



Rep. Deb Conroy

Filed: 4/10/2017

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LRB100 10740 RPS 24218 a

1 AMENDMENT TO HOUSE BILL 3908

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3908 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, 2.7, and  
26 2.8, any person who holds elective office unless he has

1 elected while in that office in a written notice on file  
2 with the board to 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 2.7. Any person who is a member of a governing body of  
23 a forest preserve district, whether he or she is elected or  
24 appointed, unless:

25 (i) the person was first elected or appointed to  
26 that office before the effective date of this amendatory

1 Act of the 100th General Assembly and the person has  
2 elected while in that office, in a written notice on file  
3 with the board, to become a participating employee; and

4 (ii) the governing body has certified to the Fund  
5 that the position normally requires the performance of duty  
6 during 1000 hours or more per year.

7 2.8. Any person who is an elected or appointed official  
8 of a forest preserve district and is first so elected or  
9 appointed on or after the effective date of this amendatory  
10 Act of the 100th General Assembly;

11 3. Any person working for a city hospital unless any  
12 such person, while in active employment, has elected in a  
13 written notice on file with the board to become a  
14 participating employee and notification thereof is  
15 received by the board;

16 4. Any person who becomes an employee after June 30,  
17 1979 as a public service employment program participant  
18 under the federal Comprehensive Employment and Training  
19 Act and whose wages or fringe benefits are paid in whole or  
20 in part by funds provided under such Act;

21 5. Any person who is actively employed by a  
22 municipality on its effective date of participation in the  
23 Fund if that municipality (i) has at least 35 employees on  
24 its effective date of participation; (ii) is located in a  
25 county with at least 2,000,000 inhabitants; and (iii)  
26 maintains an independent defined benefit pension plan for

1 the benefit of its eligible employees, unless the person  
2 files with the board within 90 days after the  
3 municipality's effective date of participation an  
4 irrevocable election to participate.

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

8 (d) Any employee who occupied the position of school nurse  
9 in any participating municipality on August 8, 1961 and  
10 continuously thereafter until the effective date of the  
11 exercise of the option authorized by this subparagraph, who on  
12 August 7, 1961 was a member of the Teachers' Retirement System  
13 of Illinois, by virtue of certification by the Department of  
14 Registration and Education as a public health nurse, may elect  
15 to terminate participation in this Fund in order to  
16 re-establish membership in such System. The election may be  
17 exercised by filing written notice thereof with the Board or  
18 with the Board of Trustees of said Teachers' Retirement System,  
19 not later than September 30, 1963, and shall be effective on  
20 the first day of the calendar month next following the month in  
21 which the notice was filed. If the written notice is filed with  
22 such Teachers' Retirement System, that System shall  
23 immediately notify this Fund, but neither failure nor delay in  
24 notification shall affect the validity of the employee's  
25 election. If the option is exercised, the Fund shall notify  
26 such Teachers' Retirement System of such fact and transfer to

1 that system the amounts contributed by the employee to this  
2 Fund, including interest at 3% per annum, but excluding  
3 contributions applicable to social security coverage during  
4 the period beginning August 8, 1961 to the effective date of  
5 the employee's election. Participation in this Fund as to any  
6 credits on or after August 8, 1961 and up to the effective date  
7 of the employee's election shall terminate on such effective  
8 date.

9 (e) Any participating municipality or participating  
10 instrumentality, other than a school district or special  
11 education joint agreement created under Section 10-22.31 of the  
12 School Code, may, by a resolution or ordinance duly adopted by  
13 its governing body, elect to exclude from participation and  
14 eligibility for benefits all persons who are employed after the  
15 effective date of such resolution or ordinance and who occupy  
16 an office or are employed in a position normally requiring  
17 performance of duty for less than 1000 hours per year for the  
18 participating municipality (including all instrumentalities  
19 thereof) or participating instrumentality except for persons  
20 employed in a position normally requiring performance of duty  
21 for 600 hours or more per year (i) by such participating  
22 municipality or participating instrumentality prior to the  
23 effective date of the resolution or ordinance and (ii) by a  
24 participating municipality or participating instrumentality,  
25 which had not adopted such a resolution when the person was  
26 employed, and the function served by the employee's position is

1 assumed by another participating municipality or participating  
2 instrumentality. Notwithstanding the foregoing, a  
3 participating municipality or participating instrumentality  
4 which is formed solely to succeed to the functions of a  
5 participating municipality or participating instrumentality  
6 shall be considered to have adopted any such resolution or  
7 ordinance which may have been applicable to the employees  
8 performing such functions. The election made by the resolution  
9 or ordinance shall take effect at the time specified in the  
10 resolution or ordinance, and once effective shall be  
11 irrevocable.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.".