



Rep. Michael J. Kelly

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10400HB2705ham001

LRB104 10841 RPS 36006 a

1 AMENDMENT TO HOUSE BILL 2705

2 AMENDMENT NO. _____. Amend House Bill 2705 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 4-106, 4-109.1, and 7-109.3 and by adding
6 Sections 3-111.10, 3-146, 4-109.5, 4-138.15, 5-238.5, 5-240,
7 6-229.5, and 6-235 as follows:

8 (40 ILCS 5/3-111.10 new)

9 Sec. 3-111.10. Membership date; previous service in any
10 other pension fund or retirement system. Notwithstanding any
11 other provision of this Code, the date an individual first
12 became a member or participant under any pension fund or
13 retirement system established under this Code, regardless of
14 whether that pension fund or retirement system is a
15 participating pension fund or retirement system under the
16 Retirement Systems Reciprocal Act, shall be deemed to be the

1 date that the individual first became a police officer under
2 this Article for purposes of determining the applicable tier
3 of benefits to which the police officer is entitled,
4 regardless of whether the individual first became a police
5 officer under this Article on or after January 1, 2011. In no
6 case shall an individual who qualified for Tier 1 benefits or
7 as a Tier 1 member or participant under any other pension fund
8 or retirement system established under this Code be deemed to
9 be a police officer who first became a police officer on or
10 after January 1, 2011 or otherwise subject to the Tier 2
11 benefit provisions. Notwithstanding Section 1-103.1, this
12 Section applies without regard to whether the police officer
13 was in service on or after the effective date of this
14 amendatory Act of the 104th General Assembly.

15 (40 ILCS 5/3-146 new)

16 Sec. 3-146. Retirement Systems Reciprocal Act. The
17 Retirement Systems Reciprocal Act, Article 20 of this Code, is
18 adopted and made a part of this Article, but only with respect
19 to a person who, on or after the effective date of this
20 amendatory Act of the 104th General Assembly, is entitled
21 under this Article to begin receiving a retirement annuity or
22 survivor's annuity (as those terms are defined in Article 20)
23 and who elects to proceed under the Retirement Systems
24 Reciprocal Act.

1 (40 ILCS 5/4-106) (from Ch. 108 1/2, par. 4-106)

2 Sec. 4-106. Firefighter, firefighters. "Firefighter,
3 firefighters":

4 (a) In municipalities which have adopted Division 1 of
5 Article 10 of the Illinois Municipal Code, any person employed
6 in the municipality's fire service as a firefighter, fire
7 engineer, marine engineer, fire pilot, bomb technician or
8 scuba diver; and in any of these positions where such person's
9 duties also include those of a firefighter as classified by
10 the Civil Service Commission of that city, and whose duty is to
11 participate in the work of controlling and extinguishing fires
12 at the location of any such fires.

13 (b) In municipalities which are subject to Division 2.1 of
14 Article 10 of the Illinois Municipal Code, any person employed
15 by a city in its fire service as a firefighter, fire engineer,
16 marine engineer, fire pilot, bomb technician, or scuba diver;
17 and, in any of these positions whose duties also include those
18 of a firefighter and are certified in the same manner as a
19 firefighter in that city.

20 (c) Any person employed in a municipality's or fire
21 protection district's fire service as a de facto firefighter.

22 In this definition, "de facto firefighter" means a
23 firefighter:

24 (1) who spends a majority of the firefighter's working
25 time participating in the work of controlling and
26 extinguishing fires at the location of any such fires,

1 preparing for such work or waiting to respond to such
2 calls for work; and

3 (2) whose scheduled or actual work hours are
4 commensurate in duration and frequency with firefighters
5 who are subject to Division 1 or Division 2.1 of Article 10
6 of the Illinois Municipal Code.

