



Sen. Laura Ellman

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LRB102 10002 RPS 23745 a

1 AMENDMENT TO SENATE BILL 167

2 AMENDMENT NO. _____. Amend Senate Bill 167 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 4-109.3 as follows:

6 (40 ILCS 5/4-109.3)

7 Sec. 4-109.3. Employee creditable service.

8 (a) As used in this Section:

9 "Final monthly salary" means the monthly salary attached
10 to the rank held by the firefighter at the time of his or her
11 last withdrawal from service under a particular pension fund.

12 "Last pension fund" means the pension fund in which the
13 firefighter was participating at the time of his or her last
14 withdrawal from service.

15 (b) The benefits provided under this Section are available
16 only to a firefighter who:

1 (1) is a firefighter at the time of withdrawal from
2 the last pension fund and for at least the final 3 years of
3 employment prior to that withdrawal;

4 (2) has established service credit with at least one
5 pension fund established under this Article other than the
6 last pension fund;

7 (3) has a total of at least 20 years of service under
8 the various pension funds established under this Article
9 and has attained age 50; and

10 (4) is in service on or after the effective date of
11 this amendatory Act of the 93rd General Assembly.

12 (c) A firefighter who is eligible for benefits under this
13 Section may elect to receive a retirement pension from each
14 pension fund under this Article in which the firefighter has
15 at least one year of service credit but has not received a
16 refund under Section 4-116 (unless the firefighter repays that
17 refund under subsection (g)) or subsection (c) of Section
18 4-118.1, by applying in writing and paying the contribution
19 required under subsection (i).

20 (d) From each such pension fund other than the last
21 pension fund, in lieu of any retirement pension otherwise
22 payable under this Article, a firefighter to whom this Section
23 applies may elect to receive a monthly pension of 1/12th of
24 2.5% of his or her final monthly salary under that fund for
25 each month of service in that fund, subject to a maximum of 75%
26 of that final monthly salary.

1 (e) From the last pension fund, in lieu of any retirement
2 pension otherwise payable under this Article, a firefighter to
3 whom this Section applies may elect to receive a monthly
4 pension calculated as follows:

5 The last pension fund shall calculate the retirement
6 pension that would be payable to the firefighter under
7 ~~subsection (a) of~~ Section 4-109 as if he or she had
8 participated in that last pension fund during his or her
9 entire period of service under all pension funds established
10 under this Article (excluding any period of service for which
11 the firefighter has received a refund under Section 4-116,
12 unless the firefighter repays that refund under subsection
13 (g), or for which the firefighter has received a refund under
14 subsection (c) of Section 4-118.1). From this hypothetical
15 pension there shall be subtracted the original amounts of the
16 retirement pensions payable to the firefighter by all other
17 pension funds under subsection (d). The remainder is the
18 retirement pension payable to the firefighter by the last
19 pension fund under this subsection (e).

20 (f) Pensions elected under this Section shall be subject
21 to increases as provided in ~~subsection (d) of~~ Section 4-109.1.

22 (g) A current firefighter may reinstate creditable service
23 in a pension fund established under this Article that was
24 terminated upon receipt of a refund, by payment to that
25 pension fund of the amount of the refund together with
26 interest thereon at the rate of 6% per year, compounded

1 annually, from the date of the refund to the date of payment. A
2 repayment of a refund under this Section may be made in equal
3 installments over a period of up to 10 years, but must be paid
4 in full prior to retirement.

5 (h) As a condition of being eligible for the benefits
6 provided in this Section, a person who is hired to a position
7 as a firefighter on or after July 1, 2004 must, within 21
8 months after being hired, notify the new employer, all of his
9 or her previous employers under this Article, and the Public
10 Pension Division of the Division of Insurance of the
11 Department of Financial and Professional Regulation of his or
12 her intent to receive the benefits provided under this
13 Section.

14 As a condition of being eligible for the benefits provided
15 in this Section, a person who first becomes a firefighter
16 under this Article after December 31, 2010 must (1) within 21
17 months after being hired or within 21 months after the
18 effective date of this amendatory Act of the 102nd General
19 Assembly, whichever is later, notify the new employer, all of
20 his or her previous employers under this Article, and the
21 Public Pension Division of the Department of Insurance of his
22 or her intent to receive the benefits provided under this
23 Section; and (2) make the required contributions with
24 applicable interest. A person who first becomes a firefighter
25 under this Article after December 31, 2010 and who, before the
26 effective date of this amendatory Act of the 102nd General

1 Assembly, notified the new employer, all of his or her
2 previous employers under this Article, and the Public Pension
3 Division of the Department of Insurance of his or her intent to
4 receive the benefits provided under this Section shall be
5 deemed to have met the notice requirement under item (1) of the
6 preceding sentence. The changes made to this Section by this
7 amendatory Act of the 102nd General Assembly apply
8 retroactively, notwithstanding Section 1-103.1.

9 (i) In order to receive a pension under this Section or an
10 occupational disease disability pension for which he or she
11 becomes eligible due to the application of subsection (m) of
12 this Section, a firefighter must pay to each pension fund from
13 which he or she has elected to receive a pension under this
14 Section a contribution equal to 1% of monthly salary for each
15 month of service credit that the firefighter has in that fund
16 (other than service credit for which the firefighter has
17 already paid the additional contribution required under
18 subsection (c) of Section 4-118.1), together with interest
19 thereon at the rate of 6% per annum, compounded annually, from
20 the firefighter's first day of employment with that fund or
21 the first day of the fiscal year of that fund that immediately
22 precedes the firefighter's first day of employment with that
23 fund, whichever is earlier.

