



Rep. Dan Ugaste

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10200HB0381ham001

LRB102 05124 RPS 25036 a

1 AMENDMENT TO HOUSE BILL 381

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 381 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 3-110.12 and 4-108 as follows:

6 (40 ILCS 5/3-110.12)

7 Sec. 3-110.12. Transfer to Article 4 fund.

8 (a) At any time during the 6 months following the  
9 effective date of this Section, an active member of an Article  
10 4 firefighters' pension fund may apply for transfer to that  
11 fund of up to 6 years of his or her creditable service  
12 accumulated in the police pension fund under this Article that  
13 is administered by the same unit of local government if that  
14 active member was not subject to disciplinary action when he  
15 or she terminated employment with that police department. The  
16 creditable service shall be transferred upon payment by the

1 police pension fund to the Article 4 fund of an amount equal  
2 to:

3 (1) the amounts accumulated to the credit of the  
4 applicant on the books of the fund on the date of transfer  
5 for the service to be transferred; and

6 (2) employer contributions in an amount equal to the  
7 amount determined under item (1); and

8 (3) any interest paid by the applicant in order to  
9 reinstate service.

10 Participation in the police pension fund with respect to  
11 the transferred creditable service shall terminate on the date  
12 of transfer.

13 (a-5) At any time during the 6 months following the  
14 effective date of this amendatory Act of the 102nd General  
15 Assembly, an active member of an Article 4 firefighters'  
16 pension fund may apply for transfer to that fund of up to 8  
17 years of his or her creditable service accumulated in a police  
18 pension fund under this Article that is administered by a unit  
19 of local government if that active member was not subject to  
20 disciplinary action when he or she terminated employment with  
21 that police department. The creditable service shall be  
22 transferred upon payment by the police pension fund to the  
23 Article 4 fund of an amount equal to:

24 (1) the amounts accumulated to the credit of the  
25 applicant on the books of the fund on the date of transfer  
26 for the service to be transferred; and

1           (2) employer contributions in an amount equal to the  
2           amount determined under item (1); and

3           (3) any interest paid by the applicant in order to  
4           reinstate service.

5           Participation in the police pension fund with respect to  
6           the transferred creditable service shall terminate on the date  
7           of transfer.

8           (b) At the time of applying for transfer of creditable  
9           service under this Section, an active member of an Article 4  
10          firefighters' pension fund may, for the purpose of that  
11          transfer, reinstate creditable service that was terminated by  
12          receipt of a refund, by payment to the police pension fund of  
13          the amount of the refund with interest thereon at the rate of  
14          6% per year, compounded annually, from the date of the refund  
15          to the date of payment.

16          (Source: P.A. 100-544, eff. 11-8-17.)

17           (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

18           Sec. 4-108. Creditable service.

19           (a) Creditable service is the time served as a firefighter  
20          of a municipality. In computing creditable service, furloughs  
21          and leaves of absence without pay exceeding 30 days in any one  
22          year shall not be counted, but leaves of absence for illness or  
23          accident regardless of length, and periods of disability for  
24          which a firefighter received no disability pension payments  
25          under this Article, shall be counted.

1 (b) Furloughs and leaves of absence of 30 days or less in  
2 any one year may be counted as creditable service, if the  
3 firefighter makes the contribution to the fund that would have  
4 been required had he or she not been on furlough or leave of  
5 absence. To qualify for this creditable service, the  
6 firefighter must pay the required contributions to the fund  
7 not more than 90 days subsequent to the termination of the  
8 furlough or leave of absence, to the extent that the  
9 municipality has not made such contribution on his or her  
10 behalf.

11 (c) Creditable service includes:

12 (1) Service in the military, naval or air forces of  
13 the United States entered upon when the person was an  
14 active firefighter, provided that, upon applying for a  
15 permanent pension, and in accordance with the rules of the  
16 board the firefighter pays into the fund the amount that  
17 would have been contributed had he or she been a regular  
18 contributor during such period of service, if and to the  
19 extent that the municipality which the firefighter served  
20 made no such contributions in his or her behalf. The total  
21 amount of such creditable service shall not exceed 5  
22 years, except that any firefighter who on July 1, 1973 had  
23 more than 5 years of such creditable service shall receive  
24 the total amount thereof as of that date.

25 (1.5) Up to 24 months of service in the military,  
26 naval, or air forces of the United States that was served

1 prior to employment by a municipality or fire protection  
2 district as a firefighter. To receive the credit for the  
3 military service prior to the employment as a firefighter,  
4 the firefighter must apply in writing to the fund and must  
5 make contributions to the fund equal to (i) the employee  
6 contributions that would have been required had the  
7 service been rendered as a member, plus (ii) an amount  
8 determined by the fund to be equal to the employer's  
9 normal cost of the benefits accrued for that military  
10 service, plus (iii) interest at the actuarially assumed  
11 rate provided by the Department of Financial and  
12 Professional Regulation, compounded annually from the  
13 first date of membership in the fund to the date of payment  
14 on items (i) and (ii). The changes to this paragraph (1.5)  
15 by this amendatory Act of the 95th General Assembly apply  
16 only to participating employees in service on or after its  
17 effective date.

18 (2) Service prior to July 1, 1976 by a firefighter  
19 initially excluded from participation by reason of age who  
20 elected to participate and paid the required contributions  
21 for such service.