7 "De facto firefighter" does not include part-time
8 firefighters who are not covered under this Section;
9 auxiliary, reserve, or voluntary firefighters, including
10 paid-on-call firefighters; and clerks, dispatchers, or other
11 civilian employees of a fire department or fire protection
12 district who are not routinely expected to perform firefighter
13 duties. In municipalities which are subject to neither
14 Division 1 nor Division 2.1 of Article 10 of the Illinois
15 Municipal Code, any person who would have been included as a
16 firefighter under sub paragraph (a) or (b) above except that
17 he served as a de facto and not as a de jure firefighter.

18 (d) Notwithstanding the other provisions of this Section,
19 "firefighter" does not include any person who is actively
20 participating in the State Universities Retirement System
21 under subsection (h) of Section 15-107 with respect to the
22 employment for which he or she is a participating employee in
23 that System.

24 (e) This amendatory Act of 1977 does not affect persons
25 covered by this Article prior to September 22, 1977.

26 The changes made to this Section by this amendatory Act of

1 the 104th General Assembly do not affect persons covered by
2 this Article before the effective date of this amendatory Act
3 of the 104th General Assembly.

4 (Source: P.A. 90-576, eff. 3-31-98.)

5 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

6 Sec. 4-109.1. Increase in pension.

7 (a) Except as provided in subsection (e), the monthly
8 pension of a firefighter who retires after July 1, 1971 and
9 prior to January 1, 1986, shall, upon either the first of the
10 month following the first anniversary of the date of
11 retirement if 60 years of age or over at retirement date, or
12 upon the first day of the month following attainment of age 60
13 if it occurs after the first anniversary of retirement, be
14 increased by 2% of the originally granted monthly pension and
15 by an additional 2% in each January thereafter. Effective
16 January 1976, the rate of the annual increase shall be 3% of
17 the originally granted monthly pension.

18 (b) The monthly pension of a firefighter who retired from
19 service with 20 or more years of service, on or before July 1,
20 1971, shall be increased, in January of the year following the
21 year of attaining age 65 or in January 1972, if then over age
22 65, by 2% of the originally granted monthly pension, for each
23 year the firefighter received pension payments. In each
24 January thereafter, he or she shall receive an additional
25 increase of 2% of the original monthly pension. Effective

1 January 1976, the rate of the annual increase shall be 3%.

2 (c) The monthly pension of a firefighter who is receiving
3 a disability pension under this Article, regardless of when
4 the firefighter first became a firefighter under this Article,
5 shall be increased, in January of the year following the year
6 the firefighter attains age 60, ~~or in January 1974, if then~~
7 ~~ever age 60,~~ by 3% ~~2%~~ of the originally granted monthly pension
8 for each year he or she received pension payments. In each
9 January thereafter, the firefighter shall receive an
10 additional increase of 3% ~~2%~~ of the original monthly pension.
11 ~~Effective January 1976, the rate of the annual increase shall~~
12 ~~be 3%.~~

13 (c-1) On January 1, 1998, every child's disability benefit
14 payable on that date under Section 4-110 or 4-110.1 shall be
15 increased by an amount equal to 1/12 of 3% of the amount of the
16 benefit, multiplied by the number of months for which the
17 benefit has been payable. On each January 1 thereafter, every
18 child's disability benefit payable under Section 4-110 or
19 4-110.1 shall be increased by 3% of the amount of the benefit
20 then being paid, including any previous increases received
21 under this Article. These increases are not subject to any
22 limitation on the maximum benefit amount included in Section
23 4-110 or 4-110.1.

24 (c-2) On July 1, 2004, every pension payable to or on
25 behalf of a minor or disabled surviving child that is payable
26 on that date under Section 4-114 shall be increased by an

1 amount equal to 1/12 of 3% of the amount of the pension,
2 multiplied by the number of months for which the benefit has
3 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
4 July 1, 2008, every pension payable to or on behalf of a minor
5 or disabled surviving child that is payable under Section
6 4-114 shall be increased by 3% of the amount of the pension
7 then being paid, including any previous increases received
8 under this Article. These increases are not subject to any
9 limitation on the maximum benefit amount included in Section
10 4-114.

