



Rep. Elaine Nekritz

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LRB099 19829 RPS 45722 a

1 AMENDMENT TO HOUSE BILL 6292

2 AMENDMENT NO. _____. Amend House Bill 6292 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by adding
5 Section 9-108.3 and by changing Sections 9-158, 9-159, 9-169,
6 and 9-179.2 as follows:

7 (40 ILCS 5/9-108.3 new)

8 Sec. 9-108.3. In service.

9 "In service": Any period during which contributions are
10 being made to the Fund on behalf of an employee.

11 (40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

12 Sec. 9-158. Proof of disability, duty and ordinary. Proof
13 of duty or ordinary disability shall be furnished to the board
14 by at least one licensed and practicing physician appointed by
15 the board, except that this requirement may be waived by the

1 board for proof of duty disability if the employee has been
2 compensated by the county for such disability or specific loss
3 under the Workers' Compensation Act or Workers' Occupational
4 Diseases Act. The physician requirement may also be waived by
5 the board for ordinary disability maternity claims of up to 8
6 weeks. With respect to duty disability, satisfactory proof must
7 be provided to the board that the final adjudication of the
8 claim required under subsection (d) of Section 9-159
9 established that the disability or death resulted from an
10 injury incurred in the performance of an act or acts of duty.
11 The board may require other evidence of disability. Each
12 disabled employee who receives duty or ordinary disability
13 benefit shall be examined at least once a year by one or more
14 licensed and practicing physicians appointed by the board. When
15 the disability ceases, the board shall discontinue payment of
16 the benefit ~~and the employee shall be returned to active~~
17 ~~service.~~

18 (Source: P.A. 95-1036, eff. 2-17-09.)

19 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

20 Sec. 9-159. When disability benefit not payable.

21 (a) If an employee receiving duty disability or ordinary
22 disability benefit refuses to submit to examination by a
23 physician appointed by the board, he shall have no further
24 right to receive the benefit.

25 (b) Disability benefit shall not be paid for any time for

1 which the employee receives any part of his salary, or while
2 employed by any public body supported in whole or in part by
3 taxation.

4 (c) If an employee who shall be disabled, or his widow or
5 children receive any compensation or payment from the county
6 for specific loss, disability or death under the Workers'
7 Compensation Act or Workers' Occupational Diseases Act, the
8 disability benefit or any annuity for him or his widow or
9 children payable as the result of such specific loss,
10 disability or death shall be reduced by any amount so received
11 or recoverable. If the amount received as such compensation or
12 payment exceeds such disability benefit or other annuity
13 payable as the result of such specific loss, disability or
14 death, no payment of disability benefit or other annuity shall
15 be made until the accumulative amounts thereof equals the
16 amount of such compensation or payment. In such calculation no
17 interest shall be considered. In adjusting the amount of any
18 annuity in relation to compensation received or recoverable
19 during any period of time, the annuity to the widow shall be
20 first reduced.

21 If any employee, or widow shall be denied compensation by
22 such county under the aforesaid Acts, or if such county shall
23 fail to act, such denial or failure to act shall not be
24 considered final until the claim has been adjudicated by the
25 Illinois Workers' Compensation Commission.

26 (d) Before any action may be taken by the board on an

1 application for duty disability benefit or widow's
2 compensation or supplemental benefit, other than rejection of
3 any such application that is otherwise incomplete or untimely,
4 the related applicant must file a timely claim under the
5 Workers' Compensation Act or the Workers' Occupational
6 Diseases Act, as applicable, to establish that the disability
7 or death resulted from an injury incurred in the performance of
8 an act or acts of duty, and the applicant must receive
9 compensation or payment from the claim or the claim must
10 otherwise be finally adjudicated.

11 (e) An employee who enters service after December 31, 2016
12 and who, while in receipt of an ordinary or duty disability
13 benefit, assumes any employment for compensation shall not be
14 entitled to receive any amount of such disability benefit
15 which, when added to his compensation for such employment
16 during disability, plus any amount payable under the provisions
17 of the Workers' Compensation Act or Workers' Occupational
18 Diseases Act, would exceed the rate of salary on which his
19 disability benefit is based.

20 (Source: P.A. 95-1036, eff. 2-17-09.)

21 (40 ILCS 5/9-169) (from Ch. 108 1/2, par. 9-169)

22 Sec. 9-169. Financing - Tax levy.

23 (a) The county board shall levy a tax annually upon all
24 taxable property in the county at the rate that will produce a
25 sum which, when added to the amounts deducted from the salaries

1 of the employees or otherwise contributed by them is sufficient
2 for the requirements of this Article.

3 For the years before 1962 the tax rate shall be as provided
4 in "The 1925 Act". For the years 1962 and 1963 the tax rate
5 shall be not more than .0200 per cent; for the years 1964 and
6 1965 the tax rate shall be not more than .0202 per cent; for
7 the years 1966 and 1967 the tax rate shall be not more than
8 .0207 per cent; for the year 1968 the tax rate shall be not
9 more than .0220 per cent; for the year 1969 the tax rate shall
10 be not more than .0233 per cent; for the year 1970 the tax rate
11 shall be not more than .0255 per cent; for the year 1971 the
12 tax rate shall be not more than .0268 per cent of the value, as
13 equalized or assessed by the Department of Revenue upon all
14 taxable property in the county. Beginning with the year 1972
15 and for each year thereafter the county shall levy a tax
16 annually at a rate on the dollar of the value, as equalized or
17 assessed by the Department of Revenue of all taxable property
18 within the county that will produce, when extended, not to
19 exceed an amount equal to the total amount of contributions
20 made by the employees to the fund in the calendar year 2 years
21 prior to the year for which the annual applicable tax is levied
22 multiplied by .8 for the years 1972 through 1976; by .8 for the
23 year 1977; by .87 for the year 1978; by .94 for the year 1979;
24 by 1.02 for the year 1980 and by 1.10 for the year 1981 and by
25 1.18 for the year 1982 and by 1.36 for the year 1983 and by 1.54
26 for the year 1984 and for each year thereafter.

