



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1566

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code. Merges all Article 3 police officers' pension funds and Article 4 firefighters' pension funds into the Illinois Municipal Retirement Fund (IMRF) on January 1, 2021. Creates a Transition Board, which is responsible for planning, overseeing, and administering the consolidation. Authorizes the Transition Board to undertake numerous activities necessary for the consolidation, including making arrangements for the transfer of assets and liabilities and for making recommendations to IMRF for an appropriate system of determining, administering, receiving, and enforcing the required municipal contributions to the Fund. Makes conforming and other changes. Provides that a person first employed as a firefighter or police officer on or after January 1, 2021 shall participate and earn benefits in IMRF as an employee under the IMRF Article (rather than participating and earning benefits under the Downstate Police or Downstate Firefighter Articles). Amends the Property Tax Extension Limitation Law (PTELL) of the Property Tax Code to exclude from the definition of "aggregate extension" special purpose extensions made for contributions to IMRF for benefits under the downstate police and downstate firefighter Articles. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately, except that certain changes to the Illinois Pension Code and the Property Tax Extension Limitation Law of the Property Tax Code take effect January 1, 2021.

LRB101 06694 RPS 51721 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning 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 Property Tax Code is amended by changing
5 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5 may
8 be cited as the Property Tax Extension Limitation Law. As used
9 in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of

1 its 1990 equalized assessed value within any county or counties
2 contiguous to a county with 3,000,000 or more inhabitants.
3 Beginning with the 1995 levy year, "taxing district" includes
4 only each non-home rule taxing district subject to this Law
5 before the 1995 levy year and each non-home rule taxing
6 district not subject to this Law before the 1995 levy year
7 having the majority of its 1994 equalized assessed value in an
8 affected county or counties. Beginning with the levy year in
9 which this Law becomes applicable to a taxing district as
10 provided in Section 18-213, "taxing district" also includes
11 those taxing districts made subject to this Law as provided in
12 Section 18-213.

13 "Aggregate extension" for taxing districts to which this
14 Law applied before the 1995 levy year means the annual
15 corporate extension for the taxing district and those special
16 purpose extensions that are made annually for the taxing
17 district, excluding special purpose extensions: (a) made for
18 the taxing district to pay interest or principal on general
19 obligation bonds that were approved by referendum; (b) made for
20 any taxing district to pay interest or principal on general
21 obligation bonds issued before October 1, 1991; (c) made for
22 any taxing district to pay interest or principal on bonds
23 issued to refund or continue to refund those bonds issued
24 before October 1, 1991; (d) made for any taxing district to pay
25 interest or principal on bonds issued to refund or continue to
26 refund bonds issued after October 1, 1991 that were approved by

1 referendum; (e) made for any taxing district to pay interest or
2 principal on revenue bonds issued before October 1, 1991 for
3 payment of which a property tax levy or the full faith and
4 credit of the unit of local government is pledged; however, a
5 tax for the payment of interest or principal on those bonds
6 shall be made only after the governing body of the unit of
7 local government finds that all other sources for payment are
8 insufficient to make those payments; (f) made for payments
9 under a building commission lease when the lease payments are
10 for the retirement of bonds issued by the commission before
11 October 1, 1991, to pay for the building project; (g) made for
12 payments due under installment contracts entered into before
13 October 1, 1991; (h) made for payments of principal and
14 interest on bonds issued under the Metropolitan Water
15 Reclamation District Act to finance construction projects
16 initiated before October 1, 1991; (i) made for payments of
17 principal and interest on limited bonds, as defined in Section
18 3 of the Local Government Debt Reform Act, in an amount not to
19 exceed the debt service extension base less the amount in items
20 (b), (c), (e), and (h) of this definition for non-referendum
21 obligations, except obligations initially issued pursuant to
22 referendum; (j) made for payments of principal and interest on
23 bonds issued under Section 15 of the Local Government Debt
24 Reform Act; (k) made by a school district that participates in
25 the Special Education District of Lake County, created by
26 special education joint agreement under Section 10-22.31 of the

1 School Code, for payment of the school district's share of the
2 amounts required to be contributed by the Special Education
3 District of Lake County to the Illinois Municipal Retirement
4 Fund under Article 7 of the Illinois Pension Code; the amount
5 of any extension under this item (k) shall be certified by the
6 school district to the county clerk; (l) made to fund expenses
7 of providing joint recreational programs for persons with
8 disabilities under Section 5-8 of the Park District Code or
9 Section 11-95-14 of the Illinois Municipal Code; (m) made for
10 temporary relocation loan repayment purposes pursuant to
11 Sections 2-3.77 and 17-2.2d of the School Code; (n) made for
12 payment of principal and interest on any bonds issued under the
13 authority of Section 17-2.2d of the School Code; (o) made
14 before January 1, 2021 for contributions to a firefighter's
15 pension fund created under Article 4 of the Illinois Pension
16 Code, to the extent of the amount certified under item (5) of
17 Section 4-134 of the Illinois Pension Code; ~~and~~ (p) made for
18 road purposes in the first year after a township assumes the
19 rights, powers, duties, assets, property, liabilities,
20 obligations, and responsibilities of a road district abolished
21 under the provisions of Section 6-133 of the Illinois Highway
22 Code; and (q) made under Articles 3 and 4 of the Illinois
23 Pension Code for contributions to the Illinois Municipal
24 Retirement Fund.

25 "Aggregate extension" for the taxing districts to which
26 this Law did not apply before the 1995 levy year (except taxing

1 districts subject to this Law in accordance with Section
2 18-213) means the annual corporate extension for the taxing
3 district and those special purpose extensions that are made
4 annually for the taxing district, excluding special purpose
5 extensions: (a) made for the taxing district to pay interest or
6 principal on general obligation bonds that were approved by
7 referendum; (b) made for any taxing district to pay interest or
8 principal on general obligation bonds issued before March 1,
9 1995; (c) made for any taxing district to pay interest or
10 principal on bonds issued to refund or continue to refund those
11 bonds issued before March 1, 1995; (d) made for any taxing
12 district to pay interest or principal on bonds issued to refund
13 or continue to refund bonds issued after March 1, 1995 that
14 were approved by referendum; (e) made for any taxing district
15 to pay interest or principal on revenue bonds issued before
16 March 1, 1995 for payment of which a property tax levy or the
17 full faith and credit of the unit of local government is
18 pledged; however, a tax for the payment of interest or
19 principal on those bonds shall be made only after the governing
20 body of the unit of local government finds that all other
21 sources for payment are insufficient to make those payments;
22 (f) made for payments under a building commission lease when
23 the lease payments are for the retirement of bonds issued by
24 the commission before March 1, 1995 to pay for the building
25 project; (g) made for payments due under installment contracts
26 entered into before March 1, 1995; (h) made for payments of

1 principal and interest on bonds issued under the Metropolitan
2 Water Reclamation District Act to finance construction
3 projects initiated before October 1, 1991; (h-4) made for
4 stormwater management purposes by the Metropolitan Water
5 Reclamation District of Greater Chicago under Section 12 of the
6 Metropolitan Water Reclamation District Act; (i) made for
7 payments of principal and interest on limited bonds, as defined
8 in Section 3 of the Local Government Debt Reform Act, in an
9 amount not to exceed the debt service extension base less the
10 amount in items (b), (c), and (e) of this definition for
11 non-referendum obligations, except obligations initially
12 issued pursuant to referendum and bonds described in subsection
13 (h) of this definition; (j) made for payments of principal and
14 interest on bonds issued under Section 15 of the Local
15 Government Debt Reform Act; (k) made for payments of principal
16 and interest on bonds authorized by Public Act 88-503 and
17 issued under Section 20a of the Chicago Park District Act for
18 aquarium or museum projects; (l) made for payments of principal
19 and interest on bonds authorized by Public Act 87-1191 or
20 93-601 and (i) issued pursuant to Section 21.2 of the Cook
21 County Forest Preserve District Act, (ii) issued under Section
22 42 of the Cook County Forest Preserve District Act for
23 zoological park projects, or (iii) issued under Section 44.1 of
24 the Cook County Forest Preserve District Act for botanical
25 gardens projects; (m) made pursuant to Section 34-53.5 of the
26 School Code, whether levied annually or not; (n) made to fund

1 expenses of providing joint recreational programs for persons
2 with disabilities under Section 5-8 of the Park District Code
3 or Section 11-95-14 of the Illinois Municipal Code; (o) made by
4 the Chicago Park District for recreational programs for persons
5 with disabilities under subsection (c) of Section 7.06 of the
6 Chicago Park District Act; (p) made before January 1, 2021 for
7 contributions to a firefighter's pension fund created under
8 Article 4 of the Illinois Pension Code, to the extent of the
9 amount certified under item (5) of Section 4-134 of the
10 Illinois Pension Code; (q) made by Ford Heights School District
11 169 under Section 17-9.02 of the School Code; ~~and~~ (r) made for
12 the purpose of making employer contributions to the Public
13 School Teachers' Pension and Retirement Fund of Chicago under
14 Section 34-53 of the School Code; and (s) made under Articles 3
15 and 4 of the Illinois Pension Code for contributions to the
16 Illinois Municipal Retirement Fund.

17 "Aggregate extension" for all taxing districts to which
18 this Law applies in accordance with Section 18-213, except for
19 those taxing districts subject to paragraph (2) of subsection
20 (e) of Section 18-213, means the annual corporate extension for
21 the taxing district and those special purpose extensions that
22 are made annually for the taxing district, excluding special
23 purpose extensions: (a) made for the taxing district to pay
24 interest or principal on general obligation bonds that were
25 approved by referendum; (b) made for any taxing district to pay
26 interest or principal on general obligation bonds issued before

1 the date on which the referendum making this Law applicable to
2 the taxing district is held; (c) made for any taxing district
3 to pay interest or principal on bonds issued to refund or
4 continue to refund those bonds issued before the date on which
5 the referendum making this Law applicable to the taxing
6 district is held; (d) made for any taxing district to pay
7 interest or principal on bonds issued to refund or continue to
8 refund bonds issued after the date on which the referendum
9 making this Law applicable to the taxing district is held if
10 the bonds were approved by referendum after the date on which
11 the referendum making this Law applicable to the taxing
12 district is held; (e) made for any taxing district to pay
13 interest or principal on revenue bonds issued before the date
14 on which the referendum making this Law applicable to the
15 taxing district is held for payment of which a property tax
16 levy or the full faith and credit of the unit of local
17 government is pledged; however, a tax for the payment of
18 interest or principal on those bonds shall be made only after
19 the governing body of the unit of local government finds that
20 all other sources for payment are insufficient to make those
21 payments; (f) made for payments under a building commission
22 lease when the lease payments are for the retirement of bonds
23 issued by the commission before the date on which the
24 referendum making this Law applicable to the taxing district is
25 held to pay for the building project; (g) made for payments due
26 under installment contracts entered into before the date on

1 which the referendum making this Law applicable to the taxing
2 district is held; (h) made for payments of principal and
3 interest on limited bonds, as defined in Section 3 of the Local
4 Government Debt Reform Act, in an amount not to exceed the debt
5 service extension base less the amount in items (b), (c), and
6 (e) of this definition for non-referendum obligations, except
7 obligations initially issued pursuant to referendum; (i) made
8 for payments of principal and interest on bonds issued under
9 Section 15 of the Local Government Debt Reform Act; (j) made
10 for a qualified airport authority to pay interest or principal
11 on general obligation bonds issued for the purpose of paying
12 obligations due under, or financing airport facilities
13 required to be acquired, constructed, installed or equipped
14 pursuant to, contracts entered into before March 1, 1996 (but
15 not including any amendments to such a contract taking effect
16 on or after that date); (k) made to fund expenses of providing
17 joint recreational programs for persons with disabilities
18 under Section 5-8 of the Park District Code or Section 11-95-14
19 of the Illinois Municipal Code; (l) made before January 1, 2021
20 for contributions to a firefighter's pension fund created under
21 Article 4 of the Illinois Pension Code, to the extent of the
22 amount certified under item (5) of Section 4-134 of the
23 Illinois Pension Code; ~~and~~ (m) made for the taxing district to
24 pay interest or principal on general obligation bonds issued
25 pursuant to Section 19-3.10 of the School Code; and (n) made
26 under Articles 3 and 4 of the Illinois Pension Code for

1 contributions to the Illinois Municipal Retirement Fund.

