



Rep. Bradley Fritts

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10300HB4139ham002

LRB103 34045 RPS 70129 a

1 AMENDMENT TO HOUSE BILL 4139

2 AMENDMENT NO. _____. Amend House Bill 4139 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by adding
5 Sections 7-130.1, 7-130.2, 7-130.3, 7-130.4, and 7-130.5 and
6 by changing Sections 7-145.1, 7-146, 7-149, and 7-150 as
7 follows:

8 (40 ILCS 5/7-130.1 new)

9 Sec. 7-130.1. Advanced practice registered nurse.
10 "Advanced practice registered nurse": a person licensed as an
11 advanced practice registered nurse under the Nurse Practice
12 Act.

13 (40 ILCS 5/7-130.2 new)

14 Sec. 7-130.2. Clinical psychologist. "Clinical
15 psychologist": a person licensed under the Clinical

1 Psychologist Licensing Act.

2 (40 ILCS 5/7-130.3 new)

3 Sec. 7-130.3. Health care professional. "Health care
4 professional": a person currently licensed as a physician,
5 advanced practice registered nurse, clinical psychologist, or
6 physician assistant diagnosing the condition or conditions for
7 which disability benefits are sought in accordance with the
8 person's level of education, training, and licensure.

9 (40 ILCS 5/7-130.4 new)

10 Sec. 7-130.4. Physician. "Physician": a person licensed to
11 practice medicine in all its branches under the Medical
12 Practice Act of 1987.

13 (40 ILCS 5/7-130.5 new)

14 Sec. 7-130.5. Physician assistant. "Physician assistant":
15 a person licensed under the Physician Assistant Practice Act
16 of 1987.

17 (40 ILCS 5/7-145.1)

18 Sec. 7-145.1. Alternative annuity for county officers.

19 (a) The benefits provided in this Section and Section
20 7-145.2 are available only if, prior to the effective date of
21 this amendatory Act of the 97th General Assembly, the county
22 board has filed with the Board of the Fund a resolution or

1 ordinance expressly consenting to the availability of these
2 benefits for its elected county officers. The county board's
3 consent is irrevocable with respect to persons participating
4 in the program, but may be revoked at any time with respect to
5 persons who have not paid an additional optional contribution
6 under this Section before the date of revocation.

7 An elected county officer may elect to establish
8 alternative credits for an alternative annuity by electing in
9 writing before the effective date of this amendatory Act of
10 the 97th General Assembly to make additional optional
11 contributions in accordance with this Section and procedures
12 established by the board. These alternative credits are
13 available only for periods of service as an elected county
14 officer. The elected county officer may discontinue making the
15 additional optional contributions by notifying the Fund in
16 writing in accordance with this Section and procedures
17 established by the board.

18 Additional optional contributions for the alternative
19 annuity shall be as follows:

20 (1) For service as an elected county officer after the
21 option is elected, an additional contribution of 3% of
22 salary shall be contributed to the Fund on the same basis
23 and under the same conditions as contributions required
24 under Section 7-173.

25 (2) For service as an elected county officer before
26 the option is elected, an additional contribution of 3% of

1 the salary for the applicable period of service, plus
2 interest at the effective rate from the date of service to
3 the date of payment, plus any additional amount required
4 by the county board under paragraph (3). All payments for
5 past service must be paid in full before credit is given.
6 Payment must be received by the Board while the member is
7 an active participant, except that one payment will be
8 permitted after termination of participation.

9 (3) With respect to service as an elected county
10 officer before the option is elected, if payment is made
11 after the county board has filed with the Board of the Fund
12 a resolution or ordinance requiring an additional
13 contribution under this paragraph, then the contribution
14 required under paragraph (2) shall include an amount to be
15 determined by the Fund, equal to the actuarial present
16 value of the additional employer cost that would otherwise
17 result from the alternative credits being established for
18 that service. A county board's resolution or ordinance
19 requiring additional contributions under this paragraph
20 (3) is irrevocable. Payment must be received by the Board
21 while the member is an active participant, except that one
22 payment will be permitted after termination of
23 participation.

24 No additional optional contributions may be made for any
25 period of service for which credit has been previously
26 forfeited by acceptance of a refund, unless the refund is

1 repaid in full with interest at the effective rate from the
2 date of refund to the date of repayment.

3 (b) In lieu of the retirement annuity otherwise payable
4 under this Article, an elected county officer who (1) has
5 elected to participate in the Fund and make additional
6 optional contributions in accordance with this Section, (2)
7 has held and made additional optional contributions with
8 respect to the same elected county office for at least 8 years,
9 and (3) has attained age 55 with at least 8 years of service
10 credit (or has attained age 50 with at least 20 years of
11 service as a sheriff's law enforcement employee) may elect to
12 have his retirement annuity computed as follows: 3% of the
13 participant's salary for each of the first 8 years of service
14 credit, plus 4% of that salary for each of the next 4 years of
15 service credit, plus 5% of that salary for each year of service
16 credit in excess of 12 years, subject to a maximum of 80% of
17 that salary.

