



Rep. Kevin Joyce

Filed: 5/15/2008

09500HB2047ham001

LRB095 01517 AMC 49941 a

1 AMENDMENT TO HOUSE BILL 2047

2 AMENDMENT NO. _____. Amend House Bill 2047 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 to
10 the rank held by the firefighter at the time of his or her last
11 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 the
2 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 at
15 least one year of service credit but has not received a refund
16 under Section 4-116 (unless the firefighter repays that refund
17 under subsection (g)) or subsection (c) of Section 4-118.1, by
18 applying in writing and paying the contribution required under
19 subsection (i).

20 (d) From each such pension fund other than the last pension
21 fund, in lieu of any retirement pension otherwise payable under
22 this Article, a firefighter to whom this Section applies may
23 elect to receive a monthly pension of 1/12th of 2.5% of his or
24 her final monthly salary under that fund for each month of
25 service in that fund, subject to a maximum of 75% of that final
26 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 entire
9 period of service under all pension funds established under
10 this Article (excluding any period of service for which the
11 firefighter has received a refund under Section 4-116, unless
12 the firefighter repays that refund under subsection (g), or for
13 which the firefighter has received a refund under subsection
14 (c) of Section 4-118.1). From this hypothetical pension there
15 shall be subtracted the original amounts of the retirement
16 pensions payable to the firefighter by all other pension funds
17 under subsection (d). The remainder is the retirement pension
18 payable to the firefighter by the last pension fund under this
19 subsection (e).

20 (f) Pensions elected under this Section shall be subject to
21 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 pension
25 fund of the amount of the refund together with interest thereon
26 at the rate of 6% per year, compounded annually, from the date

1 of the refund to the date of payment. A repayment of a refund
2 under this Section may be made in equal installments over a
3 period of up to 10 years, but must be paid in full prior to
4 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 Department
11 of Financial and Professional Regulation of his or her intent
12 to receive the benefits provided under this Section.

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

1 fund, whichever is earlier.

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

1 Act of the 93rd General Assembly, has not begun to receive a
2 pension under this Section or an occupational disease
3 disability pension under subsection (m) of this Section and who
4 has contributed 1/12th of 1% of monthly salary for each month
5 of service credit that the firefighter has in that fund (other
6 than service credit for which the firefighter has already paid
7 the additional contribution required under subsection (c) of
8 Section 4-118.1), together with the required interest thereon,
9 in order to receive a pension under this Section or an
10 occupational disease disability pension under subsection (m)
11 of this Section, may elect, within one year after the effective
12 date of this amendatory Act of the 93rd General Assembly to
13 forfeit the benefits provided under this Section and receive a
14 refund of that contribution.

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

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

26 (l) If a firefighter who elects to make contributions under

1 subsection (c) of Section 4-118.1 for the pension benefits
2 provided under this Section becomes entitled to a disability
3 pension under Section 4-110, the last pension fund is
4 responsible to pay that disability pension and the amount of
5 that disability pension shall be based only on the
6 firefighter's service with the last pension fund.

7 (m) Notwithstanding any provision in Section 4-110.1 to the
8 contrary, if a firefighter who elects to make contributions
9 under subsection (c) of Section 4-118.1 for the pension
10 benefits provided under this Section becomes entitled to an
11 occupational disease disability pension under Section 4-110.1,
12 each pension fund to which the firefighter has made
13 contributions under subsection (c) of Section 4-118.1 must pay
14 a portion of that occupational disease disability pension equal
15 to the proportion that the firefighter's service credit with
16 that pension fund for which the contributions under subsection
17 (c) of Section 4-118.1 have been made bears to the
18 firefighter's total service credit with all of the pension
19 funds for which the contributions under subsection (c) of
20 Section 4-118.1 have been made. A firefighter who has made
21 contributions under subsection (c) of Section 4-118.1 for at
22 least 5 years of creditable service shall be deemed to have met
23 the 5-year creditable service requirement under Section
24 4-110.1, regardless of whether the firefighter has 5 years of
25 creditable service with the last pension fund.

26 (n) If a firefighter who elects to make contributions under

1 subsection (c) of Section 4-118.1 for the pension benefits
2 provided under this Section becomes entitled to a disability
3 pension under Section 4-111, the last pension fund is
4 responsible to pay that disability pension, provided that the
5 firefighter has at least 7 years of creditable service with the
6 last pension fund. In the event a firefighter began employment
7 with a new employer as a result of an intergovernmental
8 agreement that resulted in the elimination of the previous
9 employer's fire department, the firefighter shall not be
10 required to have 7 years of creditable service with the last
11 pension fund to qualify for a disability pension under Section
12 4-111. Under this circumstance, a firefighter shall be required
13 to have 7 years of total combined creditable service time to
14 qualify for a disability pension under Section 4-111. The
15 disability pension received pursuant to this Section shall be
16 paid by the previous employer and new employer in proportion to
17 the firefighter's years of service with each employer.

18 (Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."