2 "Aggregate extension" for all taxing districts to which
3 this Law applies in accordance with paragraph (2) of subsection
4 (e) of Section 18-213 means the annual corporate extension for
5 the taxing district and those special purpose extensions that
6 are made annually for the taxing district, excluding special
7 purpose extensions: (a) made for the taxing district to pay
8 interest or principal on general obligation bonds that were
9 approved by referendum; (b) made for any taxing district to pay
10 interest or principal on general obligation bonds issued before
11 the effective date of this amendatory Act of 1997; (c) made for
12 any taxing district to pay interest or principal on bonds
13 issued to refund or continue to refund those bonds issued
14 before the effective date of this amendatory Act of 1997; (d)
15 made for any taxing district to pay interest or principal on
16 bonds issued to refund or continue to refund bonds issued after
17 the effective date of this amendatory Act of 1997 if the bonds
18 were approved by referendum after the effective date of this
19 amendatory Act of 1997; (e) made for any taxing district to pay
20 interest or principal on revenue bonds issued before the
21 effective date of this amendatory Act of 1997 for payment of
22 which a property tax levy or the full faith and credit of the
23 unit of local government is pledged; however, a tax for the
24 payment of interest or principal on those bonds shall be made
25 only after the governing body of the unit of local government
26 finds that all other sources for payment are insufficient to

1 make those payments; (f) made for payments under a building
2 commission lease when the lease payments are for the retirement
3 of bonds issued by the commission before the effective date of
4 this amendatory Act of 1997 to pay for the building project;
5 (g) made for payments due under installment contracts entered
6 into before the effective date of this amendatory Act of 1997;
7 (h) made for payments of principal and interest on limited
8 bonds, as defined in Section 3 of the Local Government Debt
9 Reform Act, in an amount not to exceed the debt service
10 extension base less the amount in items (b), (c), and (e) of
11 this definition for non-referendum obligations, except
12 obligations initially issued pursuant to referendum; (i) made
13 for payments of principal and interest on bonds issued under
14 Section 15 of the Local Government Debt Reform Act; (j) made
15 for a qualified airport authority to pay interest or principal
16 on general obligation bonds issued for the purpose of paying
17 obligations due under, or financing airport facilities
18 required to be acquired, constructed, installed or equipped
19 pursuant to, contracts entered into before March 1, 1996 (but
20 not including any amendments to such a contract taking effect
21 on or after that date); (k) made to fund expenses of providing
22 joint recreational programs for persons with disabilities
23 under Section 5-8 of the Park District Code or Section 11-95-14
24 of the Illinois Municipal Code; ~~and~~ (l) made before January 1,
25 2021 for contributions to a firefighter's pension fund created
26 under Article 4 of the Illinois Pension Code, to the extent of

1 the amount certified under item (5) of Section 4-134 of the
2 Illinois Pension Code; and (m) made under Articles 3 and 4 of
3 the Illinois Pension Code for contributions to the Illinois
4 Municipal Retirement Fund.

5 "Debt service extension base" means an amount equal to that
6 portion of the extension for a taxing district for the 1994
7 levy year, or for those taxing districts subject to this Law in
8 accordance with Section 18-213, except for those subject to
9 paragraph (2) of subsection (e) of Section 18-213, for the levy
10 year in which the referendum making this Law applicable to the
11 taxing district is held, or for those taxing districts subject
12 to this Law in accordance with paragraph (2) of subsection (e)
13 of Section 18-213 for the 1996 levy year, constituting an
14 extension for payment of principal and interest on bonds issued
15 by the taxing district without referendum, but not including
16 excluded non-referendum bonds. For park districts (i) that were
17 first subject to this Law in 1991 or 1995 and (ii) whose
18 extension for the 1994 levy year for the payment of principal
19 and interest on bonds issued by the park district without
20 referendum (but not including excluded non-referendum bonds)
21 was less than 51% of the amount for the 1991 levy year
22 constituting an extension for payment of principal and interest
23 on bonds issued by the park district without referendum (but
24 not including excluded non-referendum bonds), "debt service
25 extension base" means an amount equal to that portion of the
26 extension for the 1991 levy year constituting an extension for

1 payment of principal and interest on bonds issued by the park
2 district without referendum (but not including excluded
3 non-referendum bonds). A debt service extension base
4 established or increased at any time pursuant to any provision
5 of this Law, except Section 18-212, shall be increased each
6 year commencing with the later of (i) the 2009 levy year or
7 (ii) the first levy year in which this Law becomes applicable
8 to the taxing district, by the lesser of 5% or the percentage
9 increase in the Consumer Price Index during the 12-month
10 calendar year preceding the levy year. The debt service
11 extension base may be established or increased as provided
12 under Section 18-212. "Excluded non-referendum bonds" means
13 (i) bonds authorized by Public Act 88-503 and issued under
14 Section 20a of the Chicago Park District Act for aquarium and
15 museum projects; (ii) bonds issued under Section 15 of the
16 Local Government Debt Reform Act; or (iii) refunding
17 obligations issued to refund or to continue to refund
18 obligations initially issued pursuant to referendum.

19 "Special purpose extensions" include, but are not limited
20 to, extensions for levies made on an annual basis for
21 unemployment and workers' compensation, self-insurance,
22 contributions to pension plans, and extensions made pursuant to
23 Section 6-601 of the Illinois Highway Code for a road
24 district's permanent road fund whether levied annually or not.
25 The extension for a special service area is not included in the
26 aggregate extension.

1 "Aggregate extension base" means the taxing district's
2 last preceding aggregate extension as adjusted under Sections
3 18-135, 18-215, 18-230, and 18-206. An adjustment under Section
4 18-135 shall be made for the 2007 levy year and all subsequent
5 levy years whenever one or more counties within which a taxing
6 district is located (i) used estimated valuations or rates when
7 extending taxes in the taxing district for the last preceding
8 levy year that resulted in the over or under extension of
9 taxes, or (ii) increased or decreased the tax extension for the
10 last preceding levy year as required by Section 18-135(c).
11 Whenever an adjustment is required under Section 18-135, the
12 aggregate extension base of the taxing district shall be equal
13 to the amount that the aggregate extension of the taxing
14 district would have been for the last preceding levy year if
15 either or both (i) actual, rather than estimated, valuations or
16 rates had been used to calculate the extension of taxes for the
17 last levy year, or (ii) the tax extension for the last
18 preceding levy year had not been adjusted as required by
19 subsection (c) of Section 18-135.

20 Notwithstanding any other provision of law, for levy year
21 2012, the aggregate extension base for West Northfield School
22 District No. 31 in Cook County shall be \$12,654,592.

23 "Levy year" has the same meaning as "year" under Section
24 1-155.

25 "New property" means (i) the assessed value, after final
26 board of review or board of appeals action, of new improvements

1 or additions to existing improvements on any parcel of real
2 property that increase the assessed value of that real property
3 during the levy year multiplied by the equalization factor
4 issued by the Department under Section 17-30, (ii) the assessed
5 value, after final board of review or board of appeals action,
6 of real property not exempt from real estate taxation, which
7 real property was exempt from real estate taxation for any
8 portion of the immediately preceding levy year, multiplied by
9 the equalization factor issued by the Department under Section
10 17-30, including the assessed value, upon final stabilization
11 of occupancy after new construction is complete, of any real
12 property located within the boundaries of an otherwise or
13 previously exempt military reservation that is intended for
14 residential use and owned by or leased to a private corporation
15 or other entity, (iii) in counties that classify in accordance
16 with Section 4 of Article IX of the Illinois Constitution, an
17 incentive property's additional assessed value resulting from
18 a scheduled increase in the level of assessment as applied to
19 the first year final board of review market value, and (iv) any
20 increase in assessed value due to oil or gas production from an
21 oil or gas well required to be permitted under the Hydraulic
22 Fracturing Regulatory Act that was not produced in or accounted
23 for during the previous levy year. In addition, the county
24 clerk in a county containing a population of 3,000,000 or more
25 shall include in the 1997 recovered tax increment value for any
26 school district, any recovered tax increment value that was

1 applicable to the 1995 tax year calculations.

2 "Qualified airport authority" means an airport authority
3 organized under the Airport Authorities Act and located in a
4 county bordering on the State of Wisconsin and having a
5 population in excess of 200,000 and not greater than 500,000.

6 "Recovered tax increment value" means, except as otherwise
7 provided in this paragraph, the amount of the current year's
8 equalized assessed value, in the first year after a
9 municipality terminates the designation of an area as a
10 redevelopment project area previously established under the
11 Tax Increment Allocation Development Act in the Illinois
12 Municipal Code, previously established under the Industrial
13 Jobs Recovery Law in the Illinois Municipal Code, previously
14 established under the Economic Development Project Area Tax
15 Increment Act of 1995, or previously established under the
16 Economic Development Area Tax Increment Allocation Act, of each
17 taxable lot, block, tract, or parcel of real property in the
18 redevelopment project area over and above the initial equalized
19 assessed value of each property in the redevelopment project
20 area. For the taxes which are extended for the 1997 levy year,
21 the recovered tax increment value for a non-home rule taxing
22 district that first became subject to this Law for the 1995
23 levy year because a majority of its 1994 equalized assessed
24 value was in an affected county or counties shall be increased
25 if a municipality terminated the designation of an area in 1993
26 as a redevelopment project area previously established under

1 the Tax Increment Allocation Development Act in the Illinois
2 Municipal Code, previously established under the Industrial
3 Jobs Recovery Law in the Illinois Municipal Code, or previously
4 established under the Economic Development Area Tax Increment
5 Allocation Act, by an amount equal to the 1994 equalized
6 assessed value of each taxable lot, block, tract, or parcel of
7 real property in the redevelopment project area over and above
8 the initial equalized assessed value of each property in the
9 redevelopment project area. In the first year after a
10 municipality removes a taxable lot, block, tract, or parcel of
11 real property from a redevelopment project area established
12 under the Tax Increment Allocation Development Act in the
13 Illinois Municipal Code, the Industrial Jobs Recovery Law in
14 the Illinois Municipal Code, or the Economic Development Area
15 Tax Increment Allocation Act, "recovered tax increment value"
16 means the amount of the current year's equalized assessed value
17 of each taxable lot, block, tract, or parcel of real property
18 removed from the redevelopment project area over and above the
19 initial equalized assessed value of that real property before
20 removal from the redevelopment project area.

21 Except as otherwise provided in this Section, "limiting
22 rate" means a fraction the numerator of which is the last
23 preceding aggregate extension base times an amount equal to one
24 plus the extension limitation defined in this Section and the
25 denominator of which is the current year's equalized assessed
26 value of all real property in the territory under the

1 jurisdiction of the taxing district during the prior levy year.
2 For those taxing districts that reduced their aggregate
3 extension for the last preceding levy year, except for school
4 districts that reduced their extension for educational
5 purposes pursuant to Section 18-206, the highest aggregate
6 extension in any of the last 3 preceding levy years shall be
7 used for the purpose of computing the limiting rate. The
8 denominator shall not include new property or the recovered tax
9 increment value. If a new rate, a rate decrease, or a limiting
10 rate increase has been approved at an election held after March
11 21, 2006, then (i) the otherwise applicable limiting rate shall
12 be increased by the amount of the new rate or shall be reduced
13 by the amount of the rate decrease, as the case may be, or (ii)
14 in the case of a limiting rate increase, the limiting rate
15 shall be equal to the rate set forth in the proposition
16 approved by the voters for each of the years specified in the
17 proposition, after which the limiting rate of the taxing
18 district shall be calculated as otherwise provided. In the case
19 of a taxing district that obtained referendum approval for an
20 increased limiting rate on March 20, 2012, the limiting rate
21 for tax year 2012 shall be the rate that generates the
22 approximate total amount of taxes extendable for that tax year,
23 as set forth in the proposition approved by the voters; this
24 rate shall be the final rate applied by the county clerk for
25 the aggregate of all capped funds of the district for tax year
26 2012.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17;
2 100-465, eff. 8-31-17.)

3 Section 10. The Illinois Pension Code is amended by
4 changing Sections 3-101, 3-106, 4-101, 4-106, and 7-109 and by
5 adding Sections 3-101.1, 3-101.2, 4-101.1, 4-101.2, 7-199.5,
6 and 7-199.6 as follows:

7 (40 ILCS 5/3-101) (from Ch. 108 1/2, par. 3-101)

8 Sec. 3-101. Creation and consolidation of the funds ~~fund~~.

9 (a) Until January 1, 2021, in ~~in~~ each municipality, as
10 defined in Section 3-103, the city council or the board of
11 trustees, as the case may be, shall establish and administer a
12 police pension fund, as prescribed in this Article, for the
13 benefit of its police officers and of their surviving spouses,
14 children, and certain other dependents. The duty of the
15 corporate authorities of a municipality to establish and
16 administer a police pension fund shall be suspended during any
17 period during which the fund is dissolved under Section 3-144.6
18 of this Code.

19 (b) On January 1, 2021, all of the individual police
20 pension funds then existing under this Article are merged and
21 consolidated into the Illinois Municipal Retirement Fund,
22 which shall be administered as prescribed in this Article and
23 Article 7.

24 (c) Beginning January 1, 2021, each municipality, as

1 defined in Section 3-103, shall participate in the Illinois
2 Municipal Retirement Fund for the benefit of its police
3 officers and of their surviving spouses, children, and certain
4 other dependents.

5 (d) It is the purpose of this consolidation to provide the
6 advantages of (i) centralized custody and investment of pension
7 fund assets, (ii) consistent interpretation and application of
8 this Article in accordance with a single set of rules and
9 procedures adopted by the Illinois Municipal Retirement Fund,
10 and (iii) securing the future funding of pension benefits
11 through an independent determination of each municipality's
12 required annual contribution rate.

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

14 (40 ILCS 5/3-101.1 new)

15 Sec. 3-101.1. Transition Board.

16 (a) There is hereby created a Downstate Police Pension Fund
17 Transition Board, which may be referred to as the "Transition
18 Board". The Transition Board shall consist of 11 members as
19 follows:

20 (1) The Director of Insurance, or his or her designee.

21 (2) Two persons with experience in managing or
22 administering an Illinois public employee pension fund or
23 retirement system, appointed by the Governor.

24 (3) One person with experience in providing actuarial
25 services to an Illinois public employee pension fund or

1 retirement system, appointed by the Governor.

2 (4) One person with experience in auditing Illinois
3 public employee pension funds or retirement systems,
4 appointed by the Auditor General.

5 (5) Two members of the labor organization representing
6 the largest number of police officers participating in
7 Article 3 pension funds, with one member being an active
8 participant and the other being a retired participant,
9 appointed by the Governor from recommendations of the
10 President of that organization.

11 (6) Two persons who are mayors or chief elected
12 officers of municipalities that maintain an Article 3
13 pension fund, appointed by the Governor from
14 recommendations of the Executive Director of the
15 organization representing the largest number of
16 municipalities in the State.