18 This formula applies only to service in an elected county
19 office that the officer held for at least 8 years, and only to
20 service for which additional optional contributions have been
21 paid under this Section. If an elected county officer
22 qualifies to have this formula applied to service in more than
23 one elected county office, the qualifying service shall be
24 accumulated for purposes of determining the applicable accrual
25 percentages, but the salary used for each office shall be the
26 separate salary calculated for that office, as defined in

1 subsection (g).

2 To the extent that the elected county officer has service
3 credit that does not qualify for this formula, his retirement
4 annuity will first be determined in accordance with this
5 formula with respect to the service to which this formula
6 applies, and then in accordance with the remaining Sections of
7 this Article with respect to the service to which this formula
8 does not apply.

9 (c) In lieu of the disability benefits otherwise payable
10 under this Article, an elected county officer who (1) has
11 elected to participate in the Fund, and (2) has become
12 permanently disabled and as a consequence is unable to perform
13 the duties of his office, and (3) was making optional
14 contributions in accordance with this Section at the time the
15 disability was incurred, may elect to receive a disability
16 annuity calculated in accordance with the formula in
17 subsection (b). For the purposes of this subsection, an
18 elected county officer shall be considered permanently
19 disabled only if: (i) disability occurs while in service as an
20 elected county officer and is of such a nature as to prevent
21 him from reasonably performing the duties of his office at the
22 time; and (ii) the board has received a written certification
23 by at least 2 health care professionals ~~licensed physicians~~
24 appointed by it stating that the officer is disabled and that
25 the disability is likely to be permanent.

26 (d) Refunds of additional optional contributions shall be

1 made on the same basis and under the same conditions as
2 provided under Section 7-166, 7-167 and 7-168. Interest shall
3 be credited at the effective rate on the same basis and under
4 the same conditions as for other contributions.

5 If an elected county officer fails to hold that same
6 elected county office for at least 8 years, he or she shall be
7 entitled after leaving office to receive a refund of the
8 additional optional contributions made with respect to that
9 office, plus interest at the effective rate.

10 (e) The plan of optional alternative benefits and
11 contributions shall be available to persons who are elected
12 county officers and active contributors to the Fund on or
13 after November 15, 1994 and elected to establish alternative
14 credit before the effective date of this amendatory Act of the
15 97th General Assembly. A person who was an elected county
16 officer and an active contributor to the Fund on November 15,
17 1994 but is no longer an active contributor may apply to make
18 additional optional contributions under this Section at any
19 time within 90 days after the effective date of this
20 amendatory Act of 1997; if the person is an annuitant, the
21 resulting increase in annuity shall begin to accrue on the
22 first day of the month following the month in which the
23 required payment is received by the Fund.

24 (f) For the purposes of this Section and Section 7-145.2,
25 the terms "elected county officer" and "elected county office"
26 include, but are not limited to: (1) the county clerk,

1 recorder, treasurer, coroner, assessor (if elected), auditor,
2 sheriff, and State's Attorney; members of the county board;
3 and the clerk of the circuit court; and (2) a person who has
4 been appointed to fill a vacancy in an office that is normally
5 filled by election on a countywide basis, for the duration of
6 his or her service in that office. The terms "elected county
7 officer" and "elected county office" do not include any
8 officer or office of a county that has not consented to the
9 availability of benefits under this Section and Section
10 7-145.2.

11 (g) For the purposes of this Section and Section 7-145.2,
12 the term "salary" means the final rate of earnings for the
13 elected county office held, calculated in a manner consistent
14 with Section 7-116, but for that office only. If an elected
15 county officer qualifies to have the formula in subsection (b)
16 applied to service in more than one elected county office, a
17 separate salary shall be calculated and applied with respect
18 to each such office.

19 (h) The changes to this Section made by this amendatory
20 Act of the 91st General Assembly apply to persons who first
21 make an additional optional contribution under this Section on
22 or after the effective date of this amendatory Act.

23 (i) Any elected county officer who was entitled to receive
24 a stipend from the State on or after July 1, 2009 and on or
25 before June 30, 2010 may establish earnings credit for the
26 amount of stipend not received, if the elected county official

1 applies in writing to the fund within 6 months after the
2 effective date of this amendatory Act of the 96th General
3 Assembly and pays to the fund an amount equal to (i) employee
4 contributions on the amount of stipend not received, (ii)
5 employer contributions determined by the Board equal to the
6 employer's normal cost of the benefit on the amount of stipend
7 not received, plus (iii) interest on items (i) and (ii) at the
8 actuarially assumed rate.

