



Sen. William R. Haine

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10000SB1310sam001

LRB100 07209 RPS 22397 a

1 AMENDMENT TO SENATE BILL 1310

2 AMENDMENT NO. _____. Amend Senate Bill 1310 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 7-137 as follows:

6 (40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

7 Sec. 7-137. Participating and covered employees.

8 (a) The persons described in this paragraph (a) shall be
9 included within and be subject to this Article and eligible to
10 benefits from this fund, beginning upon the dates hereinafter
11 specified:

12 1. Except as to the employees specifically excluded
13 under the provisions of this Article, all persons who are
14 employees of any municipality (or instrumentality thereof)
15 or participating instrumentality on the effective date of
16 participation of the municipality or participating

1 instrumentality beginning upon such effective date.

2 2. Except as to the employees specifically excluded
3 under the provisions of this Article, all persons, who
4 became employees of any participating municipality (or
5 instrumentality thereof) or participating instrumentality
6 after the effective date of participation of such
7 municipality or participating instrumentality, beginning
8 upon the date such person becomes an employee.

9 3. All persons who file notice with the board as
10 provided in paragraph (b) 2 and 3 of this Section,
11 beginning upon the date of filing such notice.

12 (b) The following described persons shall not be considered
13 participating employees eligible for benefits from this fund,
14 but shall be included within and be subject to this Article
15 (each of the descriptions is not exclusive but is cumulative):

16 1. Any person who occupies an office or is employed in
17 a position normally requiring performance of duty during
18 less than 600 hours a year for a municipality (including
19 all instrumentalities thereof) or a participating
20 instrumentality. If a school treasurer performs services
21 for more than one school district, the total number of
22 hours of service normally required for the several school
23 districts shall be considered to determine whether he
24 qualifies under this paragraph;

25 2. Except as provided in items 2.5 and 2.6, any person
26 who holds elective office unless he has elected while in

1 that office in a written notice on file with the board to
2 become a participating employee;

3 2.5. Except as provided in item 2.6, any person who
4 holds elective office as a member of a county board,
5 unless:

6 (i) the person was first elected as a member of a
7 county board before the effective date of this
8 amendatory Act of the 99th General Assembly;

9 (ii) the person has elected while in that office,
10 in a written notice on file with the board, to become a
11 participating employee;

12 (iii) the county board has filed the resolution
13 required by subsection (a) of Section 7-137.2 of this
14 Article; and

15 (iv) the person has submitted the required time
16 sheets evidencing that the person has met the hourly
17 standard as required by subsection (b) of Section
18 7-137.2 of this Article;

19 2.6. Any person who is an elected member of a county
20 board and is first so elected on or after the effective
21 date of this amendatory Act of the 99th General Assembly;

22 3. Any person working for a city hospital unless any
23 such person, while in active employment, has elected in a
24 written notice on file with the board to become a
25 participating employee and notification thereof is
26 received by the board;

1 4. Any person who becomes an employee after June 30,
2 1979 as a public service employment program participant
3 under the federal Comprehensive Employment and Training
4 Act and whose wages or fringe benefits are paid in whole or
5 in part by funds provided under such Act;

6 5. Any person who is actively employed by a
7 municipality on its effective date of participation in the
8 Fund if that municipality (i) has at least 35 employees on
9 its effective date of participation; (ii) is located in a
10 county with at least 2,000,000 inhabitants; and (iii)
11 maintains an independent defined benefit pension plan for
12 the benefit of its eligible employees, unless the person
13 files with the board within 90 days after the
14 municipality's effective date of participation an
15 irrevocable election to participate.

16 6. Any person who is 57 years of age or more when he or
17 she first enters employment for which creditable service
18 may be granted and who has made the election specified
19 under subsection (b-5) or (b-10).