17 (7) One person familiar with the operation and
18 administration of the Illinois Municipal Retirement Fund,
19 appointed by the Executive Director of that Fund.

20 (8) One person familiar with the investment authority
21 and practices of the Illinois State Board of Investment,
22 appointed by the Executive Director of the Illinois State
23 Board of Investment.

24 All such appointments and designations shall be made by
25 filing a written notice thereof with the Secretary of State no
26 later than 30 days after the effective date of this amendatory

1 Act of the 101st General Assembly.

2 (b) The Transition Board shall be responsible for planning,
3 overseeing, and administering the consolidation and merger of
4 all existing Article 3 pension funds into the Illinois
5 Municipal Retirement Fund.

6 Members of the Transition Board shall act at all times in a
7 manner appropriate for fiduciaries of the Fund and fiduciaries
8 of the pension funds being consolidated.

9 The Transition Board's powers and duties include, but are
10 not limited to, the following:

11 (1) Providing for the preservation and consolidation
12 of membership, beneficiary, financial, and other records
13 relating to the Article 3 pension funds to be merged.

14 (2) Obtaining all necessary Internal Revenue Service
15 and any other necessary approval or review.

16 (3) Providing for the final auditing of existing
17 Article 3 pension funds, including a final accounting of
18 their respective assets and liabilities, paid for by the
19 applicable pension fund.

20 (4) Providing for the custody and transfer of the
21 assets and liabilities of the existing Article 3 pension
22 funds to the Illinois Municipal Retirement Fund, on a
23 schedule to be determined by the Transition Board.

24 (5) Recommending to the Illinois Municipal Retirement
25 Fund an appropriate system of accounting for the assets and
26 liabilities attributable to the existing Article 3 pension

1 funds and for establishing separate reserves and accounts
2 for each municipality participating in the Fund with
3 respect to its police officers.

4 (6) Recommending to the Illinois Municipal Retirement
5 Fund an appropriate system of determining, administering,
6 receiving, and enforcing the required municipal
7 contributions to the Fund. The municipal contribution rate
8 shall be determined separately for each municipality on an
9 annual basis in accordance with the requirements of this
10 Article, based on the municipality's separate reserves and
11 accounts within the Illinois Municipal Retirement Fund.
12 The Transition Board shall endeavor to determine the
13 required municipal contributions to the Illinois Municipal
14 Retirement Fund with regard to the municipality's police
15 officers under this Article and to notify and provide
16 reasonable guidance to municipalities in a manner that
17 ensures uninterrupted contributions during the transition
18 period.

19 (7) Ensuring the uninterrupted payment and
20 administration of benefits.

21 (8) Adopting any rules or procedures necessary for the
22 efficient consolidation of the existing Article 3 pension
23 funds.

24 (9) Considering the consequences of the consolidation
25 on any QILDROs filed with the pension funds being
26 consolidated and giving appropriate notice and advice to

1 persons who may be affected by those QILDROs concerning the
2 possible effects of consolidation.

3 (10) Making recommendations to the Governor and the
4 General Assembly with respect to legislation necessary or
5 useful for the implementation of this consolidation or for
6 the successful administration of the Illinois Municipal
7 Retirement Fund with respect to police officers under this
8 Article.

9 (11) Consulting with the Illinois Municipal Retirement
10 Fund about the Illinois Municipal Retirement Fund's
11 policies, practices, rules, and structure.

12 (c) The Public Pension Division of the Department of
13 Insurance shall provide all reasonably necessary and available
14 temporary office space, technical and clerical support, and
15 monetary or other assistance at the request of the Transition
16 Board.

17 For the purpose of implementing the consolidation, the
18 Transition Board may direct the Public Pension Division to
19 accelerate, expand, or enhance its examination under Section
20 1A-104 of all or specific Article 3 pension funds, or to
21 conduct a particular study or investigation thereof. The
22 expenses of such examinations and investigations, to the extent
23 not paid by the Division, shall be charged to the applicable
24 pension fund.

25 (d) In preparation for the consolidation of the pension
26 funds into the Illinois Municipal Retirement Fund on January 1,

1 2021, the Transition Board is authorized to expend or obligate
2 the assets of the Illinois Municipal Retirement Fund for any of
3 the reasonable expenses of consolidating the pension funds into
4 the Illinois Municipal Retirement Fund, including the payment
5 of benefits during the consolidation period and reasonable
6 administrative expenses. As used in this Section, "reasonable
7 administrative expenses" includes, but is not limited to, the
8 cost of hiring personnel and obtaining professional services to
9 the extent necessary for the consolidation, the cost of
10 insurance, and the cost of indemnifying members of the
11 Transition Board and its employees, advisors, and agents.

12 (e) Members of the Transition Board, other than State
13 officials and employees, may be compensated for their service,
14 and all members may be reimbursed for their reasonable expenses
15 out of any moneys available for that purpose.

16 (f) Sixty days after the Board of Trustees of the Illinois
17 Municipal Retirement Fund assumes its duties, the Transition
18 Board is abolished.

19 (40 ILCS 5/3-101.2 new)

20 Sec. 3-101.2. Consolidation of pension funds into the
21 Illinois Municipal Retirement Fund.

22 (a) On January 1, 2021, all of the individual police
23 pension funds then existing under this Article are merged and
24 consolidated into the Illinois Municipal Retirement Fund,
25 which shall be administered as prescribed in this Article and

1 Article 7.

2 In preparation for that consolidation, all pension funds
3 established under this Article, and the municipalities that
4 established them, shall cooperate with the Transition Board.

5 (b) The Illinois Municipal Retirement Fund shall be the
6 legal successor to each of the pension funds that are
7 consolidated within it, and it may exercise any of the rights
8 and powers and perform any of the duties of those pension
9 funds.

10 At the time of consolidation, or as otherwise directed by
11 the Transition Board, all assets and liabilities belonging to
12 or arising from the trust of an existing pension fund shall
13 become the assets and liabilities of the Illinois Municipal
14 Retirement Fund.

15 As and when directed by the Transition Board, the trustees
16 of the pension funds established under Article 3 of this Code
17 shall transfer to the Illinois Municipal Retirement Fund, for
18 management and investment as assets of the Illinois Municipal
19 Retirement Fund, all of their securities and other investments
20 not needed for immediate use.

21 (c) At the time of consolidation or as otherwise directed
22 by the Transition Board, assets not belonging to or arising
23 from the trust that are incidentally owned by a pension fund,
24 and any incidental liabilities of a pension fund not relating
25 to or arising from the trust, shall become the assets and
26 liabilities of the municipality.

1 Assets not belonging to or arising from the trust that are
2 owned by a municipality and incidentally used by a pension
3 fund, and any associated liabilities, are not affected by the
4 consolidation and shall continue to be managed as assets and
5 liabilities of that municipality.

6 As necessary or useful to effectuate the consolidation, the
7 board of trustees of a pension fund to be consolidated and the
8 applicable municipality may each, in its discretion, continue
9 or renegotiate any employment or service contract, lease, or
10 other contract to which it is a party that relates to the
11 operation of the consolidated pension fund, and it may take
12 appropriate action to terminate any such contract as necessary
13 to terminate or avoid unnecessary or duplicative personnel,
14 facilities, or services.

15 (d) Beginning on January 1, 2021, all benefits payable
16 under this Article shall be payable from the appropriate
17 accounts and reserves of the Illinois Municipal Retirement
18 Fund.

19 (e) The consolidation of pension funds under this Article
20 shall not diminish or impair the benefits of any current or
21 former police officer who participated in one of those pension
22 funds, or of any such police officer's surviving spouse,
23 children, or other dependents.

24 The consolidation of pension funds under this Article shall
25 not change the police officer contribution rate.

26 The consolidation of pension funds under this Article does

1 not entitle any person to a recalculation or combination of any
2 benefit or benefits previously granted or to a refund of any
3 contribution previously paid.

4 The consolidation of pension funds under this Article is
5 not intended to increase the benefits provided under this
6 Article, except insofar as the consolidation of pension funds
7 into the Illinois Municipal Retirement Fund will allow police
8 officers in active service on or after the consolidation date
9 to have their benefit calculations (and those of their
10 qualifying survivors) include consideration of all of the
11 police officer's service, salary, and credits in the Fund as
12 though arising under the Fund, rather than as arising under
13 more than one participating municipality or more than one
14 Article 3 pension fund.

15 (f) On January 1, 2021, the rules adopted by the Transition
16 Board shall become the rules of the Illinois Municipal
17 Retirement Fund with respect to this Article.

18 (40 ILCS 5/3-106) (from Ch. 108 1/2, par. 3-106)

19 Sec. 3-106. Police officer, officer. "Police officer" or
20 "officer": Any person who (1) is first appointed before January
21 1, 2021 to the police force of a police department and sworn
22 and commissioned to perform police duties; and (2) within 3
23 months after receiving his or her first appointment and, if
24 reappointed, within 3 months thereafter, or as otherwise
25 provided in Section 3-109, makes written application to the

1 board to come under the provisions of this Article.

2 Police officers serving initial probationary periods, if
3 otherwise eligible, shall be police officers within the meaning
4 of this Section.

5 (Source: P.A. 89-52, eff. 6-30-95.)

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

7 Sec. 4-101. Creation and consolidation of the funds ~~fund~~.

8 (a) Until January 1, 2021, in ~~in~~ each municipality as
9 defined in Section 4-103, the city council or the board of
10 trustees, as the case may be, shall establish and administer a
11 firefighters' pension fund as prescribed in this Article, for
12 the benefit of its firefighters and of their surviving spouses,
13 children and certain other dependents. The duty of the
14 corporate authorities of a municipality to establish and
15 administer a firefighters' pension fund shall be suspended
16 during any period during which the fund is dissolved under
17 subsection (c) of Section 4-106.1 of this Code.

18 (b) On January 1, 2021, all of the individual firefighter
19 pension funds then existing under this Article are merged and
20 consolidated into the Illinois Municipal Retirement Fund,
21 which shall be administered as prescribed in this Article and
22 Article 7.

23 (c) Beginning January 1, 2021, each municipality, as
24 defined in Section 4-103, shall participate in the Illinois
25 Municipal Retirement Fund for the benefit of its firefighters

1 and of their surviving spouses, children, and certain other
2 dependents.

3 (d) It is the purpose of this consolidation to provide the
4 advantages of (i) centralized custody and investment of pension
5 fund assets, (ii) consistent interpretation and application of
6 this Article in accordance with a single set of rules and
7 procedures adopted by the Illinois Municipal Retirement Fund,
8 and (iii) securing the future funding of pension benefits
9 through an independent determination of each municipality's
10 required annual contribution rate.

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

12 (40 ILCS 5/4-101.1 new)

13 Sec. 4-101.1. Transition Board.

14 (a) There is hereby created a Downstate Firefighter Pension
15 Fund Transition Board, which may be referred to as the
16 "Transition Board". The Transition Board shall consist of 11
17 members as follows:

18 (1) The Director of Insurance, or his or her designee.

19 (2) Two persons with experience in managing or
20 administering an Illinois public employee pension fund or
21 retirement system, appointed by the Governor.

22 (3) One person with experience in providing actuarial
23 services to an Illinois public employee pension fund or
24 retirement system, appointed by the Governor.

25 (4) One person with experience in auditing Illinois

1 public employee pension funds or retirement systems,
2 appointed by the Auditor General.

3 (5) Two members of the labor organization representing
4 the largest number of firefighters participating in
5 Article 4 pension funds, with one member being an active
6 participant and the other being a retired participant,
7 appointed by the Governor from recommendations of the
8 President of that organization.

9 (6) Two persons who are mayors or chief elected
10 officers of municipalities that maintain an Article 4
11 pension fund, appointed by the Governor from
12 recommendations of the Executive Director of the
13 organization representing the largest number of
14 municipalities in the State.

15 (7) One person familiar with the operation and
16 administration of the Illinois Municipal Retirement Fund,
17 appointed by the Executive Director of that Fund.

18 (8) One person familiar with the investment authority
19 and practices of the Illinois State Board of Investment,
20 appointed by the Executive Director of the Illinois State
21 Board of Investment.

22 All such appointments and designations shall be made by
23 filing a written notice thereof with the Secretary of State no
24 later than 30 days after the effective date of this amendatory
25 Act of the 101st General Assembly.

26 (b) The Transition Board shall be responsible for planning,

1 overseeing, and administering the consolidation and merger of
2 all existing Article 4 pension funds into the Illinois
3 Municipal Retirement Fund.

4 Members of the Transition Board shall act at all times in a
5 manner appropriate for fiduciaries of the Fund and fiduciaries
6 of the pension funds being consolidated.

7 The Transition Board's powers and duties include, but are
8 not limited to, the following:

9 (1) Providing for the preservation and consolidation
10 of membership, beneficiary, financial, and other records
11 relating to the Article 4 pension funds to be merged.

12 (2) Obtaining all necessary Internal Revenue Service
13 and any other necessary approval or review.

14 (3) Providing for the final auditing of existing
15 Article 4 pension funds, including a final accounting of
16 their respective assets and liabilities, paid for by the
17 applicable pension fund.

18 (4) Providing for the custody and transfer of the
19 assets and liabilities of the existing Article 4 pension
20 funds to the Illinois Municipal Retirement Fund, on a
21 schedule to be determined by the Transition Board.

22 (5) Recommending to the Illinois Municipal Retirement
23 Fund an appropriate system of accounting for the assets and
24 liabilities attributable to the existing Article 4 pension
25 funds and for establishing separate reserves and accounts
26 for each municipality participating in the Fund with

1 respect to its firefighters.

