



Rep. Deb Conroy

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LRB100 10740 RPS 25475 a

1 AMENDMENT TO HOUSE BILL 3908

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3908 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 of a forest preserve district, whether  
24 he or she is elected or appointed, unless he or she (i) was  
25 elected or appointed to that office before the effective  
26 date of this amendatory Act of the 100th General Assembly

1       and (ii) has elected while in that office in a written  
2       notice on file with the board to become a participating  
3       employee. An office as a member of a governing body of a  
4       forest preserve district shall be deemed to be part-time if  
5       it normally requires the performance of duty during less  
6       than 1000 hours a year for the governing body of the forest  
7       preserve district;

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

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

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

1           irrevocable election to participate.

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

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

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

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

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

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."