20 (b-5) Beginning 90 days after the effective date of this
21 amendatory Act of the 100th General Assembly and until 150 days
22 after the effective date of this amendatory Act of the 100th
23 General Assembly, any current employee to whom Section 1-160
24 applies and who first became an employee after attaining the
25 age of 57 may make a one-time, irrevocable election to
26 terminate participation in the program of retirement benefits

1 under this Article. In lieu of any separation benefit, an
2 employee who elects to terminate participation shall receive a
3 refund of his or her employee contributions, plus interest at
4 the effective rate from the date of the service to the date of
5 payment. No election under this subsection (b-5) shall take
6 place after 150 days after the effective date of this
7 amendatory Act of the 100th General Assembly.

8 (b-10) The option not to participate in the program of
9 retirement benefits under this Article shall be offered to
10 every person who (i) first enters employment for which
11 creditable service may be granted on or after the effective
12 date of this amendatory Act of the 100th General Assembly, (ii)
13 is 57 years of age or more when he or she first enters that
14 employment, and (iii) would be subject to Section 1-160. The
15 irrevocable election not to participate must be made prior to
16 making any employee contribution and prior to any employer
17 contributions being made on that person's behalf.

18 (c) Any person electing to be a participating employee,
19 pursuant to paragraph (b) of this Section may not change such
20 election, except as provided in Section 7-137.1.

21 (d) Any employee who occupied the position of school nurse
22 in any participating municipality on August 8, 1961 and
23 continuously thereafter until the effective date of the
24 exercise of the option authorized by this subparagraph, who on
25 August 7, 1961 was a member of the Teachers' Retirement System
26 of Illinois, by virtue of certification by the Department of

1 Registration and Education as a public health nurse, may elect
2 to terminate participation in this Fund in order to
3 re-establish membership in such System. The election may be
4 exercised by filing written notice thereof with the Board or
5 with the Board of Trustees of said Teachers' Retirement System,
6 not later than September 30, 1963, and shall be effective on
7 the first day of the calendar month next following the month in
8 which the notice was filed. If the written notice is filed with
9 such Teachers' Retirement System, that System shall
10 immediately notify this Fund, but neither failure nor delay in
11 notification shall affect the validity of the employee's
12 election. If the option is exercised, the Fund shall notify
13 such Teachers' Retirement System of such fact and transfer to
14 that system the amounts contributed by the employee to this
15 Fund, including interest at 3% per annum, but excluding
16 contributions applicable to social security coverage during
17 the period beginning August 8, 1961 to the effective date of
18 the employee's election. Participation in this Fund as to any
19 credits on or after August 8, 1961 and up to the effective date
20 of the employee's election shall terminate on such effective
21 date.

22 (e) Any participating municipality or participating
23 instrumentality, other than a school district or special
24 education joint agreement created under Section 10-22.31 of the
25 School Code, may, by a resolution or ordinance duly adopted by
26 its governing body, elect to exclude from participation and

1 eligibility for benefits all persons who are employed after the
2 effective date of such resolution or ordinance and who occupy
3 an office or are employed in a position normally requiring
4 performance of duty for less than 1000 hours per year for the
5 participating municipality (including all instrumentalities
6 thereof) or participating instrumentality except for persons
7 employed in a position normally requiring performance of duty
8 for 600 hours or more per year (i) by such participating
9 municipality or participating instrumentality prior to the
10 effective date of the resolution or ordinance and (ii) by a
11 participating municipality or participating instrumentality,
12 which had not adopted such a resolution when the person was
13 employed, and the function served by the employee's position is
14 assumed by another participating municipality or participating
15 instrumentality. Notwithstanding the foregoing, a
16 participating municipality or participating instrumentality
17 which is formed solely to succeed to the functions of a
18 participating municipality or participating instrumentality
19 shall be considered to have adopted any such resolution or
20 ordinance which may have been applicable to the employees
21 performing such functions. The election made by the resolution
22 or ordinance shall take effect at the time specified in the
23 resolution or ordinance, and once effective shall be
24 irrevocable.

25 (Source: P.A. 99-900, eff. 8-26-16.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.41 as follows:

3 (30 ILCS 805/8.41 new)

4 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 100th General Assembly.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".