2 (6) Recommending to the Illinois Municipal Retirement
3 Fund an appropriate system of determining, administering,
4 receiving, and enforcing the required municipal
5 contributions to the Fund. The municipal contribution rate
6 shall be determined separately for each municipality on an
7 annual basis in accordance with the requirements of this
8 Article, based on the municipality's separate reserves and
9 accounts within the Illinois Municipal Retirement Fund.
10 The Transition Board shall endeavor to determine the
11 required municipal contributions to the Illinois Municipal
12 Retirement Fund with regard to the municipality's
13 firefighters under this Article and to notify and provide
14 reasonable guidance to municipalities in a manner that
15 ensures uninterrupted contributions during the transition
16 period.

17 (7) Ensuring the uninterrupted payment and
18 administration of benefits.

19 (8) Adopting any rules or procedures necessary for the
20 efficient consolidation of the existing Article 4 pension
21 funds.

22 (9) Considering the consequences of the consolidation
23 on any QILDROs filed with the pension funds being
24 consolidated and giving appropriate notice and advice to
25 persons who may be affected by those QILDROs concerning the
26 possible effects of consolidation.

1 (10) Making recommendations to the Governor and the
2 General Assembly with respect to legislation necessary or
3 useful for the implementation of this consolidation or for
4 the successful administration of the Illinois Municipal
5 Retirement Fund with respect to firefighters under this
6 Article.

7 (11) Consulting with the Illinois Municipal Retirement
8 Fund about the Illinois Municipal Retirement Fund's
9 policies, practices, rules, and structure.

10 (c) The Public Pension Division of the Department of
11 Insurance shall provide all reasonably necessary and available
12 temporary office space, technical and clerical support, and
13 monetary or other assistance at the request of the Transition
14 Board.

15 For the purpose of implementing the consolidation, the
16 Transition Board may direct the Public Pension Division to
17 accelerate, expand, or enhance its examination under Section
18 1A-104 of all or specific Article 4 pension funds, or to
19 conduct a particular study or investigation thereof. The
20 expenses of such examinations and investigations, to the extent
21 not paid by the Division, shall be charged to the applicable
22 pension fund.

23 (d) In preparation for the consolidation of the pension
24 funds into the Illinois Municipal Retirement Fund on January 1,
25 2021, the Transition Board is authorized to expend or obligate
26 the assets of the Illinois Municipal Retirement Fund for any of

1 the reasonable expenses of consolidating the pension funds into
2 the Illinois Municipal Retirement Fund, including the payment
3 of benefits during the consolidation period and reasonable
4 administrative expenses. As used in this Section, "reasonable
5 administrative expenses" includes, but is not limited to, the
6 cost of hiring personnel and obtaining professional services to
7 the extent necessary for the consolidation, the cost of
8 insurance, and the cost of indemnifying members of the
9 Transition Board and its employees, advisors, and agents.

10 (e) Members of the Transition Board, other than State
11 officials and employees, may be compensated for their service,
12 and all members may be reimbursed for their reasonable expenses
13 out of any moneys available for that purpose.

14 (f) Sixty days after the Board of Trustees of the Illinois
15 Municipal Retirement Fund assumes its duties, the Transition
16 Board is abolished.

17 (40 ILCS 5/4-101.2 new)

18 Sec. 4-101.2. Consolidation of pension funds into the
19 Illinois Municipal Retirement Fund.

20 (a) On January 1, 2021, all of the individual firefighter
21 pension funds then existing under this Article are merged and
22 consolidated into the Illinois Municipal Retirement Fund,
23 which shall be administered as prescribed in this Article and
24 Article 7.

25 In preparation for that consolidation, all pension funds

1 established under this Article, and the municipalities that
2 established them, shall cooperate with the Transition Board.

3 (b) The Illinois Municipal Retirement Fund shall be the
4 legal successor to each of the pension funds that are
5 consolidated within it, and it may exercise any of the rights
6 and powers and perform any of the duties of those pension
7 funds.

8 At the time of consolidation, or as otherwise directed by
9 the Transition Board, all assets and liabilities belonging to
10 or arising from the trust of an existing pension fund shall
11 become the assets and liabilities of the Illinois Municipal
12 Retirement Fund.

13 As and when directed by the Transition Board, the trustees
14 of the pension funds established under Article 4 of this Code
15 shall transfer to the Illinois Municipal Retirement Fund, for
16 management and investment as assets of the Illinois Municipal
17 Retirement Fund, all of their securities and other investments
18 not needed for immediate use.

19 (c) At the time of consolidation or as otherwise directed
20 by the Transition Board, assets not belonging to or arising
21 from the trust that are incidentally owned by a pension fund,
22 and any incidental liabilities of a pension fund not relating
23 to or arising from the trust, shall become the assets and
24 liabilities of the municipality.

25 Assets not belonging to or arising from the trust that are
26 owned by a municipality and incidentally used by a pension

1 fund, and any associated liabilities, are not affected by the
2 consolidation and shall continue to be managed as assets and
3 liabilities of that municipality.

4 As necessary or useful to effectuate the consolidation, the
5 board of trustees of a pension fund to be consolidated and the
6 applicable municipality may each, in its discretion, continue
7 or renegotiate any employment or service contract, lease, or
8 other contract to which it is a party that relates to the
9 operation of the consolidated pension fund, and it may take
10 appropriate action to terminate any such contract as necessary
11 to terminate or avoid unnecessary or duplicative personnel,
12 facilities, or services.

13 (d) Beginning on January 1, 2021, all benefits payable
14 under this Article shall be payable from the appropriate
15 accounts and reserves of the Illinois Municipal Retirement
16 Fund.

17 (e) The consolidation of pension funds under this Article
18 shall not diminish or impair the benefits of any current or
19 former firefighter who participated in one of those pension
20 funds, or of any such firefighter's surviving spouse, children,
21 or other dependents.

22 The consolidation of pension funds under this Article shall
23 not change the firefighter contribution rate, except that no
24 additional contribution shall be paid under subsection (c) of
25 Section 4-118.1.

26 The consolidation of pension funds under this Article does

1 not entitle any person to a recalculation or combination of any
2 benefit or benefits previously granted or to a refund of any
3 contribution previously paid.

4 The consolidation of pension funds under this Article is
5 not intended to increase the benefits provided under this
6 Article, except insofar as the consolidation of pension funds
7 into the Illinois Municipal Retirement Fund will allow
8 firefighters in active service on or after the consolidation
9 date to have their benefit calculations (and those of their
10 qualifying survivors) include consideration of all of the
11 firefighter's service, salary, and credits in the Fund as
12 though arising under the Fund, rather than as arising under
13 more than one participating municipality or more than one
14 Article 4 pension fund.

15 (f) On January 1, 2021, the rules adopted by the Transition
16 Board shall become the rules of the Illinois Municipal
17 Retirement Fund with respect to this Article.

18 (40 ILCS 5/4-106) (from Ch. 108 1/2, par. 4-106)

19 Sec. 4-106. Firefighter, firefighters. "Firefighter,
20 firefighters":

21 (a) In municipalities which have adopted Division 1 of
22 Article 10 of the Illinois Municipal Code, any person first
23 employed before January 1, 2021 in the municipality's fire
24 service as a firefighter, fire engineer, marine engineer, fire
25 pilot, bomb technician or scuba diver; and in any of these

1 positions where such person's duties also include those of a
2 firefighter as classified by the Civil Service Commission of
3 that city, and whose duty is to participate in the work of
4 controlling and extinguishing fires at the location of any such
5 fires.

6 (b) In municipalities which are subject to Division 2.1 of
7 Article 10 of the Illinois Municipal Code, any person first
8 employed before January 1, 2021 by a city in its fire service
9 as a firefighter, fire engineer, marine engineer, fire pilot,
10 bomb technician, or scuba diver; and, in any of these positions
11 whose duties also include those of a firefighter and are
12 certified in the same manner as a firefighter in that city.

13 (c) In municipalities which are subject to neither Division
14 1 nor Division 2.1 of Article 10 of the Illinois Municipal
15 Code, any person who would have been included as a firefighter
16 under sub-paragraph (a) or (b) above except that he served as a
17 de facto and not as a de jure firefighter.

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

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

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

1 (40 ILCS 5/7-109) (from Ch. 108 1/2, par. 7-109)

2 Sec. 7-109. Employee.

3 (1) "Employee" means any person who:

4 (a) 1. Receives earnings as payment for the performance
5 of personal services or official duties out of the general
6 fund of a municipality, or out of any special fund or funds
7 controlled by a municipality, or by an instrumentality
8 thereof, or a participating instrumentality, including, in
9 counties, the fees or earnings of any county fee office;
10 and

11 2. Under the usual common law rules applicable in
12 determining the employer-employee relationship, has the
13 status of an employee with a municipality, or any
14 instrumentality thereof, or a participating
15 instrumentality, including aldermen, county supervisors
16 and other persons (excepting those employed as independent
17 contractors) who are paid compensation, fees, allowances
18 or other emolument for official duties, and, in counties,
19 the several county fee offices.

20 (b) Serves as a township treasurer appointed under the
21 School Code, as heretofore or hereafter amended, and who
22 receives for such services regular compensation as
23 distinguished from per diem compensation, and any regular
24 employee in the office of any township treasurer whether or
25 not his earnings are paid from the income of the permanent

1 township fund or from funds subject to distribution to the
2 several school districts and parts of school districts as
3 provided in the School Code, or from both such sources; or
4 is the chief executive officer, chief educational officer,
5 chief fiscal officer, or other employee of a Financial
6 Oversight Panel established pursuant to Article 1H of the
7 School Code, other than a superintendent or certified
8 school business official, except that such person shall not
9 be treated as an employee under this Section if that person
10 has negotiated with the Financial Oversight Panel, in
11 conjunction with the school district, a contractual
12 agreement for exclusion from this Section.

13 (c) Holds an elective office in a municipality,
14 instrumentality thereof or participating instrumentality.

15 (d) Is first appointed on or after January 1, 2021 to
16 the police force of a police department in a municipality,
17 as defined in Section 3-103, and sworn and commissioned to
18 perform police duties.

19 (e) Is in a municipality, as defined in Section 4-103,
20 that has adopted Division 1 of Article 10 of the Illinois
21 Municipal Code and is first employed on or after January 1,
22 2021 in the municipality's fire service as a firefighter,
23 fire engineer, marine engineer, fire pilot, bomb
24 technician, or scuba diver; and in any of these positions
25 where such person's duties also include those of a
26 firefighter as classified by the Civil Service Commission

1 of that city, and whose duty is to participate in the work
2 of controlling and extinguishing fires at the location of
3 any such fires.

4 (f) Is in a municipality, as defined in Section 4-103,
5 that is subject to Division 2.1 of Article 10 of the
6 Illinois Municipal Code and is first employed on or after
7 January 1, 2021 by a city in its fire service as a
8 firefighter, fire engineer, marine engineer, fire pilot,
9 bomb technician, or scuba diver; and, in any of these
10 positions whose duties also include those of a firefighter
11 and are certified in the same manner as a firefighter in
12 that city.

13 (g) Is first employed on or after January 1, 2021 in a
14 municipality, as defined in Section 4-103, that is subject
15 to neither Division 1 nor Division 2.1 of Article 10 of the
16 Illinois Municipal Code and would have been included as an
17 employee under items (e) or (f) except that he or she
18 served as a de facto and not as a de jure firefighter.

19 (2) "Employee" does not include persons who:

20 (a) Are eligible for inclusion under any of the
21 following laws:

22 1. "An Act in relation to an Illinois State
23 Teachers' Pension and Retirement Fund", approved May
24 27, 1915, as amended;

25 2. Articles 15 and 16 of this Code.

26 However, such persons shall be included as employees to

1 the extent of earnings that are not eligible for inclusion
2 under the foregoing laws for services not of an
3 instructional nature of any kind.

4 However, any member of the armed forces who is employed
5 as a teacher of subjects in the Reserve Officers Training
6 Corps of any school and who is not certified under the law
7 governing the certification of teachers shall be included
8 as an employee.

9 (b) Are designated before January 1, 2021 by the
10 governing body of a municipality in which a pension fund is
11 required by law to be established for policemen or firemen,
12 respectively, as performing police or fire protection
13 duties, except that when such persons are the heads of the
14 police or fire department and are not eligible to be
15 included within any such pension fund, they shall be
16 included within this Article; provided, that such persons
17 shall not be excluded to the extent of concurrent service
18 and earnings not designated as being for police or fire
19 protection duties. However, (i) any head of a police
20 department who was a participant under this Article
21 immediately before October 1, 1977 and did not elect, under
22 Section 3-109 of this Act, to participate in a police
23 pension fund shall be an "employee", and (ii) any chief of
24 police who became a participating employee under this
25 Article before January 1, 2019 and who elects to
26 participate in this Fund under Section 3-109.1 of this

1 Code, regardless of whether such person continues to be
2 employed as chief of police or is employed in some other
3 rank or capacity within the police department, shall be an
4 employee under this Article for so long as such person is
5 employed to perform police duties by a participating
6 municipality and has not lawfully rescinded that election.

7 (b-5) Were not participating employees under this
8 Article before the effective date of this amendatory Act of
9 the 100th General Assembly and participated as a chief of
10 police in a fund under Article 3 and return to work in any
11 capacity with the police department, with any oversight of
12 the police department, or in an advisory capacity for the
13 police department with the same municipality with which
14 that pension was earned, regardless of whether they are
15 considered an employee of the police department or are
16 eligible for inclusion in the municipality's Article 3
17 fund.