1 This tax shall be levied and collected in like manner with
2 the general taxes of the county, and shall be in addition to
3 all other taxes which the county is authorized to levy upon the
4 aggregate valuation of all taxable property within the county
5 and shall be exclusive of and in addition to the amount of tax
6 the county is authorized to levy for general purposes under any
7 laws which may limit the amount of tax which the county may
8 levy for general purposes. The county clerk, in reducing tax
9 levies under any Act concerning the levy and extension of
10 taxes, shall not consider this tax as a part of the general tax
11 levy for county purposes, and shall not include it within any
12 limitation of the per cent of the assessed valuation upon which
13 taxes are required to be extended for the county. It is lawful
14 to extend this tax in addition to the general county rate fixed
15 by statute, without being authorized as additional by a vote of
16 the people of the county.

17 Revenues derived from this tax shall be paid to the
18 treasurer of the county and held by him for the benefit of the
19 fund.

20 If the payments on account of taxes are insufficient during
21 any year to meet the requirements of this Article, the county
22 may issue tax anticipation warrants against the current tax
23 levy.

24 (b) By January 10, annually, the board shall notify the
25 county board of the requirement of this Article that this tax
26 shall be levied. The board shall make an annual determination

1 of the required county contributions, and shall certify the
2 results thereof to the county board.

3 (c) The various sums to be contributed by the county board
4 and allocated for the purposes of this Article and any interest
5 to be contributed by the county shall be taken from the revenue
6 derived from this tax or from any other revenue source,
7 including, but not limited to, other tax revenue, proceeds of
8 county borrowings, or State or federal funds. ~~and no money of~~
9 ~~the county derived from any source other than the levy and~~
10 ~~collection of this tax or the sale of tax anticipation~~
11 ~~warrants, except state or federal funds contributed for annuity~~
12 ~~and benefit purposes for employees of a county department of~~
13 ~~public aid under "The Illinois Public Aid Code", approved April~~
14 ~~11, 1967, as now or hereafter amended, may be used to provide~~
15 ~~revenue for the fund.~~

16 If it is not possible or practicable for the county to make
17 contributions for age and service annuity and widow's annuity
18 concurrently with the employee contributions made for such
19 purposes, such county shall make such contributions as soon as
20 possible and practicable thereafter with interest thereon at
21 the effective rate until the time it shall be made.

22 (d) With respect to employees whose wages are funded as
23 participants under the Comprehensive Employment and Training
24 Act of 1973, as amended (P.L. 93-203, 87 Stat. 839, P.L.
25 93-567, 88 Stat. 1845), hereinafter referred to as CETA,
26 subsequent to October 1, 1978, and in instances where the board

1 has elected to establish a manpower program reserve, the board
2 shall compute the amounts necessary to be credited to the
3 manpower program reserves established and maintained as herein
4 provided, and shall make a periodic determination of the amount
5 of required contributions from the County to the reserve to be
6 reimbursed by the federal government in accordance with rules
7 and regulations established by the Secretary of the United
8 States Department of Labor or his designee, and certify the
9 results thereof to the County Board. Any such amounts shall
10 become a credit to the County and will be used to reduce the
11 amount which the County would otherwise contribute during
12 succeeding years for all employees.

13 (e) In lieu of establishing a manpower program reserve with
14 respect to employees whose wages are funded as participants
15 under the Comprehensive Employment and Training Act of 1973, as
16 authorized by subsection (d), the board may elect to establish
17 a special County contribution rate for all such employees. If
18 this option is elected, the County shall contribute to the Fund
19 from federal funds provided under the Comprehensive Employment
20 and Training Act program at the special rate so established and
21 such contributions shall become a credit to the County and be
22 used to reduce the amount which the County would otherwise
23 contribute during succeeding years for all employees.

24 (Source: P.A. 95-369, eff. 8-23-07.)

1 Sec. 9-179.2. Other governmental service-Former County
2 Service. Any employee who first becomes a contributor before
3 the effective date of this amendatory Act of the 99th General
4 Assembly, who has rendered service to any "governmental unit"
5 as such term is defined in the "Retirement Systems Reciprocal
6 Act" under Article 20 of the Illinois Pension Code, who did not
7 contribute to the retirement system of such "governmental
8 unit", including the retirement system created by this Article
9 of the Illinois Pension code, for such service because of
10 ineligibility for participation and has no equity or rights in
11 such retirement system because of such service shall be given
12 credit for such service in this fund, provided:

13 (a) The employee shall pay to this fund, while in the
14 service of such county, or while in the service of a
15 governmental unit whose retirement system has adopted the
16 "Retirement Systems Reciprocal Act", such amounts, including
17 interest at the effective rate, as he would have paid to this
18 fund, on the basis of his salary in effect during the service
19 rendered to such other "governmental unit" at the rates
20 prescribed in this Article 9 for the periods of such service to
21 the end that such service shall be considered as service
22 rendered to such county, with all the rights and conditions
23 attaching to such service and payments; and (b) this Section
24 shall not be applicable to any period of such service for which
25 the employee retains credit in any other public annuity and
26 benefit fund established by Act of the Legislature of this

1 State and in operation for employees of such other
2 "governmental unit" from which such employee was transferred.
3 (Source: P.A. 90-655, eff. 7-30-98.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."