



Rep. Katie Stuart

Filed: 3/16/2023

10300HB3769ham001

LRB103 28960 BMS 58429 a

1 AMENDMENT TO HOUSE BILL 3769

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3769 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by  
5 changing Section 367f as follows:

6 (215 ILCS 5/367f) (from Ch. 73, par. 979f)

7 Sec. 367f. Firefighters' ~~Firemen's~~ continuance privilege.

8 As used in this Section:

9 1. The terms "municipality", "deferred pensioner" and  
10 "creditable service" shall have the meaning ascribed to such  
11 terms by Sections 4-103, 4-105a and 4-108, respectively, of  
12 the Illinois Pension Code, as now or hereafter amended.

13 2. "Firefighter" means a person who is a "firefighter" as  
14 defined in Section 4-106 of the Illinois Pension Code, a  
15 paramedic who is employed by a unit of local government, or an  
16 emergency medical technician, emergency medical

1 technician-basic, emergency medical technician-intermediate,  
2 or advanced emergency medical technician who is employed by a  
3 unit of local government. The terms "fireman" and "firemen"  
4 shall have the meaning ascribed to the term "firefighter" by  
5 Section 4-106 of the Illinois Pension Code, and include those  
6 persons under the coverage of Article 4 of that Code, as  
7 heretofore or hereafter amended.

8 3. The "retirement or disability period" of a firefighter  
9 ~~fireman~~ means the period:

10 a. which begins on the day the firefighter ~~fireman~~ is  
11 removed from a municipality's fire department payroll  
12 because of the occurrence of any of the following events,  
13 to wit: (i) the firefighter ~~fireman~~ retires as a deferred  
14 pensioner under Section 4-105a of the Illinois Pension  
15 Code, (ii) the firefighter ~~fireman~~ retires from active  
16 service as a firefighter ~~fireman~~ with an attained age and  
17 accumulated creditable service which together qualify the  
18 firefighter ~~fireman~~ for immediate receipt of retirement  
19 pension benefits under Section 4-109 of the Illinois  
20 Pension Code, or (iii) the firefighter's ~~fireman's~~  
21 disability is established under Section 4-112 of the  
22 Illinois Pension Code; and

23 b. which ends on the first to occur of any of the  
24 following events, to wit: (i) the firefighter's ~~fireman's~~  
25 reinstatement or reentry into active service on the  
26 municipality's fire department as provided for under

1 Article 4 of the Illinois Pension Code, (ii) the  
2 firefighter's ~~fireman's~~ exercise of any refund option  
3 available under Section 4-116 of the Illinois Pension  
4 Code, (iii) the firefighter's ~~fireman's~~ loss pursuant to  
5 Section 4-138 of the Illinois Pension Code of any benefits  
6 provided for in Article 4 of that Code, or (iv) the  
7 firefighter's ~~fireman's~~ death or -- if at the time of the  
8 firefighter's ~~fireman's~~ death the firefighter ~~fireman~~ is  
9 survived by a spouse who, in that capacity, is entitled to  
10 receive a surviving spouse's monthly pension pursuant to  
11 Article 4 of the Illinois Pension Code -- then the death or  
12 remarriage of that spouse.

13 No policy of group accident and health insurance under  
14 which firefighters ~~firemen~~ employed by a municipality are  
15 insured for their individual benefit shall be issued or  
16 delivered in this State to any municipality unless such group  
17 policy provides for the election of continued group insurance  
18 coverage for the retirement or disability period of each  
19 firefighter ~~fireman~~ who is insured under the provisions of the  
20 group policy on the day immediately preceding the day on which  
21 the retirement or disability period of such firefighter  
22 ~~fireman~~ begins. So long as any required premiums for continued  
23 group insurance coverage are paid in accordance with the  
24 provisions of the group policy, an election made pursuant to  
25 this Section shall provide continued group insurance coverage  
26 for a firefighter ~~fireman~~ throughout the retirement or

1 disability period of the firefighter ~~fireman~~ and, unless the  
2 firefighter ~~fireman~~ otherwise elects and subject to any other  
3 provisions of the group policy which relate either to the  
4 provision or to the termination of dependents' coverage and  
5 which are not inconsistent with this Section, for any  
6 dependents of the firefighter ~~fireman~~ who are insured under  
7 the group policy on the day immediately preceding the day on  
8 which the retirement or disability period of the firefighter  
9 ~~fireman~~ begins; provided, however, that when such continued  
10 group insurance coverage is in effect with respect to a  
11 firefighter ~~fireman~~ on the date of the firefighter's ~~fireman's~~  
12 death but the retirement or disability period of the  
13 firefighter ~~fireman~~ does not end with such firefighter's  
14 ~~fireman's~~ death, then the deceased firefighter's ~~fireman's~~  
15 surviving spouse upon whose death or remarriage such  
16 retirement or disability period will end shall be entitled,  
17 without further election and upon payment of any required  
18 premiums in accordance with the provisions of the group  
19 policy, to maintain such continued group insurance coverage in  
20 effect until the end of such retirement or disability period.  
21 Continued group insurance coverage shall be provided in  
22 accordance with this Section at the same premium rate from  
23 time to time charged for equivalent coverage provided under  
24 the group policy with respect to covered firefighters ~~firemen~~  
25 whose retirement or disability period has not begun, and no  
26 distinction or discrimination in the amount or rate of

1 premiums or in any waiver of premium or other benefit  
2 provision shall be made between continued group insurance  
3 coverage elected pursuant to this Section and equivalent  
4 coverage provided to firefighters ~~firemen~~ under the group  
5 policy other than pursuant to the provisions of this Section;  
6 provided that no municipality shall be required by reason of  
7 any provision of this Section to pay any group insurance  
8 premium other than one that may be negotiated in a collective  
9 bargaining agreement. If a person electing continued coverage  
10 under this Section becomes eligible for medicare coverage,  
11 benefits under the group policy may continue as a supplement  
12 to the medicare coverage upon payment of any required premiums  
13 to maintain the benefits of the group policy as supplemental  
14 coverage.