18 (c) Are contributors to or eligible to contribute to a
19 Taft-Hartley pension plan to which the participating
20 municipality is required to contribute as the person's
21 employer based on earnings from the municipality. Nothing
22 in this paragraph shall affect service credit or creditable
23 service for any period of service prior to the effective
24 date of this amendatory Act of the 98th General Assembly,
25 and this paragraph shall not apply to individuals who are
26 participating in the Fund prior to the effective date of

1 this amendatory Act of the 98th General Assembly.

2 (d) Become an employee of any of the following
3 participating instrumentalities on or after the effective
4 date of this amendatory Act of the 99th General Assembly:
5 the Illinois Municipal League; the Illinois Association of
6 Park Districts; the Illinois Supervisors, County
7 Commissioners and Superintendents of Highways Association;
8 an association, or not-for-profit corporation, membership
9 in which is authorized under Section 85-15 of the Township
10 Code; the United Counties Council; or the Will County
11 Governmental League.

12 (3) All persons, including, without limitation, public
13 defenders and probation officers, who receive earnings from
14 general or special funds of a county for performance of
15 personal services or official duties within the territorial
16 limits of the county, are employees of the county (unless
17 excluded by subsection (2) of this Section) notwithstanding
18 that they may be appointed by and are subject to the direction
19 of a person or persons other than a county board or a county
20 officer. It is hereby established that an employer-employee
21 relationship under the usual common law rules exists between
22 such employees and the county paying their salaries by reason
23 of the fact that the county boards fix their rates of
24 compensation, appropriate funds for payment of their earnings
25 and otherwise exercise control over them. This finding and this
26 amendatory Act shall apply to all such employees from the date

1 of appointment whether such date is prior to or after the
2 effective date of this amendatory Act and is intended to
3 clarify existing law pertaining to their status as
4 participating employees in the Fund.

5 (Source: P.A. 99-830, eff. 1-1-17; 100-281, eff. 8-24-17;
6 100-1097, eff. 8-26-18.)

7 (40 ILCS 5/7-199.5 new)

8 Sec. 7-199.5. To assist in the consolidation of the pension
9 funds under Articles 3 and 4. The Board shall assist in the
10 consolidation of pension funds under Articles 3 and 4 and shall
11 provide assistance to the Transition Boards created under
12 Sections 3-101.1 and 4-101.1 of this Code. The Board shall
13 adopt any rules necessary to prepare for the consolidation of
14 the pension funds under Articles 3 and 4, including
15 establishing accounts and reserves necessary for the
16 administration of the benefits and requirements under Articles
17 3 and 4, and to provide recommendations and administrative
18 support necessary to the Transition Boards.

19 (40 ILCS 5/7-199.6 new)

20 Sec. 7-199.6. To administer the benefits under Articles 3
21 and 4.

22 (a) On and after January 1, 2021, the Fund shall administer
23 the benefits and other requirements under Article 3 in
24 accordance with that Article and this Article 7. To the extent

1 that the administrative requirements under Article 3 conflict
2 with this Article 7, this Article 7 shall control. The Fund may
3 exercise any of the rights and powers and perform any of the
4 duties of the consolidated pension funds under Article 3.

5 The Fund shall adopt rules for the efficient operation and
6 administration of Article 3. Any rules adopted by the
7 Transition Board established under Section 3-101.1 shall
8 become the rules of the Illinois Municipal Retirement Fund with
9 respect to the benefits and administration of Article 3 until
10 the Illinois Municipal Retirement Fund rescinds those rules or
11 adopts superseding rules.

12 (b) On and after January 1, 2021, the Fund shall administer
13 the benefits and other requirements under Article 4 in
14 accordance with that Article and this Article 7. To the extent
15 that the administrative requirements under Article 4 conflict
16 with this Article 7, this Article 7 shall control. The Fund may
17 exercise any of the rights and powers and perform any of the
18 duties of the consolidated pension funds under Article 4.

19 The Fund shall adopt rules for the efficient operation and
20 administration of Article 4. Any rules adopted by the
21 Transition Board established under Section 4-101.1 shall
22 become the rules of the Illinois Municipal Retirement Fund with
23 respect to the benefits and administration of Article 4 until
24 the Illinois Municipal Retirement Fund rescinds those rules or
25 adopts superseding rules.

1 Section 15. The Illinois Pension Code is amended by
2 changing Sections 3-103, 3-105, 3-108.2, 3-108.3, 3-110,
3 3-110.7, 3-125, 3-125.1, 3-128, 3-134, 3-135, 3-141, 4-103,
4 4-105, 4-105c, 4-105d, 4-108, 4-118, 4-118.1, 4-121, 4-124,
5 4-128, 4-134, 7-175, and 7-175.1 and by adding Sections
6 3-102.1, 3-103.9, 3-141a, 3-141b, 4-102.1, 4-106.5, 4-130.1,
7 and 4-130.3 as follows:

8 (40 ILCS 5/3-102.1 new)

9 Sec. 3-102.1. Fund. "Fund" or "pension fund": Until January
10 1, 2021, a police pension fund established by a municipality
11 under this Article.

12 Beginning January 1, 2021, "Fund" or "pension fund" means
13 the Illinois Municipal Retirement Fund with respect to this
14 Article; depending on the context, the terms may include one or
15 more of those previously established pension funds.

16 (40 ILCS 5/3-103) (from Ch. 108 1/2, par. 3-103)

17 Sec. 3-103. Municipality; participating municipality;
18 governing body.

19 (a) "Municipality": (1) Any city, village or incorporated
20 town of 5,000 or more but less than 500,000 inhabitants, as
21 determined from the United States Government statistics or a
22 census taken at any time by the city, village or incorporated
23 town and (2) any city, village or incorporated town of less
24 than 5,000 inhabitants which, by referendum held under Section

1 3-145 adopts this Article.

2 (b) "Participating municipality" means a municipality, as
3 defined in subsection (a), that both is required (or has
4 elected) to and does in fact participate in the Fund with
5 respect to its police officers under this Article.

6 (c) "Governing body" includes, but is not limited to, the
7 board of town trustees or other persons empowered to draft the
8 tentative budget and appropriation ordinance and the electors
9 of such a township acting at the annual or special meeting of
10 town electors.

11 (Source: P.A. 83-1440.)

12 (40 ILCS 5/3-103.9 new)

13 Sec. 3-103.9. Authorized agent of a participating
14 municipality.

15 (a) Each participating municipality shall appoint an
16 authorized agent who shall have the powers and duties set forth
17 in this Section. In the absence of such an appointment, the
18 duties of the authorized agent shall devolve upon the clerk or
19 secretary of the municipality. The authorized agent may be the
20 same person appointed as the authorized agent under Section
21 7-135.

22 (b) The authorized agent of the municipality shall have the
23 following powers and duties:

24 (1) To certify to the Fund whether or not a given
25 person is authorized to participate in the Fund.

1 (2) To certify to the Fund when a participating
2 employee is on a leave of absence authorized by the
3 municipality.

4 (3) To request the proper officer to cause employee
5 contributions to be withheld from salary and promptly
6 transmitted to the Fund.

7 (4) To request the proper officer to cause municipality
8 contributions to be promptly forwarded to the Fund.

9 (5) To forward promptly to all participating employees
10 any communications for such employees from the Fund or the
11 municipality.

12 (6) To forward promptly to the Board of the Fund all
13 applications, claims reports, and other communications
14 delivered to the agent by participating employees.

15 (7) To perform all duties related to the administration
16 of the Fund as requested by the Fund or the governing body
17 of the municipality.

18 (c) The governing body of each participating municipality
19 may delegate either or both of the following powers to its
20 authorized agent:

21 (1) To file a petition for nomination of an executive
22 trustee of the Fund.

23 (2) To cast the ballot for election of an executive
24 trustee of the Fund.

25 If a governing body does not authorize its agent to perform
26 the powers set forth in this Section, they shall be performed

1 by the governing body itself, unless the governing body by
2 resolution duly certified to the Fund delegates them to some
3 other officer or employee.

4 (d) The delivery of any communication or document by an
5 employee or a municipality to the authorized agent of the
6 municipality does not constitute delivery to the Fund.

7 (40 ILCS 5/3-105) (from Ch. 108 1/2, par. 3-105)

8 Sec. 3-105. Board. "Board": Until January 1, 2021, the ~~the~~
9 board of trustees of the police pension fund of a municipality
10 as established in subsection (a) of Section 3-128.

11 Beginning January 1, 2021, the Board of Trustees of the
12 Illinois Municipal Retirement Fund; depending on the context,
13 the term may include the former board of trustees of one or
14 more of those previously established pension funds.

15 (Source: P.A. 83-1440.)

16 (40 ILCS 5/3-108.2)

17 Sec. 3-108.2. Participant. "Participant": A police officer
18 or deferred pensioner of the Fund ~~a pension fund~~, or a
19 beneficiary of the Fund ~~pension fund~~.

20 (Source: P.A. 90-507, eff. 8-22-97.)

21 (40 ILCS 5/3-108.3)

22 Sec. 3-108.3. Beneficiary. "Beneficiary": A person
23 receiving benefits from the Fund ~~a pension fund~~, including, but

1 not limited to, retired pensioners, disabled pensioners, their
2 surviving spouses, minor children, disabled children, and
3 dependent parents. If a special needs trust as described in
4 Section 1396p(d)(4) of Title 42 of the United States Code, as
5 amended from time to time, has been established for a disabled
6 adult child, then the special needs trust may stand in lieu of
7 the disabled adult child as a beneficiary for the purposes of
8 this Article.

9 (Source: P.A. 96-1143, eff. 7-21-10.)

10 (40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

11 Sec. 3-110. Creditable service.

12 (a) "Creditable service" is the time served by a police
13 officer as a member of a regularly constituted police force of
14 a municipality. In computing creditable service furloughs
15 without pay exceeding 30 days shall not be counted, but all
16 leaves of absence for illness or accident, regardless of
17 length, and all periods of disability retirement for which a
18 police officer has received no disability pension payments
19 under this Article shall be counted.

20 (a-3) Upon the consolidation of the police pension funds
21 under this Article into the Fund on January 1, 2021, creditable
22 service under any such pension fund shall be deemed to be
23 creditable service in the Fund, subject to the following
24 provisions:

25 (1) The consolidation of police pension funds into the

1 Fund shall not result in the duplication of any service
2 credit based on the same period of service in this or any
3 other pension fund or retirement system subject to this
4 Code.

5 (2) If this Section or any other provision of this
6 Article imposes a limit on the amount of creditable service
7 that may be established for a particular activity or
8 purpose and prior to consolidation a police officer has
9 established periods of creditable service for that
10 activity or purpose in more than one former police pension
11 fund under this Article, which periods are within that
12 limitation for each such fund but together exceed that
13 limitation, then upon consolidation all such credit
14 previously established by the police officer shall be
15 preserved under the Fund, but no additional creditable
16 service for that activity or purpose may be established by
17 that police officer in the Fund.

18 (3) The consolidation of police pension funds into the
19 Fund shall not entitle any person or pension fund to a
20 refund of any contribution or payment previously paid or
21 transferred in order to establish or transfer creditable
22 service under this Article.

23 (a-5) Up to 3 years of time during which the police officer
24 receives a disability pension under Section 3-114.1, 3-114.2,
25 3-114.3, or 3-114.6 shall be counted as creditable service,
26 provided that (i) the police officer returns to active service

1 after the disability for a period at least equal to the period
2 for which credit is to be established and (ii) the police
3 officer makes contributions to the Fund ~~fund~~ based on the rates
4 specified in Section 3-125.1 and the salary upon which the
5 disability pension is based. These contributions may be paid at
6 any time prior to the commencement of a retirement pension. The
7 police officer may, but need not, elect to have the
8 contributions deducted from the disability pension or to pay
9 them in installments on a schedule approved by the board. If
10 not deducted from the disability pension, the contributions
11 shall include interest at the rate of 6% per year, compounded
12 annually, from the date for which service credit is being
13 established to the date of payment. If contributions are paid
14 under this subsection (a-5) in excess of those needed to
15 establish the credit, the excess shall be refunded. This
16 subsection (a-5) applies to persons receiving a disability
17 pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on
18 the effective date of this amendatory Act of the 91st General
19 Assembly, as well as persons who begin to receive such a
20 disability pension after that date.

21 (b) Creditable service includes all periods of service in
22 the military, naval or air forces of the United States entered
23 upon while an active police officer of a municipality, provided
24 that upon applying for a permanent pension, and in accordance
25 with the rules of the board, the police officer pays into the
26 Fund ~~fund~~ the amount the officer would have contributed if he

1 or she had been a regular contributor during such period, to
2 the extent that the municipality which the police officer
3 served has not made such contributions in the officer's behalf.
4 The total amount of such creditable service shall not exceed 5
5 years, except that any police officer who on July 1, 1973 had
6 more than 5 years of such creditable service shall receive the
7 total amount thereof.

8 (b-5) Creditable service includes all periods of service in
9 the military, naval, or air forces of the United States entered
10 upon before beginning service as an active police officer of a
11 municipality, provided that, in accordance with the rules of
12 the board, the police officer pays into the Fund ~~fund~~ the
13 amount the police officer would have contributed if he or she
14 had been a regular contributor during such period, plus an
15 amount determined by the Board to be equal to the
16 municipality's normal cost of the benefit, plus interest at the
17 actuarially assumed rate calculated from the date the employee
18 last became a police officer under this Article. The total
19 amount of such creditable service shall not exceed 2 years.