11 (d) The monthly pension of a firefighter who retires after
12 January 1, 1986, shall, upon either the first of the month
13 following the first anniversary of the date of retirement if
14 55 years of age or over, or upon the first day of the month
15 following attainment of age 55 if it occurs after the first
16 anniversary of retirement, be increased by 1/12 of 3% of the
17 originally granted monthly pension for each full month that
18 has elapsed since the pension began, and by an additional 3% in
19 each January thereafter.

20 The changes made to this subsection (d) by this amendatory
21 Act of the 91st General Assembly apply to all initial
22 increases that become payable under this subsection on or
23 after January 1, 1999. All initial increases that became
24 payable under this subsection on or after January 1, 1999 and
25 before the effective date of this amendatory Act shall be
26 recalculated and the additional amount accruing for that

1 period, if any, shall be payable to the pensioner in a lump
2 sum.

3 (e) Notwithstanding the provisions of subsection (a), upon
4 the first day of the month following (1) the first anniversary
5 of the date of retirement, or (2) the attainment of age 55, or
6 (3) July 1, 1987, whichever occurs latest, the monthly pension
7 of a firefighter who retired on or after January 1, 1977 and on
8 or before January 1, 1986 and did not receive an increase under
9 subsection (a) before July 1, 1987, shall be increased by 3% of
10 the originally granted monthly pension for each full year that
11 has elapsed since the pension began, and by an additional 3% in
12 each January thereafter. The increases provided under this
13 subsection are in lieu of the increases provided in subsection
14 (a).

15 (f) In July 2009, the monthly pension of a firefighter who
16 retired before July 1, 1977 shall be recalculated and
17 increased to reflect the amount that the firefighter would
18 have received in July 2009 had the firefighter been receiving
19 a 3% compounded increase for each year he or she received
20 pension payments after January 1, 1986, plus any increases in
21 pension received for each year prior to January 1, 1986. In
22 each January thereafter, he or she shall receive an additional
23 increase of 3% of the amount of the pension then being paid.
24 The changes made to this Section by this amendatory Act of the
25 96th General Assembly apply without regard to whether the
26 firefighter was in service on or after its effective date.

1 (g) Notwithstanding any other provision of this Article,
2 the monthly pension of a person who first becomes a
3 firefighter under this Article on or after January 1, 2011
4 shall be increased on the January 1 occurring either on or
5 after the attainment of age 60 or the first anniversary of the
6 pension start date, whichever is later. Each annual increase
7 shall be calculated at 3% or one-half the annual unadjusted
8 percentage increase (but not less than zero) in the consumer
9 price index-u for the 12 months ending with the September
10 preceding each November 1, whichever is less, of the
11 originally granted pension. If the annual unadjusted
12 percentage change in the consumer price index-u for a 12-month
13 period ending in September is zero or, when compared with the
14 preceding period, decreases, then the pension shall not be
15 increased.

16 For the purposes of this subsection (g), "consumer price
17 index-u" means the index published by the Bureau of Labor
18 Statistics of the United States Department of Labor that
19 measures the average change in prices of goods and services
20 purchased by all urban consumers, United States city average,
21 all items, 1982-84 = 100. The new amount resulting from each
22 annual adjustment shall be determined by the Public Pension
23 Division of the Department of Insurance and made available to
24 the boards of the pension funds.