15 Within 15 days of the beginning of the retirement or  
16 disability period of any firefighter ~~fireman~~ entitled to elect  
17 continued group insurance coverage under any group policy  
18 affected by this Section, the municipality last employing such  
19 firefighter ~~fireman~~ shall give written notice of such  
20 beginning by certified mail, return receipt requested to the  
21 insurance company issuing such policy. The notice shall  
22 include the firefighter's ~~fireman's~~ name and last known place  
23 of residence and the beginning date of the firefighter's  
24 ~~fireman's~~ retirement or disability period.

25 Within 15 days of the date of receipt of such notice from  
26 the municipality, the insurance company by certified mail,

1 return receipt requested, shall give written notice to the  
2 firefighter ~~fireman~~ at the firefighter's ~~fireman's~~ last known  
3 place of residence that coverage under the group policy may be  
4 continued for the retirement or disability period of the  
5 firefighter ~~fireman~~ as provided in this Section. Such notice  
6 shall set forth: (i) a statement of election to be filed by the  
7 firefighter ~~fireman~~ if the firefighter ~~fireman~~ wishes to  
8 continue such group insurance coverage, (ii) the amount of  
9 monthly premium, including a statement of the portion of such  
10 monthly premium attributable to any dependents' coverage which  
11 the firefighter ~~fireman~~ may elect, and (iii) instructions as  
12 to the return of the election form to the insurance company  
13 issuing such policy. Election shall be made, if at all, by  
14 returning the statement of election to the insurance company  
15 by certified mail, return receipt requested within 15 days  
16 after having received it.

17 If the firefighter ~~fireman~~ elects to continue coverage, it  
18 shall be the obligation of the firefighter ~~fireman~~ to pay the  
19 monthly premium directly to the municipality which shall  
20 forward it to the insurance company issuing the group  
21 insurance policy, or as otherwise directed by the insurance  
22 company; provided, however, that the firefighter ~~fireman~~ shall  
23 be entitled to designate on the statement of election required  
24 to be filed with the insurance company that the total monthly  
25 premium, or such portion thereof as is not contributed by a  
26 municipality, be deducted by a Firefighter's Pension Fund from

1 any monthly pension payment otherwise payable to or on behalf  
2 of the firefighter ~~fireman~~ pursuant to Article 4 of the  
3 Illinois Pension Code, and be remitted by such Pension Fund to  
4 the insurance company. The portion, if any, of the monthly  
5 premium contributed by a municipality for such continued group  
6 insurance coverage shall be paid by the municipality directly  
7 to the insurance company issuing the group insurance policy,  
8 or as otherwise directed by the insurance company. Such  
9 continued group insurance coverage shall relate back to the  
10 beginning of the firefighter's ~~fireman's~~ retirement or  
11 disability period.

12 The amendment, renewal or extension of any group insurance  
13 policy affected by this Section shall be deemed to be the  
14 issuance of a new policy of insurance for purposes of this  
15 Section.

16 In the event that a municipality makes a program of  
17 accident, health, hospital or medical benefits available to  
18 its firefighters ~~firemen~~ through self-insurance, or by  
19 participation in a pool or reciprocal insurer, or by contract  
20 in a form other than a policy of group insurance with one or  
21 more medical service plans, health care service corporations,  
22 health maintenance organizations, or any other professional  
23 corporations or plans under which health care or reimbursement  
24 for the costs thereof is provided, whether the cost of such  
25 benefits is borne by the municipality or the firefighters  
26 ~~firemen~~ or both, such firefighters ~~firemen~~ and their surviving

1 spouses shall have the same right to elect continued coverage  
2 under such program of benefits as they would have if such  
3 benefits were provided by a policy of group accident and  
4 health insurance. In such cases, the notice of right to elect  
5 continued coverage shall be sent by the municipality; the  
6 statement of election shall be sent to the municipality; and  
7 references to the required premium shall refer to that portion  
8 of the cost of such benefits which is not borne by the  
9 municipality, either voluntarily or pursuant to the provisions  
10 of a collective bargaining agreement. In the case of a  
11 municipality providing such benefits through self-insurance or  
12 participation in a pool or reciprocal insurer, the right to  
13 elect continued coverage which is provided by this paragraph  
14 shall be implemented and made available to the firefighters  
15 ~~firemen~~ of the municipality and qualifying surviving spouses  
16 not later than July 1, 1985.

17 The amendment, renewal or extension of any such contract  
18 in a form other than a policy of group insurance policy shall  
19 be deemed the formation of a new contract for the purposes of  
20 this Section.

21 This Section shall not limit the exercise of any  
22 conversion privileges available under Section 367e.

23 Pursuant to paragraphs (h) and (i) of Section 6 of Article  
24 VII of the Illinois Constitution, this Section specifically  
25 denies and limits the exercise by a home rule unit of any power  
26 which is inconsistent with this Section and all existing laws



1 and ordinances which are inconsistent with this Section are  
2 hereby superseded. This Section does not preempt the  
3 concurrent exercise by home rule units of powers consistent  
4 herewith.

5 The Division of Insurance of the Department of Financial  
6 and Professional Regulation shall enforce the provisions of  
7 this Section, including provisions relating to municipality  
8 self-insured benefit plans.

9 (Source: P.A. 94-858, eff. 6-15-06.)"