



Sen. Dan Cronin

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1 AMENDMENT TO SENATE BILL 2362

2 AMENDMENT NO. _____. Amend Senate Bill 2362, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Pension Code is amended by
6 changing Section 4-108 as follows:

7 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

8 Sec. 4-108. Creditable service.

9 (a) Creditable service is the time served as a firefighter
10 of a municipality. In computing creditable service, furloughs
11 and leaves of absence without pay exceeding 30 days in any one
12 year shall not be counted, but leaves of absence for illness or
13 accident regardless of length, and periods of disability for
14 which a firefighter received no disability pension payments
15 under this Article, shall be counted.

16 (b) Furloughs and leaves of absence of 30 days or less in

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

9 (c) Creditable service includes:

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

23 (1.5) Up to 24 months of service in the military,
24 naval, or air forces of the United States that was served
25 prior to employment by a municipality or fire protection
26 district as a firefighter. To receive the credit for the

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

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

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

1 the fund, and (iii) the employee or statewide firefighter
2 association contributes to the fund an amount equal to the
3 employer's required contribution as determined by the
4 board.

5 (4) Time spent as an on-call fireman for a
6 municipality, calculated at the rate of one year of
7 creditable service for each 5 years of time spent as an
8 on-call fireman, provided that (i) the firefighter has at
9 least 18 years of creditable service as an active
10 firefighter, (ii) the firefighter spent at least 14 years
11 as an on-call firefighter for the municipality, (iii) the
12 firefighter applies for such creditable service within 30
13 days after the effective date of this amendatory Act of
14 1989, (iv) the firefighter contributes to the Fund an
15 amount representing employee contributions for the number
16 of years of creditable service granted under this
17 subdivision (4), based on the salary and contribution rate
18 in effect for the firefighter at the date of entry into the
19 Fund, to be determined by the board, and (v) not more than
20 3 years of creditable service may be granted under this
21 subdivision (4).

22 Except as provided in Section 4-108.5, creditable
23 service shall not include time spent as a volunteer
24 firefighter, whether or not any compensation was received
25 therefor. The change made in this Section by Public Act
26 83-0463 is intended to be a restatement and clarification

1 of existing law, and does not imply that creditable service
2 was previously allowed under this Article for time spent as
3 a volunteer firefighter.

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

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

24 (7) Up to 3 years of time during which the firefighter
25 receives a disability pension under Section 4-110,
26 4-110.1, or 4-111, provided that (i) the firefighter

1 returns to active service after the disability for a period
2 at least equal to the period for which credit is to be
3 established and (ii) the firefighter makes contributions
4 to the fund based on the rates specified in Section 4-118.1
5 and the salary upon which the disability pension is based.
6 These contributions may be paid at any time prior to the
7 commencement of a retirement pension. The firefighter may,
8 but need not, elect to have the contributions deducted from
9 the disability pension or to pay them in installments on a
10 schedule approved by the board. If not deducted from the
11 disability pension, the contributions shall include
12 interest at the rate of 6% per year, compounded annually,
13 from the date for which service credit is being established
14 to the date of payment. If contributions are paid under
15 this subdivision (c)(7) in excess of those needed to
16 establish the credit, the excess shall be refunded. This
17 subdivision (c)(7) applies to persons receiving a
18 disability pension under Section 4-110, 4-110.1, or 4-111
19 on the effective date of this amendatory Act of the 91st
20 General Assembly, as well as persons who begin to receive
21 such a disability pension after that date.

22 (Source: P.A. 94-856, eff. 6-15-06.)

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.32 as follows:

1 (30 ILCS 805/8.32 new)

2 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".