24 In order for a firefighter who, as of the effective date of
25 this amendatory Act of the 93rd General Assembly, has not
26 begun to receive a pension under this Section or an

1 occupational disease disability pension under subsection (m)
2 of this Section and who has contributed 1/12th of 1% of monthly
3 salary for each month of service credit that the firefighter
4 has in that fund (other than service credit for which the
5 firefighter has already paid the additional contribution
6 required under subsection (c) of Section 4-118.1), together
7 with the required interest thereon, to receive a pension under
8 this Section or an occupational disease disability pension for
9 which he or she becomes eligible due to the application of
10 subsection (m) of this Section, the firefighter must, within
11 one year after the effective date of this amendatory Act of the
12 93rd General Assembly, make an additional contribution equal
13 to 11/12ths of 1% of monthly salary for each month of service
14 credit that the firefighter has in that fund (other than
15 service credit for which the firefighter has already paid the
16 additional contribution required under subsection (c) of
17 Section 4-118.1), together with interest thereon at the rate
18 of 6% per annum, compounded annually, from the firefighter's
19 first day of employment with that fund or the first day of the
20 fiscal year of that fund that immediately precedes the
21 firefighter's first day of employment with the fund, whichever
22 is earlier. A firefighter who, as of the effective date of this
23 amendatory Act of the 93rd General Assembly, has not begun to
24 receive a pension under this Section or an occupational
25 disease disability pension under subsection (m) of this
26 Section and who has contributed 1/12th of 1% of monthly salary

1 for each month of service credit that the firefighter has in
2 that fund (other than service credit for which the firefighter
3 has already paid the additional contribution required under
4 subsection (c) of Section 4-118.1), together with the required
5 interest thereon, in order to receive a pension under this
6 Section or an occupational disease disability pension under
7 subsection (m) of this Section, may elect, within one year
8 after the effective date of this amendatory Act of the 93rd
9 General Assembly to forfeit the benefits provided under this
10 Section and receive a refund of that contribution.

11 (j) A retired firefighter who is receiving pension
12 payments under Section 4-109 may reenter active service under
13 this Article. Subject to the provisions of Section 4-117, the
14 firefighter may receive credit for service performed after the
15 reentry if the firefighter (1) applies to receive credit for
16 that service, (2) suspends his or her pensions under this
17 Section, and (3) makes the contributions required under
18 subsection (i).

19 (k) A firefighter who is newly hired or promoted to a
20 position as a firefighter shall not be denied participation in
21 a fund under this Article based on his or her age.

22 (l) If a firefighter who elects to make contributions
23 under subsection (c) of Section 4-118.1 for the pension
24 benefits provided under this Section becomes entitled to a
25 disability pension under Section 4-110, the last pension fund
26 is responsible to pay that disability pension and the amount

1 of that disability pension shall be based only on the
2 firefighter's service with the last pension fund.

3 (m) Notwithstanding any provision in Section 4-110.1 to
4 the contrary, if a firefighter who elects to make
5 contributions under subsection (c) of Section 4-118.1 for the
6 pension benefits provided under this Section becomes entitled
7 to an occupational disease disability pension under Section
8 4-110.1, each pension fund to which the firefighter has made
9 contributions under subsection (c) of Section 4-118.1 must pay
10 a portion of that occupational disease disability pension
11 equal to the proportion that the firefighter's service credit
12 with that pension fund for which the contributions under
13 subsection (c) of Section 4-118.1 have been made bears to the
14 firefighter's total service credit with all of the pension
15 funds for which the contributions under subsection (c) of
16 Section 4-118.1 have been made. A firefighter who has made
17 contributions under subsection (c) of Section 4-118.1 for at
18 least 5 years of creditable service shall be deemed to have met
19 the 5-year creditable service requirement under Section
20 4-110.1, regardless of whether the firefighter has 5 years of
21 creditable service with the last pension fund.

22 (n) If a firefighter who elects to make contributions
23 under subsection (c) of Section 4-118.1 for the pension
24 benefits provided under this Section becomes entitled to a
25 disability pension under Section 4-111, the last pension fund
26 is responsible to pay that disability pension, provided that

1 the firefighter has at least 7 years of creditable service
2 with the last pension fund. In the event a firefighter began
3 employment with a new employer as a result of an
4 intergovernmental agreement that resulted in the elimination
5 of the previous employer's fire department, the firefighter
6 shall not be required to have 7 years of creditable service
7 with the last pension fund to qualify for a disability pension
8 under Section 4-111. Under this circumstance, a firefighter
9 shall be required to have 7 years of total combined creditable
10 service time to qualify for a disability pension under Section
11 4-111. The disability pension received pursuant to this
12 Section shall be paid by the previous employer and new
13 employer in proportion to the firefighter's years of service
14 with each employer.

15 (Source: P.A. 95-1032, eff. 2-17-09; 95-1036, eff. 2-17-09.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.45 as follows:

18 (30 ILCS 805/8.45 new)

19 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
20 8 of this Act, no reimbursement by the State is required for
21 the implementation of any mandate created by this amendatory
22 Act of the 102nd General Assembly.

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

1 becoming law.".