22 (3) Up to 8 years of service by a firefighter as an  
23 officer in a statewide firefighters' association when he  
24 is on a leave of absence from a municipality's payroll,  
25 provided that (i) the firefighter has at least 10 years of  
26 creditable service as an active firefighter, (ii) the

1 firefighter contributes to the fund the amount that he  
2 would have contributed had he remained an active member of  
3 the fund, (iii) the employee or statewide firefighter  
4 association contributes to the fund an amount equal to the  
5 employer's required contribution as determined by the  
6 board, and (iv) for all leaves of absence under this  
7 subdivision (3), including those beginning before the  
8 effective date of this amendatory Act of the 97th General  
9 Assembly, the firefighter continues to remain in sworn  
10 status, subject to the professional standards of the  
11 public employer or those terms established in statute.

12 (4) Time spent as an on-call fireman for a  
13 municipality, calculated at the rate of one year of  
14 creditable service for each 5 years of time spent as an  
15 on-call fireman, provided that (i) the firefighter has at  
16 least 18 years of creditable service as an active  
17 firefighter, (ii) the firefighter spent at least 14 years  
18 as an on-call firefighter for the municipality, (iii) the  
19 firefighter applies for such creditable service within 30  
20 days after the effective date of this amendatory Act of  
21 1989, (iv) the firefighter contributes to the Fund an  
22 amount representing employee contributions for the number  
23 of years of creditable service granted under this  
24 subdivision (4), based on the salary and contribution rate  
25 in effect for the firefighter at the date of entry into the  
26 Fund, to be determined by the board, and (v) not more than

1           3 years of creditable service may be granted under this  
2 subdivision (4).

3           Except as provided in Section 4-108.5, creditable  
4 service shall not include time spent as a volunteer  
5 firefighter, whether or not any compensation was received  
6 therefor. The change made in this Section by Public Act  
7 83-0463 is intended to be a restatement and clarification  
8 of existing law, and does not imply that creditable  
9 service was previously allowed under this Article for time  
10 spent as a volunteer firefighter.

11           (5) Time served between July 1, 1976 and July 1, 1988  
12 in the position of protective inspection officer or  
13 administrative assistant for fire services, for a  
14 municipality with a population under 10,000 that is  
15 located in a county with a population over 3,000,000 and  
16 that maintains a firefighters' pension fund under this  
17 Article, if the position included firefighting duties,  
18 notwithstanding that the person may not have held an  
19 appointment as a firefighter, provided that application is  
20 made to the pension fund within 30 days after the  
21 effective date of this amendatory Act of 1991, and the  
22 corresponding contributions are paid for the number of  
23 years of service granted, based upon the salary and  
24 contribution rate in effect for the firefighter at the  
25 date of entry into the pension fund, as determined by the  
26 Board.

1           (6) Service before becoming a participant by a  
2 firefighter initially excluded from participation by  
3 reason of age who becomes a participant under the  
4 amendment to Section 4-107 made by this amendatory Act of  
5 1993 and pays the required contributions for such service.

6           (7) Up to 3 years of time during which the firefighter  
7 receives a disability pension under Section 4-110,  
8 4-110.1, or 4-111, provided that (i) the firefighter  
9 returns to active service after the disability for a  
10 period at least equal to the period for which credit is to  
11 be established and (ii) the firefighter makes  
12 contributions to the fund based on the rates specified in  
13 Section 4-118.1 and the salary upon which the disability  
14 pension is based. These contributions may be paid at any  
15 time prior to the commencement of a retirement pension.  
16 The firefighter may, but need not, elect to have the  
17 contributions deducted from the disability pension or to  
18 pay them in installments on a schedule approved by the  
19 board. If not deducted from the disability pension, the  
20 contributions shall include interest at the rate of 6% per  
21 year, compounded annually, from the date for which service  
22 credit is being established to the date of payment. If  
23 contributions are paid under this subdivision (c)(7) in  
24 excess of those needed to establish the credit, the excess  
25 shall be refunded. This subdivision (c)(7) applies to  
26 persons receiving a disability pension under Section



1 4-110, 4-110.1, or 4-111 on the effective date of this  
2 amendatory Act of the 91st General Assembly, as well as  
3 persons who begin to receive such a disability pension  
4 after that date.

5 (8) Up to 6 years of service as a police officer and  
6 participant in an Article 3 police pension fund  
7 administered by the unit of local government that employs  
8 the firefighter under this Article, provided that the  
9 service has been transferred to, and the required payment  
10 received by, the Article 4 fund in accordance with  
11 subsection (a) of Section 3-110.12 of this Code.

12 (9) Up to 8 years of service as a police officer and  
13 participant in an Article 3 police pension fund  
14 administered by a unit of local government, provided that  
15 the service has been transferred to, and the required  
16 payment received by, the Article 4 fund in accordance with  
17 subsection (a-5) of Section 3-110.12 of this Code.

18 (Source: P.A. 100-544, eff. 11-8-17.)

19 Section 90. The State Mandates Act is amended by adding  
20 Section 8.45 as follows:

21 (30 ILCS 805/8.45 new)

22 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
23 8 of this Act, no reimbursement by the State is required for  
24 the implementation of any mandate created by this amendatory

1 Act of the 102nd General Assembly.

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