



Rep. Darlene J. Senger

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09800HB1280ham001

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1 AMENDMENT TO HOUSE BILL 1280

2 AMENDMENT NO. _____. Amend House Bill 1280 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 4-101 and 4-106 as follows:

6 (40 ILCS 5/4-101) (from Ch. 108 1/2, par. 4-101)

7 Sec. 4-101. Creation of fund.

8 (a) In each municipality as defined in Section 4-103, the
9 city council or the board of trustees, as the case may be,
10 shall establish and administer a firefighters' pension fund as
11 prescribed in this Article, for the benefit of its firefighters
12 and of their surviving spouses, children and certain other
13 dependents.

14 (b) The duty of the corporate authorities of a municipality
15 to establish and administer a firefighters' pension fund shall
16 be suspended during any period during which:

1 (1) the fund is dissolved under subsection (c) of
2 Section 4-106.1 of this Code; or

3 (2) in the case of a municipality with 5,000 or more
4 but fewer than 15,000 inhabitants that has not established
5 a pension fund under this Article, there is in effect an
6 ordinance or resolution adopted by the city council or the
7 board of trustees, deferring the establishment of a pension
8 fund under this Article due to a finding of economic
9 exigency. Such an ordinance or resolution shall be
10 effective for no more than 5 years, but may be renewed upon
11 a finding of continuing economic exigency until the
12 municipality reaches a population of 15,000, as determined
13 by the most recent available census data.

14 (Source: P.A. 97-99, eff. 1-1-12.)

15 (40 ILCS 5/4-106) (from Ch. 108 1/2, par. 4-106)

16 Sec. 4-106. Firefighter, firefighters. "Firefighter,
17 firefighters":

18 (a) In municipalities which have adopted Division 1 of
19 Article 10 of the Illinois Municipal Code, any person employed
20 in the municipality's fire service as a firefighter, fire
21 engineer, marine engineer, fire pilot, bomb technician or scuba
22 diver; and in any of these positions where such person's duties
23 also include those of a firefighter as classified by the Civil
24 Service Commission of that city, and whose duty is to
25 participate in the work of controlling and extinguishing fires

1 at the location of any such fires.

2 (b) In municipalities which are subject to Division 2.1 of
3 Article 10 of the Illinois Municipal Code, any person employed
4 by a city in its fire service as a firefighter, fire engineer,
5 marine engineer, fire pilot, bomb technician, or scuba diver;
6 and, in any of these positions whose duties also include those
7 of a firefighter and are certified in the same manner as a
8 firefighter in that city.

9 (c) In municipalities which are subject to neither Division
10 1 nor Division 2.1 of Article 10 of the Illinois Municipal
11 Code, any person who would have been included as a firefighter
12 under sub-paragraph (a) or (b) above except that he served as a
13 de facto and not as a de jure firefighter.

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

20 Notwithstanding the other provisions of this Section,
21 "firefighter" does not include any person employed by a
22 municipality that has deferred its establishment of a pension
23 fund under this Article in accordance with subdivision (b) (2)
24 of Section 4-101.

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law."