20 (c) Creditable service also includes service rendered by a
21 police officer while on leave of absence from a police
22 department to serve as an executive of an organization whose
23 membership consists of members of a police department, subject
24 to the following conditions: (i) the police officer is a
25 participant of the Fund ~~a fund established under this Article~~
26 with at least 10 years of service as a police officer; (ii) the

1 police officer received no credit for such service under any
2 other retirement system, pension fund, or annuity and benefit
3 fund included in this Code; (iii) pursuant to the rules of the
4 board the police officer pays to the Fund ~~fund~~ the amount he or
5 she would have contributed had the officer been an active
6 member of the police department; (iv) the organization pays a
7 contribution equal to the municipality's normal cost for that
8 period of service; and (v) for all leaves of absence under this
9 subsection (c), including those beginning before the effective
10 date of this amendatory Act of the 97th General Assembly, the
11 police officer continues to remain in sworn status, subject to
12 the professional standards of the public employer or those
13 terms established in statute.

14 (d) (1) Creditable service also includes periods of
15 service originally established in another police pension
16 fund under this Article or in the Fund established under
17 Article 7 of this Code for which (i) the contributions have
18 been transferred under Section 3-110.7 or Section 7-139.9
19 and (ii) any additional contribution required under
20 paragraph (2) of this subsection has been paid in full in
21 accordance with the requirements of this subsection (d).

22 (2) If the board of the pension fund to which
23 creditable service and related contributions are
24 transferred under Section 7-139.9 determines that the
25 amount transferred is less than the true cost to the
26 pension fund of allowing that creditable service to be

1 established, then in order to establish that creditable
2 service the police officer must pay to the pension fund,
3 within the payment period specified in paragraph (3) of
4 this subsection, an additional contribution equal to the
5 difference, as determined by the board in accordance with
6 the rules and procedures adopted under paragraph (6) of
7 this subsection. If the board of the pension fund to which
8 creditable service and related contributions are
9 transferred under Section 3-110.7 determines that the
10 amount transferred is less than the true cost to the
11 pension fund of allowing that creditable service to be
12 established, then the police officer may elect (A) to
13 establish that creditable service by paying to the pension
14 fund, within the payment period specified in paragraph (3)
15 of this subsection (d), an additional contribution equal to
16 the difference, as determined by the board in accordance
17 with the rules and procedures adopted under paragraph (6)
18 of this subsection (d) or (B) to have his or her creditable
19 service reduced by an amount equal to the difference
20 between the amount transferred under Section 3-110.7 and
21 the true cost to the pension fund of allowing that
22 creditable service to be established, as determined by the
23 board in accordance with the rules and procedures adopted
24 under paragraph (6) of this subsection (d).

25 (3) Except as provided in paragraph (4), the additional
26 contribution that is required or elected under paragraph

1 (2) of this subsection (d) must be paid to the board (i)
2 within 5 years from the date of the transfer of
3 contributions under Section 3-110.7 or 7-139.9 and (ii)
4 before the police officer terminates service with the fund.
5 The additional contribution may be paid in a lump sum or in
6 accordance with a schedule of installment payments
7 authorized by the board.

8 (4) If the police officer dies in service before
9 payment in full has been made and before the expiration of
10 the 5-year payment period, the surviving spouse of the
11 officer may elect to pay the unpaid amount on the officer's
12 behalf within 6 months after the date of death, in which
13 case the creditable service shall be granted as though the
14 deceased police officer had paid the remaining balance on
15 the day before the date of death.

16 (5) If the additional contribution that is required or
17 elected under paragraph (2) of this subsection (d) is not
18 paid in full within the required time, the creditable
19 service shall not be granted and the police officer (or the
20 officer's surviving spouse or estate) shall be entitled to
21 receive a refund of (i) any partial payment of the
22 additional contribution that has been made by the police
23 officer and (ii) those portions of the amounts transferred
24 under subdivision (a)(1) of Section 3-110.7 or
25 subdivisions (a)(1) and (a)(3) of Section 7-139.9 that
26 represent employee contributions paid by the police

1 officer (but not the accumulated interest on those
2 contributions) and interest paid by the police officer to
3 the prior pension fund in order to reinstate service
4 terminated by acceptance of a refund.

5 At the time of paying a refund under this item (5), the
6 pension fund shall also repay to the pension fund from
7 which the contributions were transferred under Section
8 3-110.7 or 7-139.9 the amount originally transferred under
9 subdivision (a) (2) of that Section, plus interest at the
10 rate of 6% per year, compounded annually, from the date of
11 the original transfer to the date of repayment. Amounts
12 repaid to the Article 7 fund under this provision shall be
13 credited to the appropriate municipality.

14 Transferred credit that is not granted due to failure
15 to pay the additional contribution within the required time
16 is lost; it may not be transferred to another pension fund
17 and may not be reinstated in the pension fund from which it
18 was transferred.

19 (6) The Public Employee Pension Fund Division of the
20 Department of Insurance shall establish by rule the manner
21 of making the calculation required under paragraph (2) of
22 this subsection, taking into account the appropriate
23 actuarial assumptions; the police officer's service, age,
24 and salary history; the level of funding of the pension
25 fund to which the credits are being transferred; and any
26 other factors that the Division determines to be relevant.

1 The rules may require that all calculations made under
2 paragraph (2) be reported to the Division by the board
3 performing the calculation, together with documentation of
4 the creditable service to be transferred, the amounts of
5 contributions and interest to be transferred, the manner in
6 which the calculation was performed, the numbers relied
7 upon in making the calculation, the results of the
8 calculation, and any other information the Division may
9 deem useful.

10 (e) (1) Creditable service also includes periods of
11 service originally established in the Fund established
12 under Article 7 of this Code for which the contributions
13 have been transferred under Section 7-139.11.

14 (2) If the board of the pension fund to which
15 creditable service and related contributions are
16 transferred under Section 7-139.11 determines that the
17 amount transferred is less than the true cost to the
18 pension fund of allowing that creditable service to be
19 established, then the amount of creditable service the
20 police officer may establish under this subsection (e)
21 shall be reduced by an amount equal to the difference, as
22 determined by the board in accordance with the rules and
23 procedures adopted under paragraph (3) of this subsection.

24 (3) The Public Pension Division of the Department of
25 Financial and Professional Regulation shall establish by
26 rule the manner of making the calculation required under

1 paragraph (2) of this subsection, taking into account the
2 appropriate actuarial assumptions; the police officer's
3 service, age, and salary history; the level of funding of
4 the pension fund to which the credits are being
5 transferred; and any other factors that the Division
6 determines to be relevant. The rules may require that all
7 calculations made under paragraph (2) be reported to the
8 Division by the board performing the calculation, together
9 with documentation of the creditable service to be
10 transferred, the amounts of contributions and interest to
11 be transferred, the manner in which the calculation was
12 performed, the numbers relied upon in making the
13 calculation, the results of the calculation, and any other
14 information the Division may deem useful.

15 (4) Until January 1, 2010, a police officer who
16 transferred service from the Fund established under
17 Article 7 of this Code under the provisions of Public Act
18 94-356 may establish additional credit, but only for the
19 amount of the service credit reduction in that transfer, as
20 calculated under paragraph (3) of this subsection (e). This
21 credit may be established upon payment by the police
22 officer of an amount to be determined by the board, equal
23 to (1) the amount that would have been contributed as
24 employee and employer contributions had all of the service
25 been as an employee under this Article, plus interest
26 thereon at the rate of 6% per year, compounded annually

1 from the date of service to the date of transfer, less (2)
2 the total amount transferred from the Article 7 Fund, plus
3 (3) interest on the difference at the rate of 6% per year,
4 compounded annually, from the date of the transfer to the
5 date of payment. The additional service credit is allowed
6 under this amendatory Act of the 95th General Assembly
7 notwithstanding the provisions of Article 7 terminating
8 all transferred credits on the date of transfer.

9 (Source: P.A. 96-297, eff. 8-11-09; 96-1260, eff. 7-23-10;
10 97-651, eff. 1-5-12.)

11 (40 ILCS 5/3-110.7)

12 Sec. 3-110.7. Transfer between Article 3 funds.

13 (a) Until January 1, 2021 (the consolidation date), an ~~An~~
14 active member of a pension fund established under this Article
15 may apply for transfer to that fund of his or her creditable
16 service and related contributions accumulated in any other
17 police pension fund established under this Article, except that
18 a police officer may not transfer creditable service under this
19 Section from a pension fund unless (i) the police officer
20 actively served in the police department under that fund for at
21 least 2 years, (ii) the police officer actively served in the
22 police department under that fund for less than 2 years but was
23 laid off or otherwise involuntarily terminated for a reason
24 other than the fault of the officer, or (iii) the police
25 officer was not in service in the police department under that

1 fund on or after the effective date of this Section. Upon
2 receiving the application, that other pension fund shall
3 transfer to the pension fund in which the applicant currently
4 participates an amount equal to:

5 (1) the amounts actually contributed by or on behalf of
6 the applicant to the fund as employee contributions
7 (including any interest paid by the applicant in order to
8 reinstate service), plus interest on those amounts at the
9 rate of 6% per year, compounded annually, from the date of
10 contribution to the date of transfer; plus

11 (2) an amount representing employer contributions,
12 equal to the total amount determined under subdivision (1).
13 Participation in that other pension fund shall terminate on the
14 date of transfer.

15 (b) An active member of the Fund ~~a pension fund established~~
16 ~~under this Article~~ may reinstate in the Fund service ~~in any~~
17 ~~other pension fund~~ established under this Article that was
18 terminated by receipt of a refund, by paying to the Fund ~~that~~
19 ~~other pension fund~~ the amount of the refund plus interest
20 thereon at the rate of 6% per year, compounded annually, from
21 the date of refund to the date of payment.

22 (Source: P.A. 90-460, eff. 8-17-97.)

23 (40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)

24 Sec. 3-125. Financing; tax.

25 (a) The governing body ~~city council or the board of~~

1 ~~trustees~~ of a participating ~~the~~ municipality shall annually
2 levy a tax upon all the taxable property of the municipality at
3 the rate on the dollar which will produce an amount which, when
4 added to the deductions from the salaries or wages of police
5 officers, and revenues available from other sources, will equal
6 a sum sufficient to meet the annual requirements of the account
7 of the participating municipality ~~police pension fund~~. The
8 annual requirements to be provided by such tax levy are equal
9 to (1) the normal cost of benefits attributable to the
10 participating municipality and its police officers, as
11 determined by an enrolled actuary employed by the Fund, the
12 ~~pension fund~~ for the year involved, plus (2) an amount
13 sufficient to bring the total assets of the account of the
14 participating municipality ~~pension fund~~ up to 90% of the total
15 actuarial liabilities of the account of the participating
16 municipality ~~pension fund~~ by the end of municipal fiscal year
17 2040, as annually updated and determined by an enrolled actuary
18 employed by the Fund ~~Illinois Department of Insurance or by an~~
19 ~~enrolled actuary retained by the pension fund or the~~
20 ~~municipality~~. In making these determinations, the required
21 minimum employer contribution shall be calculated each year as
22 a level percentage of payroll over the years remaining up to
23 and including fiscal year 2040 and shall be determined under
24 the projected unit credit actuarial cost method. The tax shall
25 be levied and collected in the same manner as the general taxes
26 of the municipality, and in addition to all other taxes now or

1 hereafter authorized to be levied upon all property within the
2 municipality, and shall be in addition to the amount authorized
3 to be levied for general purposes as provided by Section 8-3-1
4 of the Illinois Municipal Code, approved May 29, 1961, as
5 amended. The tax shall be forwarded directly to the treasurer
6 of the board within 30 business days after receipt by the
7 county.

8 (b) For purposes of determining the required employer
9 contribution to the Fund ~~a pension fund~~, the value of the
10 ~~pension fund's~~ assets of the account of the participating
11 municipality shall be equal to the actuarial value of the
12 ~~pension fund's~~ assets of the account of the participating
13 municipality, which shall be calculated as follows:

14 (1) (Blank). ~~On March 30, 2011, the actuarial value of~~
15 ~~a pension fund's assets shall be equal to the market value~~
16 ~~of the assets as of that date.~~

17 (2) In determining the actuarial value of the ~~System's~~
18 assets of the account of the participating municipality ~~for~~
19 ~~fiscal years after March 30, 2011~~, any actuarial gains or
20 losses from investment return incurred in a fiscal year
21 shall be recognized in equal annual amounts over the 5-year
22 period following that fiscal year.

23 (c) If a participating municipality fails to transmit to
24 the Fund ~~fund~~ contributions required of it under this Article
25 for more than 90 days after the payment of those contributions
26 is due, the Fund ~~fund~~ may, after giving notice to the

1 municipality, certify to the State Comptroller the amounts of
2 the delinquent payments in accordance with any applicable rules
3 of the Comptroller, and the Comptroller must, beginning in
4 fiscal year 2016, deduct and remit to the Fund, for credit to
5 the account of the participating municipality, fund the
6 certified amounts or a portion of those amounts from the
7 following proportions of payments of State funds to the
8 municipality:

9 (1) in fiscal year 2016, one-third of the total amount
10 of any payments of State funds to the municipality;

11 (2) in fiscal year 2017, two-thirds of the total amount
12 of any payments of State funds to the municipality; and

13 (3) in fiscal year 2018 and each fiscal year
14 thereafter, the total amount of any payments of State funds
15 to the municipality.

16 The State Comptroller may not deduct from any payments of
17 State funds to the municipality more than the amount of
18 delinquent payments certified to the State Comptroller by the
19 Fund fund.

