



Sen. Don Harmon

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09700HB1605sam004

LRB097 07147 EFG 69537 a

1 AMENDMENT TO HOUSE BILL 1605

2 AMENDMENT NO. _____. Amend House Bill 1605 AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Pension Code is amended by
6 changing Sections 3-124.1 and 4-117 and by adding Sections
7 3-124.3 and 4-117.2 as follows:

8 (40 ILCS 5/3-124.1) (from Ch. 108 1/2, par. 3-124.1)

9 Sec. 3-124.1. Re-entry into active service.

10 (a) If a police officer who is receiving pension payments
11 other than as provided in Section 3-109.3 or Section 3-124.3
12 re-enters active service, pension payment shall be suspended
13 while he or she is in service. When he or she again retires,
14 pension payments shall be resumed. If the police officer
15 remains in service after re-entry for a period of less than 5
16 years, the pension shall be the same as upon first retirement.

1 If the officer's service after re-entry is at least 5 years and
2 the officer makes the required contributions during the period
3 of re-entry, his or her pension shall be recomputed by taking
4 into account the additional period of service and salary.

5 (Source: P.A. 91-939, eff. 2-1-01.)

6 (40 ILCS 5/3-124.3 new)

7 Sec. 3-124.3. Pension payments during contractual return
8 to active service.

9 (a) Notwithstanding any other provisions of this Code, if a
10 police officer receiving pension payments accepts on a
11 contractual basis a position to provide services to a
12 municipality from which he or she has retired, then that police
13 officer shall continue to receive the pension payments earned
14 during active service, provided:

15 (1) he or she is at least age 55 and has at least 30
16 years of service;

17 (2) his or her annual salary during the period of
18 contractual service is not more than 35% of his or her
19 salary from the last 12 months preceding retirement;

20 (3) his or her salary did not increase by more than 10%
21 per year during the 2 years preceding retirement; and

22 (4) the contractual employment is for a period not
23 exceeding the lesser of (i) 75 working days or (ii) 600
24 hours in any calendar year. Any part of a day on
25 contractual employment is considered a full day of

1 employment.

2 (b) The municipality shall pay to the pension fund an
3 amount equal to 14% of the annual salary of the police officer
4 during each calendar year, or portion thereof, that he or she
5 is performing contractual service as described in subsection
6 (a).

7 (c) Except as set forth in subsection (b) of this Section,
8 no employer contribution shall be required from a municipality
9 for any police officer providing contractual service as
10 described in subsection (a) of this Section. No contribution
11 shall be required pursuant to Section 3-125.1 from any police
12 officer performing contractual service as described in
13 subsection (a) of this Section.

14 (d) The period of contractual service described in
15 subsection (a) of this Section shall not provide a basis for
16 the recomputation of the police officer's pension.

17 (40 ILCS 5/4-117) (from Ch. 108 1/2, par. 4-117)

18 Sec. 4-117. Reentry into active service.

19 (a) Except as set forth in Section 4-117.2, if ~~if~~ a
20 firefighter receiving pension payments reenters active
21 service, pension payments shall be suspended while he or she is
22 in service. If the firefighter again retires or is discharged,
23 his or her monthly pension shall be resumed in the same amount
24 as was paid upon first retirement or discharge unless he or she
25 remained in active service 3 or more years after re-entry in

1 which case the monthly pension shall be based on the salary
2 attached to the firefighter's rank at the date of last
3 retirement.

4 (b) If a deferred pensioner re-enters active service, and
5 again retires or is discharged from the fire service, his or
6 her pension shall be based on the salary attached to the rank
7 held in the fire service at the date of earlier retirement,
8 unless the firefighter remains in active service for 3 or more
9 years after re-entry, in which case the monthly pension shall
10 be based on the salary attached to the firefighter's rank at
11 the date of last retirement.

12 (c) If a pensioner or deferred pensioner re-enters or is
13 recalled to active service and is thereafter injured, and the
14 injury is not related to an injury for which he or she was
15 previously receiving a disability pension, the 3 year service
16 requirement shall not apply in order for the firefighter to
17 qualify for the increased pension based on the rate of pay at
18 the time of the new injury.

19 (Source: P.A. 83-1440.)

20 (40 ILCS 5/4-117.2 new)

21 Sec. 4-117.2. Pension payments during contractual return
22 to active service.

23 (a) Notwithstanding any other provisions of this Code, if a
24 firefighter receiving pension payments accepts on a
25 contractual basis a position to provide services to a

1 municipality from which he or she has retired, then that
2 firefighter shall continue to receive the pension payments
3 earned during active service, provided:

4 (1) he or she is at least age 55 and has at least 30
5 years of service;

6 (2) his or her annual salary during the period of
7 contractual service is not more than 35% of his or her
8 salary from the last 12 months preceding retirement;

9 (3) his or her salary did not increase by more than 10%
10 per year during the 2 years preceding retirement; and

11 (4) the contractual employment is for a period not
12 exceeding the lesser of (i) 75 working days or (ii) 600
13 hours in any calendar year. Any part of a day on
14 contractual employment is considered a full day of
15 employment.

16 (b) The municipality shall pay to the pension fund an
17 amount equal to 14% of the annual salary of the firefighter
18 during each calendar year, or portion thereof, that he or she
19 is performing contractual service as described in subsection
20 (a).

21 (c) Except as set forth in subsection (b) of this Section,
22 no employer contribution shall be required from a municipality
23 for any firefighter providing contractual service as described
24 in subsection (a) of this Section. No contribution shall be
25 required pursuant to Section 4-118.1 from any firefighter
26 performing contractual service as described in subsection (a)

1 of this Section

2 (d) The period of contractual service described in
3 subsection (a) of this Section shall not provide a basis for
4 the recomputation of the firefighter's pension."