25 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

1 (40 ILCS 5/4-109.5 new)

2 Sec. 4-109.5. Membership date; previous service in any
3 other pension fund or retirement system. Notwithstanding any
4 other provision of this Code, the date an individual first
5 became a member or participant under any pension fund or
6 retirement system established under this Code, regardless of
7 whether that pension fund or retirement system is a
8 participating pension fund or retirement system under the
9 Retirement Systems Reciprocal Act, shall be deemed to be the
10 date that the individual first became a firefighter under this
11 Article for purposes of determining the applicable tier of
12 benefits to which the firefighter is entitled, regardless of
13 whether the individual first became a firefighter under this
14 Article on or after January 1, 2011. In no case shall an
15 individual who qualified for Tier 1 benefits or as a Tier 1
16 member or participant under any other pension fund or
17 retirement system established under this Code be deemed to be
18 a firefighter who first became a firefighter on or after
19 January 1, 2011 or otherwise subject to the Tier 2 benefit
20 provisions. Notwithstanding Section 1-103.1, this Section
21 applies without regard to whether the firefighter was in
22 service on or after the effective date of this amendatory Act
23 of the 104th General Assembly.

24 (40 ILCS 5/4-138.15 new)

25 Sec. 4-138.15. Retirement Systems Reciprocal Act. The

1 Retirement Systems Reciprocal Act, Article 20 of this Code, is
2 adopted and made a part of this Article, but only with respect
3 to a person who, on or after the effective date of this
4 amendatory Act of the 104th General Assembly, is entitled
5 under this Article to begin receiving a retirement annuity or
6 survivor's annuity (as those terms are defined in Article 20)
7 and who elects to proceed under the Retirement Systems
8 Reciprocal Act.

9 (40 ILCS 5/5-238.5 new)

10 Sec. 5-238.5. Membership date; previous service in any
11 other pension fund or retirement system. Notwithstanding any
12 other provision of this Code, the date an individual first
13 became a member or participant under any pension fund or
14 retirement system established under this Code, regardless of
15 whether that pension fund or retirement system is a
16 participating pension fund or retirement system under the
17 Retirement Systems Reciprocal Act, shall be deemed to be the
18 date that the individual first became a policeman under this
19 Article for purposes of determining the applicable tier of
20 benefits to which the policeman is entitled, regardless of
21 whether the individual first became a police officer under
22 this Article on or after January 1, 2011. In no case shall an
23 individual who qualified for Tier 1 benefits or as a Tier 1
24 member or participant under any other pension fund or
25 retirement system established under this Code be deemed to be

1 a policeman who first became a policeman on or after January 1,
2 2011 or otherwise subject to the Tier 2 benefit provisions.
3 Notwithstanding Section 1-103.1, this Section applies without
4 regard to whether the policeman was in service on or after the
5 effective date of this amendatory Act of the 104th General
6 Assembly.

7 (40 ILCS 5/5-240 new)

8 Sec. 5-240. Retirement Systems Reciprocal Act. The
9 Retirement Systems Reciprocal Act, Article 20 of this Code, is
10 adopted and made a part of this Article, but only with respect
11 to a person who, on or after the effective date of this
12 amendatory Act of the 104th General Assembly, is entitled
13 under this Article to begin receiving a retirement annuity or
14 survivor's annuity (as those terms are defined in Article 20)
15 and who elects to proceed under the Retirement Systems
16 Reciprocal Act.

17 (40 ILCS 5/6-229.5 new)

18 Sec. 6-229.5. Membership date; previous service in any
19 other pension fund or retirement system. Notwithstanding any
20 other provision of this Code, the date an individual first
21 became a member or participant under any pension fund or
22 retirement system established under this Code, regardless of
23 whether that pension fund or retirement system is a
24 participating pension fund or retirement system under the

1 Retirement Systems Reciprocal Act, shall be deemed to be the
2 date that the individual first became a fireman under this
3 Article for purposes of determining the applicable tier of
4 benefits to which the fireman is entitled, regardless of
5 whether the individual first became a fireman under this
6 Article on or after January 1, 2011. In no case shall an
7 individual who qualified for Tier 1 benefits or as a Tier 1
8 member or participant under any other pension fund or
9 retirement system established under this Code be deemed to be
10 a fireman who first became a fireman on or after January 1,
11 2011 or otherwise subject to the Tier 2 benefit provisions.
12 Notwithstanding Section 1-103.1, this Section applies without
13 regard to whether the fireman was in service on or after the
14 effective date of this amendatory Act of the 104th General
15 Assembly.