20 (d) (Blank). ~~The police pension fund shall consist of the~~
21 ~~following moneys which shall be set apart by the treasurer of~~
22 ~~the municipality:~~

23 ~~(1) All moneys derived from the taxes levied hereunder;~~

24 ~~(2) Contributions by police officers under Section~~

25 ~~3-125.1;~~

26 ~~(3) All moneys accumulated by the municipality under~~

1 ~~any previous legislation establishing a fund for the~~
2 ~~benefit of disabled or retired police officers;~~

3 ~~(4) Donations, gifts or other transfers authorized by~~
4 ~~this Article.~~

5 (e) (Blank). ~~The Commission on Government Forecasting and~~
6 ~~Accountability shall conduct a study of all funds established~~
7 ~~under this Article and shall report its findings to the General~~
8 ~~Assembly on or before January 1, 2013. To the fullest extent~~
9 ~~possible, the study shall include, but not be limited to, the~~
10 ~~following:~~

11 ~~(1) fund balances;~~

12 ~~(2) historical employer contribution rates for each~~
13 ~~fund;~~

14 ~~(3) the actuarial formulas used as a basis for employer~~
15 ~~contributions, including the actual assumed rate of return~~
16 ~~for each year, for each fund;~~

17 ~~(4) available contribution funding sources;~~

18 ~~(5) the impact of any revenue limitations caused by~~
19 ~~PTELL and employer home rule or non home rule status; and~~

20 ~~(6) existing statutory funding compliance procedures~~
21 ~~and funding enforcement mechanisms for all municipal~~
22 ~~pension funds.~~

23 (Source: P.A. 99-8, eff. 7-9-15.)

24 (40 ILCS 5/3-125.1) (from Ch. 108 1/2, par. 3-125.1)

25 Sec. 3-125.1. Contributions by police officers. Each

1 police officer shall contribute to the Fund ~~pension fund~~ the
2 following percentages of salary for the periods stated:
3 Beginning July 1, 1909 and prior to July 23, 1943, 1% (except
4 that prior to July 1, 1921 not more than one dollar per month
5 shall be deducted, and except that beginning July 1, 1921 and
6 prior to July 1, 1927 not more than \$2 per month shall be
7 deducted); beginning July 23, 1943 and prior to July 20, 1949,
8 3%; beginning July 20, 1949 and prior to July 17, 1959, 5%;
9 beginning July 17, 1959 and prior to July 1, 1971, 7%;
10 beginning July 1, 1971 and prior to July 1, 1975, 7 1/2%;
11 beginning July 1, 1975 and prior to January 1, 1987, 8 1/2%;
12 beginning January 1, 1987 and prior to January 1, 2001, 9%; and
13 beginning January 1, 2001, 9.91%. Such sums shall be paid or
14 deducted monthly. Contribution to the self-managed plan shall
15 be no less than 10% of salary.

16 "Salary" means the annual salary, including longevity,
17 attached to the police officer's rank, as established by the
18 municipality's appropriation ordinance, including any
19 compensation for overtime which is included in the salary so
20 established, but excluding any "overtime pay", "holiday pay",
21 "bonus pay", "merit pay", or any other cash benefit not
22 included in the salary so established.

23 (Source: P.A. 91-939, eff. 2-1-01.)

24 (40 ILCS 5/3-128) (from Ch. 108 1/2, par. 3-128)

25 Sec. 3-128. Board created.

1 (a) This subsection (a) applies until January 1, 2021.

2 A board of 5 members shall constitute a board of trustees to
3 administer the pension fund and to designate the beneficiaries
4 thereof. The board shall be known as the "Board of Trustees of
5 the Police Pension Fund" of the municipality.

6 Two members of the board shall be appointed by the mayor or
7 president of the board of trustees of the municipality
8 involved. The 3rd and 4th members of the board shall be elected
9 from the active participants of the pension fund by such active
10 participants. The 5th member shall be elected by and from the
11 beneficiaries.

12 One of the members appointed by the mayor or president of
13 the board of trustees shall serve for one year beginning on the
14 2nd Tuesday in May after the municipality comes under this
15 Article. The other appointed member shall serve for 2 years
16 beginning on the same date. Their successors shall serve for 2
17 years each or until their successors are appointed and
18 qualified.

19 (b) The members of the boards of trustees serving on
20 December 31, 2020 may continue to exercise the powers of that
21 office until March 1, 2021 for the sole purpose of assisting in
22 the consolidation of their respective pension funds, but
23 subject to the supervision and requirements of the Transition
24 Board and the Illinois Municipal Retirement Fund.

25 (c) Beginning January 1, 2021, the Board of Trustees of the
26 Illinois Municipal Retirement Fund shall assume the duties of

1 the former boards of trustees.

2 ~~The election for board members shall be held biennially on~~
3 ~~the 3rd Monday in April, at such place or places in the~~
4 ~~municipality and under the Australian ballot system and such~~
5 ~~other regulations as shall be prescribed by the appointed~~
6 ~~members of the board.~~

7 ~~The active pension fund participants shall be entitled to~~
8 ~~vote only for the active participant members of the board. All~~
9 ~~beneficiaries of legal age may vote only for the member chosen~~
10 ~~from among the beneficiaries. No person shall be entitled to~~
11 ~~cast more than one ballot at such election. The term of elected~~
12 ~~members shall be 2 years, beginning on the 2nd Tuesday of the~~
13 ~~first May after the election.~~

14 ~~Upon the death, resignation or inability to act of any~~
15 ~~elected board member, his or her successor shall be elected for~~
16 ~~the unexpired term at a special election, to be called by the~~
17 ~~board and conducted in the same manner as the regular biennial~~
18 ~~election.~~

19 ~~Members of the board shall neither receive nor have any~~
20 ~~right to receive any salary from the pension fund for services~~
21 ~~performed as trustees in that office.~~

22 (Source: P.A. 83-1440.)

23 (40 ILCS 5/3-134) (from Ch. 108 1/2, par. 3-134)

24 Sec. 3-134. To submit annual list of Fund ~~fund~~ payments. To
25 submit annually to the governing body of each participating

1 ~~municipality city council or board of trustees~~ at the close of
2 the municipality's fiscal year, a list of persons entitled to
3 payments from the Fund that are chargeable to the account of
4 the participating municipality fund, stating the amount of
5 payments, and their purpose, as ordered by the Board ~~board~~. It
6 shall also include items of income accrued to the account of
7 the participating municipality fund during the fiscal year. The
8 list shall be signed by the secretary and president of the
9 Board ~~board~~, and attested under oath. A resolution or order for
10 the payment of money shall not be valid unless approved by a
11 majority of the Board ~~board~~ members, and signed by the
12 president and secretary of the Board ~~board~~.

13 (Source: P.A. 83-1440.)

14 (40 ILCS 5/3-135) (from Ch. 108 1/2, par. 3-135)

15 Sec. 3-135. To invest funds. To determine the limitations
16 on the amounts of cash to be invested in order to maintain such
17 cash balances as may be deemed advisable to meet current
18 annuity, benefit, and expense requirements, and to invest the
19 remaining available cash in securities, in accordance with the
20 prudent person investment rule and the other provisions of this
21 Article. Beginning on the consolidation date, the Article 1 and
22 1A restrictions on the investment of Article 3 Funds no longer
23 apply, except to the extent that they do not also apply to
24 Article 7 of this Code. ~~Beginning January 1, 1998, the board~~
25 ~~shall invest funds in accordance with Sections 1 113.1 through~~

1 ~~1-113.10 of this Code.~~

2 (Source: P.A. 90-507, eff. 8-22-97.)

3 (40 ILCS 5/3-141) (from Ch. 108 1/2, par. 3-141)

4 Sec. 3-141. Annual report by treasurer. On the 2nd Tuesday
5 in May annually through 2021, the treasurer of the municipality
6 and all other officials of the municipality who had the custody
7 of any pension funds herein provided, shall make a sworn
8 statement to the pension board, and to the mayor and council or
9 president and board of trustees of the municipality, of all
10 moneys received and paid out by them on account of the pension
11 fund during the year, and of the amount of funds then on hand
12 and owing to the pension fund. The final report required under
13 this subsection shall be due in May of 2021 and shall include
14 the period up to and including the consolidation of the
15 municipality's pension fund into the Fund. All surplus then
16 remaining with any official other than the treasurer shall be
17 paid to the treasurer of the municipality or as directed by the
18 Board. Upon demand of the Board ~~pension board~~, any official
19 shall furnish a statement relative to the official method of
20 collection or handling of the pension funds. All books and
21 records of that official shall be produced at any time by him
22 for examination and inspection by the Board ~~board~~.

23 (Source: P.A. 83-1440.)

24 (40 ILCS 5/3-141a new)

1 Sec. 3-141a. Termination of participation by a
2 participating municipality. If a participating municipality
3 terminates participation because it fails to meet the
4 requirements of Section 3-103, it shall pay to the Fund the
5 amount equal to any net debit balance in its municipality
6 account and any account receivable. Its successors, assigns,
7 and transferees of its assets shall be obligated to make this
8 payment to the extent of the value of assets transferred to
9 them. The Fund shall pay an amount equal to any net credit
10 balance to the participating municipality, its successors or
11 assigns. Any remaining net debit or credit balance not
12 collectible or payable shall be transferred to a terminated
13 municipality reserve account. The Fund shall pay to each police
14 officer of the participating municipality an amount equal to
15 his or her credits in the employee reserves. The employees
16 shall have no further rights to any benefits from the Fund,
17 except that annuities awarded prior to the date of termination
18 shall continue to be paid.

19 (40 ILCS 5/3-141b new)

20 Sec. 3-141b. Authorizations.

21 (a) Each participating municipality shall:

22 (1) deduct all normal and additional contributions
23 from each payment of earnings payable to each participating
24 employee who is entitled to any earnings from the
25 municipality, and remit all normal and additional

1 contributions immediately to the Board; and

2 (2) pay to the Board contributions required by this
3 Article.

4 (b) Each participating employee shall, by virtue of the
5 payment of contributions to this Fund, receive a vested
6 interest in the annuities and benefits provided in this Article
7 and in consideration of such vested interest shall be deemed to
8 have agreed and authorized the deduction from earnings of all
9 contributions payable to this Fund in accordance with this
10 Article.

11 (c) Payment of earnings less the amounts of contributions
12 provided in this Article shall be a full and complete discharge
13 of all claims for payment for services rendered by any employee
14 during the period covered by any such payment.

15 (40 ILCS 5/4-102.1 new)

16 Sec. 4-102.1. Fund. "Fund" or "pension fund": Until January
17 1, 2021, a firefighters' pension fund established by a
18 municipality under this Article.

19 Beginning January 1, 2021, "Fund" or "pension fund" means
20 the Illinois Municipal Retirement Fund with respect to this
21 Article; depending on the context, the terms may include one or
22 more of those previously established pension funds.

23 (40 ILCS 5/4-103) (from Ch. 108 1/2, par. 4-103)

24 Sec. 4-103. Municipality; participating municipality;

1 governing body.

2 (a) "Municipality": (1) Any city, township, village or
3 incorporated town of 5,000 or more but less than 500,000
4 inhabitants, and any fire protection district having any
5 full-time paid firefighters, and (2) any city, village,
6 incorporated town or township of less than 5,000 inhabitants
7 having a full-time paid fire department which adopts the
8 provisions of this Article ~~article~~ pursuant to the provisions
9 of Section 4-141.

10 (b) The term "participating municipality" means a
11 municipality, as defined in subsection (a), that both is
12 required (or has elected) to and does in fact participate in
13 the Fund with respect to its firefighters under this Article.

14 (c) The term "governing body", "city council", or "board of
15 trustees" includes the board of trustees of a fire protection
16 district and the board of town trustees or other persons
17 empowered to draft the tentative budget and appropriation
18 ordinance and the electors of such a township acting at the
19 annual or special meeting of town electors.

20 (Source: P.A. 83-1440.)

21 (40 ILCS 5/4-105) (from Ch. 108 1/2, par. 4-105)

22 Sec. 4-105. Board. "Board": Until January 1, 2021, the ~~The~~
23 "Board of Trustees of the Firefighters' Pension Fund" of a
24 municipality as established in subsection (a) of Section 4-121.

25 Beginning January 1, 2021, the Board of Trustees of the

1 Illinois Municipal Retirement Fund; depending on the context,
2 the term may include the former board of trustees of one or
3 more of those previously established pension funds.

4 (Source: P.A. 83-1440.)

5 (40 ILCS 5/4-105c)

6 Sec. 4-105c. Participant. "Participant": A firefighter or
7 deferred pensioner of the Fund ~~a pension fund~~, or a beneficiary
8 of the Fund ~~pension fund~~.

9 (Source: P.A. 90-507, eff. 8-22-97.)

10 (40 ILCS 5/4-105d)

11 Sec. 4-105d. Beneficiary. "Beneficiary": A person
12 receiving benefits from the Fund ~~a pension fund~~, including, but
13 not limited to, retired pensioners, disabled pensioners, their
14 surviving spouses, minor children, disabled children, and
15 dependent parents.

16 (Source: P.A. 90-507, eff. 8-22-97.)

17 (40 ILCS 5/4-106.5 new)

18 Sec. 4-106.5. Authorized agent of a participating
19 municipality.

20 (a) Each participating municipality shall appoint an
21 authorized agent who shall have the powers and duties set forth
22 in this Section. In the absence of such an appointment, the
23 duties of the authorized agent shall devolve upon the clerk or

1 secretary of the municipality. The authorized agent may be the
2 same person appointed as the authorized agent under Section
3 7-135.

4 (b) The authorized agent of the municipality shall have the
5 following powers and duties:

6 (1) To certify to the Fund whether or not a given
7 person is authorized to participate in the Fund.

8 (2) To certify to the Fund when a participating
9 employee is on a leave of absence authorized by the
10 municipality.

11 (3) To request the proper officer to cause employee
12 contributions to be withheld from salary and promptly
13 transmitted to the Fund.

14 (4) To request the proper officer to cause municipality
15 contributions to be promptly forwarded to the Fund.

