



Personnel and Pensions Committee

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09600SB1642ham001

LRB096 08015 AMC 41305 a

1 AMENDMENT TO SENATE BILL 1642

2 AMENDMENT NO. _____. Amend Senate Bill 1642 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 6-210, 9-157, 9-169, and 12-190.3 as follows:

6 (40 ILCS 5/6-210) (from Ch. 108 1/2, par. 6-210)

7 Sec. 6-210. Credit allowed for service in police
8 department. Service rendered by a fireman, as a regularly
9 appointed and sworn policeman of the city shall be included,
10 for the purposes of this Article, as if such service were
11 rendered as a fireman of the city. Salary received by a fireman
12 for any such service as a policeman shall be considered, for
13 the purposes of this Article, as salary received as a fireman.
14 Any annuity payable to a fireman under this Article shall be
15 reduced by any pension or annuity payable to him from any
16 policemen's ~~other pension fund or~~ annuity and benefit fund in

1 operation in the city, and any member entering service after
2 January 1, 2011 shall not be given service credit in this fund
3 for any period of time in which the member is in receipt of
4 retirement benefits from any annuity and benefit fund in
5 operation in the city.

6 Any policeman who becomes a fireman, subsequent to July 1,
7 1935, may contribute to the fund an amount equal to the sum
8 which would have accumulated to his credit from deductions from
9 salary for annuity purposes if he had been contributing to the
10 fund such sums as he contributed for annuity purposes to the
11 policemen's annuity and benefit fund, and no credit for periods
12 of service rendered by him in the police department shall be
13 allowed, under this Article, except as to such periods for
14 which he made contributions to the policemen's annuity and
15 benefit fund, provided he has made the payments required by
16 this Article.

17 (Source: P.A. 81-1536.)

18 (40 ILCS 5/9-157) (from Ch. 108 1/2, par. 9-157)

19 Sec. 9-157. Ordinary disability benefit. An employee while
20 under age 65 and prior to January 1, 1979, or while under age
21 70 and after January 1, 1979, but prior to January 1, 1987, and
22 regardless of age on or after January 1, 1987, who becomes
23 disabled after becoming a contributor to the fund as the result
24 of any cause other than injury incurred in the performance of
25 an act of duty is entitled to ordinary disability benefit

1 during such disability, after the first 30 days thereof.

2 No employee who becomes disabled and whose disability
3 commences during any period of absence from duty without pay
4 ~~either than on paid vacation~~ may receive ordinary disability
5 benefit until he recovers from such disability and performs the
6 duties of his position in the service for at least 15
7 consecutive days, Sundays and holidays excepted, after his
8 recovery from such disability.

9 The benefit shall not be allowed unless application
10 therefor is made while the disability exists, nor for any
11 period of disability before 30 days before the application for
12 such benefit is made. The foregoing limitations do not apply if
13 the board finds from satisfactory evidence presented to it that
14 there was reasonable cause for delay in filing such application
15 within such periods of time.

16 The first payment shall be made not later than one month
17 after the benefit is granted and each subsequent payment shall
18 be made not later than one month after the last preceding
19 payment.

20 The disability benefit prescribed herein shall cease when
21 the first of the following dates shall occur and the employee,
22 if still disabled, shall thereafter be entitled to such annuity
23 as is otherwise provided in this Article:

24 (a) the date disability ceases.

25 (b) the date the disabled employee attains age 65 for
26 disability commencing prior to January 1, 1979.

1 (c) the date the disabled employee attains 65 for
2 disability commencing prior to attainment of age 60 in the
3 service and after January 1, 1979.

4 (d) the date the disabled employee attains the age of 70
5 for disability commencing after attainment of age 60 in the
6 service and after January 1, 1979.

7 (e) the date the payments of the benefit shall exceed in
8 the aggregate, throughout the employee's service, a period
9 equal to 1/4 of the total service rendered prior to the date of
10 disability but in no event more than 5 years. In computing such
11 total service any period during which the employee received
12 ordinary disability benefit and any period of absence from duty
13 other than paid vacation shall be excluded.

14 Any employee whose duty disability benefit was terminated
15 on or after January 1, 1979 by reason of his attainment of age
16 65 and who continues to be disabled after age 65 may elect
17 before July 1, 1986 to have such benefits resumed beginning at
18 the time of such termination and continuing until termination
19 is required under this Section as amended by this amendatory
20 Act of 1985. The amount payable to any employee for such
21 resumed benefit for any period shall be reduced by the amount
22 of any retirement annuity paid to such employee under this
23 Article for the same period of time or by any refund paid in
24 lieu of annuity.

25 Any employee whose disability benefit was terminated on or
26 after January 1, 1987 by reason of his attainment of age 70,

1 and who continues to be disabled after age 70, may elect before
2 March 31, 1988, to have such benefits resumed beginning at the
3 time of such termination and continuing until termination is
4 required under this Section as amended by this amendatory Act
5 of 1987. The amount payable to any employee for such resumed
6 benefit for any period shall be reduced by the amount of any
7 retirement annuity paid to such employee under this Article for
8 the same period of time or by any refund paid in lieu of
9 annuity.

10 Ordinary disability benefit shall be 50% of the employee's
11 salary at the date of disability. Instead of all amounts
12 ordinarily contributed by an employee and by the county for age
13 and service annuity and widow's annuity based on the salary at
14 date of disability, the county shall contribute sums equal to
15 such amounts for any period during which the employee receives
16 ordinary disability and such is deemed for annuity and refund
17 purposes as amounts contributed by him. The county shall also
18 contribute 1/2 of 1% salary deductions required as a
19 contribution from the employee under Section 9-133.