9 (Source: P.A. 100-148, eff. 8-18-17.)

10 (40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

11 Sec. 7-146. Temporary disability benefits; eligibility
12 ~~benefits—Eligibility~~. Temporary disability benefits shall be
13 payable to participating employees as hereinafter provided.

14 (a) The participating employee shall be considered
15 temporarily disabled if:

16 1. He is unable to perform the duties of any position
17 which might reasonably be assigned to him by his employing
18 municipality or instrumentality thereof or participating
19 instrumentality due to mental or physical disability
20 caused by bodily injury or disease, other than as a result
21 of self-inflicted injury or addiction to narcotic drugs;

22 2. The Board has received written certifications from
23 at least one health care professional ~~licensed and~~
24 ~~practicing physician~~ and the governing body of the
25 employing municipality or instrumentality thereof or

1 participating instrumentality stating that the employee
2 meets the conditions set forth in subparagraph 1 of this
3 paragraph (a).

4 (b) A temporary disability benefit shall be payable to a
5 temporarily disabled employee provided:

6 1. He:

7 (i) has at least one year of service immediately
8 preceding the date the temporary disability was
9 incurred and has made contributions to the fund for at
10 least the number of months of service normally
11 required in his position during a 12-month period, or
12 has at least 5 years of service credit, the last year
13 of which immediately precedes such date; or

14 (ii) had qualified under clause (i) above, but had
15 an interruption in service of not more than 3 months in
16 the 12 months preceding the date the temporary
17 disability was incurred and was not paid a separation
18 benefit; or

19 (iii) had qualified under clause (i) above, but
20 had an interruption after 20 or more years of
21 creditable service, was not paid a separation benefit,
22 and returned to service prior to the date the
23 disability was incurred.

24 Item (iii) of this subdivision shall apply to all
25 employees whose disabilities were incurred on or after
26 July 1, 1985, and any such employee who becomes eligible

1 for a disability benefit under item (iii) shall be
2 entitled to receive a lump sum payment of any accumulated
3 disability benefits which may accrue from the date the
4 disability was incurred until the effective date of this
5 amendatory Act of 1987.

6 Periods of qualified leave granted in compliance with
7 the federal Family and Medical Leave Act shall be ignored
8 for purposes of determining the number of consecutive
9 months of employment under this subdivision (b)1.

10 2. He has been temporarily disabled for at least 30
11 days, except where a former temporary or permanent and
12 total disability has reoccurred within 6 months after the
13 employee has returned to service.

14 3. He is receiving no earnings from a participating
15 municipality or instrumentality thereof or participating
16 instrumentality, except as allowed under subsection (f) of
17 Section 7-152.

18 4. He has not refused to submit to a reasonable
19 physical examination by a health care professional
20 ~~physician~~ appointed by the Board.

21 5. His disability is not the result of a mental or
22 physical condition which existed on the earliest date of
23 service from which he has uninterrupted service, including
24 prior service, at the date of his disability, provided
25 that this limitation is not applicable if the date of
26 disability is after December 31, 2001, nor is it

1 applicable to a participating employee who: (i) on the
2 date of disability has 5 years of creditable service,
3 exclusive of creditable service for periods of disability;
4 or (ii) received no medical treatment for the condition
5 for the 3 years immediately prior to such earliest date of
6 service.

7 6. He is not separated from the service of the
8 participating municipality or instrumentality thereof or
9 participating instrumentality which employed him on the
10 date his temporary disability was incurred; for the
11 purposes of payment of temporary disability benefits, a
12 participating employee, whose employment relationship is
13 terminated by his employing municipality, shall be deemed
14 not to be separated from the service of his employing
15 municipality or participating instrumentality if he
16 continues disabled by the same condition and so long as he
17 is otherwise entitled to such disability benefit.

18 7. He has not failed or refused to consent to and sign
19 an authorization allowing the Board to receive copies of
20 or to examine his medical and hospital records.

21 8. He has not failed or refused to provide complete
22 information regarding any other employment for
23 compensation he has received since becoming disabled.

24 (Source: P.A. 101-151, eff. 7-26-19.)

