



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0041

Introduced 12/15/2004, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-108

from Ch. 108 1/2, par. 4-108

30 ILCS 805/8.29 new

Amends the Illinois Pension Code. Specifies that, when a new downstate firefighter pension fund is created for firefighters previously under IMRF, the affected firefighters receive creditable service in the new pension fund for service credits transferred from IMRF to the new pension fund. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT in relation to public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 4-108 as follows:

6 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)
7 Sec. 4-108. Creditable service.

8 (a) Creditable service is the time served as a firefighter
9 of a municipality. In computing creditable service, furloughs
10 and leaves of absence without pay exceeding 30 days in any one
11 year shall not be counted, but leaves of absence for illness or
12 accident regardless of length, and periods of disability for
13 which a firefighter received no disability pension payments
14 under this Article, shall be counted.

15 (b) Furloughs and leaves of absence of 30 days or less in
16 any one year may be counted as creditable service, if the
17 firefighter makes the contribution to the fund that would have
18 been required had he or she not been on furlough or leave of
19 absence. To qualify for this creditable service, the
20 firefighter must pay the required contributions to the fund not
21 more than 90 days subsequent to the termination of the furlough
22 or leave of absence, to the extent that the municipality has
23 not made such contribution on his or her behalf.

24 (c) Creditable service includes:

25 (1) Service in the military, naval or air forces of the
26 United States entered upon when the person was an active
27 firefighter, provided that, upon applying for a permanent
28 pension, and in accordance with the rules of the board the
29 firefighter pays into the fund the amount that would have
30 been contributed had he or she been a regular contributor
31 during such period of service, if and to the extent that
32 the municipality which the firefighter served made no such

1 contributions in his or her behalf. The total amount of
2 such creditable service shall not exceed 5 years, except
3 that any firefighter who on July 1, 1973 had more than 5
4 years of such creditable service shall receive the total
5 amount thereof as of that date.

6 (2) Service prior to July 1, 1976 by a firefighter
7 initially excluded from participation by reason of age who
8 elected to participate and paid the required contributions
9 for such service.

10 (3) Up to 8 years of service by a firefighter as an
11 officer in a statewide firefighters' association when he is
12 on a leave of absence from a municipality's payroll,
13 provided that (i) the firefighter has at least 10 years of
14 creditable service as an active firefighter, (ii) the
15 firefighter contributes to the fund the amount that he
16 would have contributed had he remained an active member of
17 the fund, and (iii) the employee or statewide firefighter
18 association contributes to the fund an amount equal to the
19 employer's required contribution as determined by the
20 board.

21 (4) Time spent as an on-call fireman for a
22 municipality, calculated at the rate of one year of
23 creditable service for each 5 years of time spent as an
24 on-call fireman, provided that (i) the firefighter has at
25 least 18 years of creditable service as an active
26 firefighter, (ii) the firefighter spent at least 14 years
27 as an on-call firefighter for the municipality, (iii) the
28 firefighter applies for such creditable service within 30
29 days after the effective date of this amendatory Act of
30 1989, (iv) the firefighter contributes to the Fund an
31 amount representing employee contributions for the number
32 of years of creditable service granted under this
33 subdivision (4), based on the salary and contribution rate
34 in effect for the firefighter at the date of entry into the
35 Fund, to be determined by the board, and (v) not more than
36 3 years of creditable service may be granted under this

1 subdivision (4).

2 Creditable service shall not under any other
3 circumstances include time spent as a volunteer
4 firefighter, whether or not any compensation was received
5 therefor. The change made in this Section by Public Act
6 83-0463 is intended to be a restatement and clarification
7 of existing law, and does not imply that creditable service
8 was previously allowed under this Article for time spent as
9 a volunteer firefighter.

10 (5) Time served between July 1, 1976 and July 1, 1988
11 in the position of protective inspection officer or
12 administrative assistant for fire services, for a
13 municipality with a population under 10,000 that is located
14 in a county with a population over 3,000,000 and that
15 maintains a firefighters' pension fund under this Article,
16 if the position included firefighting duties,
17 notwithstanding that the person may not have held an
18 appointment as a firefighter, provided that application is
19 made to the pension fund within 30 days after the effective
20 date of this amendatory Act of 1991, and the corresponding
21 contributions are paid for the number of years of service
22 granted, based upon the salary and contribution rate in
23 effect for the firefighter at the date of entry into the
24 pension fund, as determined by the Board.

25 (6) Service before becoming a participant by a
26 firefighter initially excluded from participation by
27 reason of age who becomes a participant under the amendment
28 to Section 4-107 made by this amendatory Act of 1993 and
29 pays the required contributions for such service.

30 (7) Up to 3 years of time during which the firefighter
31 receives a disability pension under Section 4-110,
32 4-110.1, or 4-111, provided that (i) the firefighter
33 returns to active service after the disability for a period
34 at least equal to the period for which credit is to be
35 established and (ii) the firefighter makes contributions
36 to the fund based on the rates specified in Section 4-118.1

1 and the salary upon which the disability pension is based.
2 These contributions may be paid at any time prior to the
3 commencement of a retirement pension. The firefighter may,
4 but need not, elect to have the contributions deducted from
5 the disability pension or to pay them in installments on a
6 schedule approved by the board. If not deducted from the
7 disability pension, the contributions shall include
8 interest at the rate of 6% per year, compounded annually,
9 from the date for which service credit is being established
10 to the date of payment. If contributions are paid under
11 this subdivision (c)(7) in excess of those needed to
12 establish the credit, the excess shall be refunded. This
13 subdivision (c)(7) applies to persons receiving a
14 disability pension under Section 4-110, 4-110.1, or 4-111
15 on the effective date of this amendatory Act of the 91st
16 General Assembly, as well as persons who begin to receive
17 such a disability pension after that date.

18 (8) Service for which credits have been transferred
19 pursuant to Section 7-210(d).

20 (Source: P.A. 91-466, eff. 8-6-99.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.29 as follows:

23 (30 ILCS 805/8.29 new)

24 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
25 of this Act, no reimbursement by the State is required for the
26 implementation of any mandate created by this amendatory Act of
27 the 94th General Assembly.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.