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.