25 (40 ILCS 5/7-149) (from Ch. 108 1/2, par. 7-149)

1 Sec. 7-149. Temporary disability benefits; periodic
2 ~~benefits-Periodic~~ checks.

3 The Board shall conduct periodic checks to determine if
4 any participating employee is disabled. Such checks may
5 consist of periodic examinations by one or more health care
6 professionals ~~a physician or physicians~~ appointed by the
7 Board, requiring the employee to submit evidence of continuing
8 disability and such other investigations as the Board may deem
9 appropriate. The following shall constitute prima facie
10 ~~prima facie~~ evidence of termination of temporary disability:

11 (a) A written report by a health care professional
12 ~~physician~~ appointed by the Board stating that the temporary
13 disability has ceased;

14 (b) The earning of compensation by the employee from any
15 source for personal services, in excess of 25% of the monthly
16 rate of earnings upon which his disability benefits are based.

17 (Source: Laws 1965, p. 1086.)

18 (40 ILCS 5/7-150) (from Ch. 108 1/2, par. 7-150)

19 Sec. 7-150. Total and permanent disability benefits;
20 eligibility ~~benefits~~ ~~Eligibility~~. Total and permanent
21 disability benefits shall be payable to participating
22 employees as hereinafter provided, including those employees
23 receiving disability benefit on July 1, 1962.

24 (a) A participating employee shall be considered totally
25 and permanently disabled if:

1 1. He is unable to engage in any gainful activity
2 because of any medically determinable physical or mental
3 impairment which can be expected to result in death or be
4 of a long continued and indefinite duration, other than as
5 a result of self-inflicted injury or addiction to narcotic
6 drugs;

7 2. The Board has received a written certification by
8 at least one health care professional ~~1 licensed and~~
9 ~~practicing physician~~ stating that the employee meets the
10 qualifications of subparagraph 1 of this paragraph (a).

11 (b) A totally and permanently disabled employee is
12 entitled to a permanent disability benefit provided:

13 1. He has exhausted his temporary disability benefits.

14 2. He:

15 (i) has at least one year of service immediately
16 preceding the date the disability was incurred and has
17 made contributions to the fund for at least the number
18 of months of service normally required in his position
19 during a 12 month period, or has at least 5 years of
20 service credit, the last year of which immediately
21 preceded the date the disability was incurred; or

22 (ii) had qualified under clause (i) above, but had
23 an interruption in service of not more than 3 months in
24 the 12 months preceding the date the temporary
25 disability was incurred and was not paid a separation
26 benefit; or

1 (iii) had qualified under clause (i) above, but
2 had an interruption after 20 or more years of
3 creditable service, was not paid a separation benefit,
4 and returned to service prior to the date the
5 disability was incurred.

6 Item (iii) of this subdivision shall apply to all
7 employees whose disabilities were incurred on or after
8 July 1, 1985, and any such employee who becomes eligible
9 for a disability benefit under item (iii) shall be
10 entitled to receive a lump sum payment of any accumulated
11 disability benefits which may accrue from the date the
12 disability was incurred until the effective date of this
13 amendatory Act of 1987.

14 Periods of qualified leave granted in compliance with
15 the federal Family and Medical Leave Act shall be ignored
16 for purposes of determining the number of consecutive
17 months of employment under this subdivision (b)2.

18 3. He is receiving no earnings from a participating
19 municipality or instrumentality thereof or participating
20 instrumentality, except as allowed under subsection (f) of
21 Section 7-152.

22 4. He has not refused to submit to a reasonable
23 physical examination by a health care professional
24 ~~physician~~ appointed by the Board.

25 5. His disability is not the result of a mental or
26 physical condition which existed on the earliest date of

1 service from which he has uninterrupted service, including
2 prior service, at the date of his disability, provided
3 that this limitation shall not be applicable to a
4 participating employee who, without receiving a disability
5 benefit, receives 5 years of creditable service.

6 6. He is not separated from the service of his
7 employing participating municipality or instrumentality
8 thereof or participating instrumentality on the date his
9 temporary disability was incurred; for the purposes of
10 payment of total and permanent disability benefits, a
11 participating employee, whose employment relationship is
12 terminated by his employing municipality, shall be deemed
13 not to be separated from the service of his employing
14 municipality or participating instrumentality if he
15 continues disabled by the same condition and so long as he
16 is otherwise entitled to such disability benefit.

17 7. He has not refused to apply for a disability
18 benefit under the Federal Social Security Act at the
19 request of the Board.

20 8. He has not failed or refused to consent to and sign
21 an authorization allowing the Board to receive copies of
22 or to examine his medical and hospital records.

23 9. He has not failed or refused to provide complete
24 information regarding any other employment for
25 compensation he has received since becoming disabled.

26 (c) A participating employee shall remain eligible and may

1 make application for a total and permanent disability benefit
2 within 90 days after the termination of his temporary
3 disability benefits or within such longer period terminating
4 at the end of the period during which his employing
5 municipality is prevented from employing him by reason of any
6 statutory prohibition.

7 (Source: P.A. 101-151, eff. 7-26-19.)

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