16 (40 ILCS 5/6-235 new)

17 Sec. 6-235. Retirement Systems Reciprocal Act. The
18 Retirement Systems Reciprocal Act, Article 20 of this Code, is
19 adopted and made a part of this Article, but only with respect
20 to a person who, on or after the effective date of this
21 amendatory Act of the 104th General Assembly, is entitled
22 under this Article to begin receiving a retirement annuity or
23 survivor's annuity (as those terms are defined in Article 20)
24 and who elects to proceed under the Retirement Systems
25 Reciprocal Act.

1 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

2 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

3 (a) "Sheriff's law enforcement employee" or "SLEP" means:

4 (1) A county sheriff and all deputies, other than
5 special deputies, employed on a full time basis in the
6 office of the sheriff.

7 (2) A person who has elected to participate in this
8 Fund under Section 3-109.1 of this Code, and who is
9 employed by a participating municipality to perform police
10 duties.

11 (3) A law enforcement officer employed on a full time
12 basis by a Forest Preserve District, provided that such
13 officer shall be deemed a "sheriff's law enforcement
14 employee" for the purposes of this Article, and service in
15 that capacity shall be deemed to be service as a sheriff's
16 law enforcement employee, only if the board of
17 commissioners of the District have so elected by adoption
18 of an affirmative resolution. Such election, once made,
19 may not be rescinded.

20 (4) A person not eligible to participate in a fund
21 established under Article 3 of this Code who is employed
22 on a full-time basis by a participating municipality or
23 participating instrumentality to perform police duties at
24 an airport, but only if the governing authority of the
25 employer has approved sheriff's law enforcement employee

1 status for its airport police employees by adoption of an
2 affirmative resolution. Such approval, once given, may not
3 be rescinded.

4 (5) A person first hired on or after January 1, 2011
5 who (i) is employed by a participating municipality that
6 has both 30 or more full-time police officers and 50 or
7 more full-time firefighters and has not established a fund
8 under Article 3 or Article 4 of this Code and (ii) is
9 employed on a full-time basis by that participating
10 municipality to perform police duties or firefighting and
11 EMS duties; but only if the governing authority of that
12 municipality has approved sheriff's law enforcement
13 employee status for its police officer or firefighter
14 employees by adoption of an affirmative resolution. The
15 resolution must specify that SLEP status shall be
16 applicable to such employment occurring on or after the
17 adoption of the resolution. Such resolution shall be
18 irrevocable, but shall automatically terminate upon the
19 establishment of an Article 3 or 4 fund by the
20 municipality.

21 (6) A person who is not eligible to participate in a
22 fund established under Article 4 and is employed on a
23 full-time basis by a participating municipality to perform
24 duties as a paramedic, emergency medical technician (EMT),
25 emergency medical technician-intermediate (EMT-I), or
26 advanced emergency medical technician (A-EMT); but only if

1 the governing authority of that municipality has approved
2 sheriff's law enforcement employee status for such
3 employees by adoption of an affirmative resolution. The
4 resolution must specify that SLEP status shall be
5 applicable to such employment occurring on or after the
6 adoption of the resolution. Such resolution shall be
7 irrevocable.

8 (b) An employee who is a sheriff's law enforcement
9 employee and is granted military leave or authorized leave of
10 absence shall receive service credit in that capacity.
11 Sheriff's law enforcement employees shall not be entitled to
12 out-of-State service credit under Section 7-139.

13 (Source: P.A. 100-354, eff. 8-25-17; 100-1097, eff. 8-26-18.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.50 as follows:

16 (30 ILCS 805/8.50 new)

17 Sec. 8.50. Exempt mandate. Notwithstanding Sections 6 and
18 8 of this Act, no reimbursement by the State is required for
19 the implementation of any mandate created by this amendatory
20 Act of the 104th General Assembly.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."