



Rep. Anna Moeller

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10000HB3122ham002

LRB100 10261 RPS 24050 a

1 AMENDMENT TO HOUSE BILL 3122

2 AMENDMENT NO. _____. Amend House Bill 3122 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 7-137 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

1 instrumentality beginning upon such effective date.

2 2. Except as to the employees specifically excluded
3 under the provisions of this Article, all persons, who
4 became employees of any participating municipality (or
5 instrumentality thereof) or participating instrumentality
6 after the effective date of participation of such
7 municipality or participating instrumentality, beginning
8 upon the date such person becomes an employee.

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

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

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

25 2. Except as provided in items 2.5, ~~and~~ 2.6, and 2.7,
26 any person who holds elective office, unless he or she has

1 elected while in that office in a written notice on file
2 with the board to become a participating employee;

3 2.5. Except as provided in item 2.6, any person who
4 holds elective office as a member of a county board,
5 unless:

6 (i) the person was first elected as a member of a
7 county board before the effective date of this
8 amendatory Act of the 99th General Assembly;

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

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

15 (iv) the person has submitted the required time
16 sheets evidencing that the person has met the hourly
17 standard as required by subsection (b) of Section
18 7-137.2 of this Article;

19 2.6. Any person who is an elected member of a county
20 board and is first so elected on or after the effective
21 date of this amendatory Act of the 99th General Assembly;

22 2.7. Any person who holds part-time office as a member
23 of a governing body, whether he or she is elected or
24 appointed, unless he or she (i) was elected or appointed to
25 that office before the effective date of this amendatory
26 Act of the 100th General Assembly and (ii) has elected

1 while in that office in a written notice on file with the
2 board to become a participating employee. An office as a
3 member of a governing body shall be deemed to be part-time
4 if it normally requires the performance of duty during less
5 than 1000 hours a year for the governing body of the
6 participating municipality or instrumentality;

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

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

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

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

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

1 the employee's election. Participation in this Fund as to any
2 credits on or after August 8, 1961 and up to the effective date
3 of the employee's election shall terminate on such effective
4 date.

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

1 participating municipality or participating instrumentality
2 shall be considered to have adopted any such resolution or
3 ordinance which may have been applicable to the employees
4 performing such functions. The election made by the resolution
5 or ordinance shall take effect at the time specified in the
6 resolution or ordinance, and once effective shall be
7 irrevocable.

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