20 An employee who has withdrawn from service or was laid off
21 for any reason, who is absent from service thereafter for 60
22 days or more who re-enters the service subsequent to such
23 absence is not entitled to ordinary disability benefit unless
24 he renders at least 6 months of service subsequent to the date
25 of such last re-entry.

26 (Source: P.A. 85-964.)

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

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

3 (a) The county board shall levy a tax annually upon all
4 taxable property in the county at the rate that will produce a
5 sum which, when added to the amounts deducted from the salaries
6 of the employees or otherwise contributed by them is sufficient
7 for the requirements of this Article.

8 For the years before 1962 the tax rate shall be as provided
9 in "The 1925 Act". For the years 1962 and 1963 the tax rate
10 shall be not more than .0200 per cent; for the years 1964 and
11 1965 the tax rate shall be not more than .0202 per cent; for
12 the years 1966 and 1967 the tax rate shall be not more than
13 .0207 per cent; for the year 1968 the tax rate shall be not
14 more than .0220 per cent; for the year 1969 the tax rate shall
15 be not more than .0233 per cent; for the year 1970 the tax rate
16 shall be not more than .0255 per cent; for the year 1971 the
17 tax rate shall be not more than .0268 per cent of the value, as
18 equalized or assessed by the Department of Revenue upon all
19 taxable property in the county. Beginning with the year 1972
20 and for each year thereafter the county shall levy a tax
21 annually at a rate on the dollar of the value, as equalized or
22 assessed by the Department of Revenue of all taxable property
23 within the county that will produce, when extended, not to
24 exceed an amount equal to the total amount of contributions
25 made by the employees to the fund in the calendar year 2 years

1 prior to the year for which the annual applicable tax is levied
2 multiplied by .8 for the years 1972 through 1976; by .8 for the
3 year 1977; by .87 for the year 1978; by .94 for the year 1979;
4 by 1.02 for the year 1980 and by 1.10 for the year 1981 and by
5 1.18 for the year 1982 and by 1.36 for the year 1983 and by 1.54
6 for the year 1984 and for each year thereafter.

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

23 Revenues derived from this tax shall be paid to the
24 treasurer of the county and held by him for the benefit of the
25 fund.

26 If the payments on account of taxes are insufficient during

1 any year to meet the requirements of this Article, the county
2 may issue tax anticipation warrants against the current tax
3 levy.

4 (b) By January 10, annually, the board shall notify the
5 county board of the requirement of this Article that this tax
6 shall be levied. The board shall make an annual determination
7 of the required county contributions, and shall certify the
8 results thereof to the county board.

9 (c) The various sums to be contributed by the county board
10 and allocated for the purposes of this Article and any interest
11 to be contributed by the county shall be taken from the revenue
12 derived from this tax or as otherwise provided in this Section
13 ~~and no money of the county derived from any source other than~~
14 ~~the levy and collection of this tax or the sale of tax~~
15 ~~anticipation warrants, except state or federal funds~~
16 ~~contributed for annuity and benefit purposes for employees of a~~
17 ~~county department of public aid under "The Illinois Public Aid~~
18 ~~Code", approved April 11, 1967, as now or hereafter amended,~~
19 ~~may be used to provide revenue for the fund.~~

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

26 (d) With respect to employees whose wages are funded as

1 participants under the Comprehensive Employment and Training
2 Act of 1973, as amended (P.L. 93-203, 87 Stat. 839, P.L.
3 93-567, 88 Stat. 1845), hereinafter referred to as CETA,
4 subsequent to October 1, 1978, and in instances where the board
5 has elected to establish a manpower program reserve, the board
6 shall compute the amounts necessary to be credited to the
7 manpower program reserves established and maintained as herein
8 provided, and shall make a periodic determination of the amount
9 of required contributions from the County to the reserve to be
10 reimbursed by the federal government in accordance with rules
11 and regulations established by the Secretary of the United
12 States Department of Labor or his designee, and certify the
13 results thereof to the County Board. Any such amounts shall
14 become a credit to the County and will be used to reduce the
15 amount which the County would otherwise contribute during
16 succeeding years for all employees.

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

1 contribute during succeeding years for all employees.

2 (f) In lieu of levying all or a portion of the tax required
3 under this Section in any year, the county may deposit with the
4 county treasurer no later than March 1 of that year for the
5 benefit of the fund, to be held in accordance with this
6 Article, an amount that, together with the taxes levied under
7 this Section for that year, is not less than the amount of the
8 county contributions for that year as certified by the board to
9 the county board. The deposit may be derived from any source
10 legally available for that purpose, including, but not limited
11 to, the proceeds of county borrowings. The making of a deposit
12 shall satisfy fully the requirements of this Section for that
13 year to the extent of the amounts so deposited. Amounts
14 deposited under this subsection (f) may be used by the fund for
15 any of the purposes for which the proceeds of the tax levied
16 under this Section may be used, including the payment of any
17 amount that is otherwise required by this Article to be paid
18 from the proceeds of that tax.

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

20 (40 ILCS 5/12-190.3) (from Ch. 108 1/2, par. 12-190.3)

21 Sec. 12-190.3. Fraud. Any person who knowingly makes any
22 false statement or falsifies or permits to be falsified any
23 record of this Fund in any attempt to defraud the Fund is
24 guilty of a Class A misdemeanor.

25 None of the benefits provided for in this Article shall be

1 paid to any person who is convicted of any misdemeanor or
2 felony relating to or arising out of or in connection with any
3 attempt to defraud the Fund.

4 This Section shall not operate to impair any contract or
5 vested right previously acquired under any law or laws
6 continued in this Article, nor to preclude the right to a
7 refund.

8 (Source: P.A. 86-1488.)

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