16 (5) To forward promptly to all participating employees
17 any communications for such employees from the Fund or the
18 municipality.

19 (6) To forward promptly to the Board of the Fund all
20 applications, claims reports, and other communications
21 delivered to the agent by participating employees.

22 (7) To perform all duties related to the administration
23 of the Fund as requested by the Fund or the governing body
24 of the municipality.

25 (c) The governing body of each participating municipality
26 may delegate either or both of the following powers to its

1 authorized agent:

2 (1) To file a petition for nomination of an executive
3 trustee of the Fund.

4 (2) To cast the ballot for election of an executive
5 trustee of the Fund.

6 If a governing body does not authorize its agent to perform
7 the powers set forth in this Section, they shall be performed
8 by the governing body itself, unless the governing body by
9 resolution duly certified to the Fund delegates them to some
10 other officer or employee.

11 (d) The delivery of any communication or document by an
12 employee or a municipality to the authorized agent of the
13 municipality does not constitute delivery to the Fund.

14 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

15 Sec. 4-108. Creditable service.

16 (a) Creditable service is the time served as a firefighter
17 of a municipality. In computing creditable service, furloughs
18 and leaves of absence without pay exceeding 30 days in any one
19 year shall not be counted, but leaves of absence for illness or
20 accident regardless of length, and periods of disability for
21 which a firefighter received no disability pension payments
22 under this Article, shall be counted.

23 (a-5) Upon the consolidation of the firefighters' pension
24 funds under this Article into the Illinois Municipal Retirement
25 Fund on January 1, 2021, creditable service under any

1 firefighters' pension fund shall be deemed to be creditable
2 service in the Fund, subject to the following provisions:

3 (1) The consolidation of firefighters' pension funds
4 into the Illinois Municipal Retirement Fund shall not
5 result in the duplication of any service credit based on
6 the same period of service in this or any other pension
7 fund or retirement system subject to this Code.

8 (2) If this Section or any other provision of this
9 Article imposes a limit on the amount of creditable service
10 that may be established for a particular activity or
11 purpose, and prior to consolidation a firefighter has
12 established periods of creditable service for that
13 activity or purpose in more than one former firefighters'
14 pension fund under this Article, which periods are within
15 that limitation for each such fund but together exceed that
16 limitation, then upon consolidation all such credit
17 previously established by the firefighter shall be
18 preserved under the Fund, but no additional creditable
19 service for that activity or purpose may be established by
20 that firefighter in the Fund.

21 (3) The consolidation of firefighters' pension funds
22 into the Illinois Municipal Retirement Fund shall not
23 entitle any person or pension fund to a refund of any
24 contribution or payment previously paid or transferred in
25 order to establish or transfer creditable service under
26 this Article.

1 (b) Furloughs and leaves of absence of 30 days or less in
2 any one year may be counted as creditable service, if the
3 firefighter makes the contribution to the Fund ~~fund~~ that would
4 have been required had he or she not been on furlough or leave
5 of absence. To qualify for this creditable service, the
6 firefighter must pay the required contributions to the Fund
7 ~~fund~~ not more than 90 days subsequent to the termination of the
8 furlough or leave of absence, to the extent that the
9 municipality has not made such contribution on his or her
10 behalf.

11 (c) Creditable service includes:

12 (1) Service in the military, naval or air forces of the
13 United States entered upon when the person was an active
14 firefighter, provided that, upon applying for a permanent
15 pension, and in accordance with the rules of the board the
16 firefighter pays into the Fund ~~fund~~ the amount that would
17 have been contributed had he or she been a regular
18 contributor during such period of service, if and to the
19 extent that the municipality which the firefighter served
20 made no such contributions in his or her behalf. The total
21 amount of such creditable service shall not exceed 5 years,
22 except that any firefighter who on July 1, 1973 had more
23 than 5 years of such creditable service shall receive the
24 total amount thereof as of that date.

25 (1.5) Up to 24 months of service in the military,
26 naval, or air forces of the United States that was served

1 prior to employment by a municipality or fire protection
2 district as a firefighter. To receive the credit for the
3 military service prior to the employment as a firefighter,
4 the firefighter must apply in writing to the Fund fund and
5 must make contributions to the Fund fund equal to (i) the
6 employee contributions that would have been required had
7 the service been rendered as a member, plus (ii) an amount
8 determined by the Fund fund to be equal to the employer's
9 normal cost of the benefits accrued for that military
10 service, plus (iii) interest at the prescribed rate
11 ~~actuarially assumed rate provided by the Department of~~
12 ~~Financial and Professional Regulation~~, compounded annually
13 from the first date of membership in the Fund fund to the
14 date of payment on items (i) and (ii). The changes to this
15 paragraph (1.5) made by Public Act 95-1056 ~~this amendatory~~
16 ~~Act of the 95th General Assembly~~ apply only to
17 participating employees in service on or after April 10,
18 2009 (its effective date).

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

23 (3) Up to 8 years of service by a firefighter as an
24 officer in a statewide firefighters' association when he is
25 on a leave of absence from a municipality's payroll,
26 provided that (i) the firefighter has at least 10 years of

1 creditable service as an active firefighter, (ii) the
2 firefighter contributes to the Fund ~~fund~~ the amount that he
3 would have contributed had he remained an active member of
4 the Fund ~~fund~~, (iii) the employee or statewide firefighter
5 association contributes to the Fund ~~fund~~ an amount equal to
6 the employer's required contribution as determined by the
7 board, and (iv) for all leaves of absence under this
8 subdivision (3), including those beginning before January
9 5, 2012 (the effective date of Public Act 97-651) ~~this~~
10 ~~amendatory Act of the 97th General Assembly~~, the
11 firefighter continues to remain in sworn status, subject to
12 the professional standards of the public employer or those
13 terms established in statute.

14 (4) Time spent as an on-call fireman for a
15 municipality, calculated at the rate of one year of
16 creditable service for each 5 years of time spent as an
17 on-call fireman, provided that (i) the firefighter has at
18 least 18 years of creditable service as an active
19 firefighter, (ii) the firefighter spent at least 14 years
20 as an on-call firefighter for the municipality, (iii) the
21 firefighter applies for such creditable service within 30
22 days after August 23, 1989 (the effective date of Public
23 Act 86-273) ~~this amendatory Act of 1989~~, (iv) the
24 firefighter contributes to the Fund an amount representing
25 employee contributions for the number of years of
26 creditable service granted under this subdivision (4),

1 based on the salary and contribution rate in effect for the
2 firefighter at the date of entry into the Fund, to be
3 determined by the board, and (v) not more than 3 years of
4 creditable service may be granted under this subdivision
5 (4).

6 Except as provided in Section 4-108.5, creditable
7 service shall not include time spent as a volunteer
8 firefighter, whether or not any compensation was received
9 therefor. The change made in this Section by Public Act
10 83-0463 is intended to be a restatement and clarification
11 of existing law, and does not imply that creditable service
12 was previously allowed under this Article for time spent as
13 a volunteer firefighter.

14 (5) Time served between July 1, 1976 and July 1, 1988
15 in the position of protective inspection officer or
16 administrative assistant for fire services, for a
17 municipality with a population under 10,000 that is located
18 in a county with a population over 3,000,000 and that
19 maintains a firefighters' pension fund under this Article,
20 if the position included firefighting duties,
21 notwithstanding that the person may not have held an
22 appointment as a firefighter, provided that application is
23 made to the pension fund within 30 days after November 19,
24 1991 (the effective date of Public Act 87-794) ~~this~~
25 ~~amendatory Act of 1991,~~ and the corresponding
26 contributions are paid for the number of years of service

1 granted, based upon the salary and contribution rate in
2 effect for the firefighter at the date of entry into the
3 pension fund, as determined by the Board.

4 (6) Service before becoming a participant by a
5 firefighter initially excluded from participation by
6 reason of age who becomes a participant under the amendment
7 to Section 4-107 made by Public Act 87-1265 ~~this amendatory~~
8 ~~Act of 1993~~ and pays the required contributions for such
9 service.

10 (7) Up to 3 years of time during which the firefighter
11 receives a disability pension under Section 4-110,
12 4-110.1, or 4-111, provided that (i) the firefighter
13 returns to active service after the disability for a period
14 at least equal to the period for which credit is to be
15 established and (ii) the firefighter makes contributions
16 to the Fund ~~fund~~ based on the rates specified in Section
17 4-118.1 and the salary upon which the disability pension is
18 based. These contributions may be paid at any time prior to
19 the commencement of a retirement pension. The firefighter
20 may, but need not, elect to have the contributions deducted
21 from the disability pension or to pay them in installments
22 on a schedule approved by the board. If not deducted from
23 the disability pension, the contributions shall include
24 interest at the rate of 6% per year, compounded annually,
25 from the date for which service credit is being established
26 to the date of payment. If contributions are paid under

1 this subdivision (c)(7) in excess of those needed to
2 establish the credit, the excess shall be refunded. This
3 subdivision (c)(7) applies to persons receiving a
4 disability pension under Section 4-110, 4-110.1, or 4-111
5 on the effective date of this amendatory Act of the 91st
6 General Assembly, as well as persons who begin to receive
7 such a disability pension after that date.

8 (8) Up to 6 years of service as a police officer and
9 participant in the an Article 3 Fund with the participating
10 municipality police pension fund administered by the unit
11 of local government that employs the firefighter under this
12 Article, provided that the service has been transferred to,
13 and the required payment received by, the Article 4 Fund
14 fund in accordance with Section 3-110.12 of this Code.

15 (Source: P.A. 100-544, eff. 11-8-17.)

16 (40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

17 Sec. 4-118. Financing; tax.

18 (a) The governing body ~~city council or the board of~~
19 ~~trustees~~ of a participating ~~the~~ municipality shall annually
20 levy a tax upon all the taxable property of the municipality at
21 the rate on the dollar which will produce an amount which, when
22 added to the deductions from the salaries or wages of
23 firefighters and revenues available from other sources, will
24 equal a sum sufficient to meet the annual actuarial
25 requirements of the account of the participating municipality

1 ~~pension fund~~, as determined by an enrolled actuary employed by
2 the Fund ~~Illinois Department of Insurance or by an enrolled~~
3 ~~actuary retained by the pension fund or municipality~~. For the
4 purposes of this Section, the annual actuarial requirements of
5 the account of the participating municipality ~~pension fund~~ are
6 equal to (1) the normal cost of benefits attributable to the
7 participating municipality and its firefighters, as determined
8 by an enrolled actuary employed by the Fund ~~of the pension~~
9 ~~fund~~, or 17.5% of the salaries and wages to be paid to
10 firefighters for the year involved, whichever is greater, plus
11 (2) an annual amount sufficient to bring the total assets of
12 the account of the participating municipality ~~pension fund~~ up
13 to 90% of the total actuarial liabilities of the account of the
14 participating municipality ~~pension fund~~ by the end of municipal
15 fiscal year 2040, as annually updated and determined by an
16 enrolled actuary employed by the Fund ~~Illinois Department of~~
17 ~~Insurance or by an enrolled actuary retained by the pension~~
18 ~~fund or the municipality~~. In making these determinations, the
19 required minimum employer contribution shall be calculated
20 each year as a level percentage of payroll over the years
21 remaining up to and including fiscal year 2040 and shall be
22 determined under the projected unit credit actuarial cost
23 method. The amount to be applied towards the amortization of
24 the unfunded accrued liability in any year shall not be less
25 than the annual amount required to amortize the unfunded
26 accrued liability, including interest, as a level percentage of

1 payroll over the number of years remaining in the 40 year
2 amortization period.

3 (a-5) For purposes of determining the required employer
4 contribution to the Fund ~~a pension fund~~, the value of the
5 ~~pension fund's~~ assets of the account of the participating
6 municipality shall be equal to the actuarial value of the
7 ~~pension fund's~~ assets of the account of the participating
8 municipality, which shall be calculated as follows:

9 (1) (Blank). ~~On March 30, 2011, the actuarial value of~~
10 ~~a pension fund's assets shall be equal to the market value~~
11 ~~of the assets as of that date.~~

12 (2) In determining the actuarial value of the ~~pension~~
13 ~~fund's~~ assets of the account of the participating
14 municipality ~~for fiscal years after March 30, 2011~~, any
15 actuarial gains or losses from investment return incurred
16 in a fiscal year shall be recognized in equal annual
17 amounts over the 5-year period following that fiscal year.

18 (b) The tax shall be levied and collected in the same
19 manner as the general taxes of the municipality, and shall be
20 in addition to all other taxes now or hereafter authorized to
21 be levied upon all property within the municipality, and in
22 addition to the amount authorized to be levied for general
23 purposes, under Section 8-3-1 of the Illinois Municipal Code or
24 under Section 14 of the Fire Protection District Act. The tax
25 shall be forwarded directly to the treasurer of the Fund ~~board~~
26 within 30 business days of receipt by the county (or, in the

1 case of amounts added to the tax levy under subsection (f),
2 used by the municipality to pay the employer contributions
3 required under subsection (b-1) of Section 15-155 of this
4 Code).

5 (b-5) If a participating municipality fails to transmit to
6 the Fund ~~fund~~ contributions required of it under this Article
7 for more than 90 days after the payment of those contributions
8 is due, the Fund ~~fund~~ may, after giving notice to the
9 municipality, certify to the State Comptroller the amounts of
10 the delinquent payments in accordance with any applicable rules
11 of the Comptroller, and the Comptroller must, beginning in
12 fiscal year 2016, deduct and remit to the Fund, for credit to
13 the account of the participating municipality, ~~fund~~ the
14 certified amounts or a portion of those amounts from the
15 following proportions of payments of State funds to the
16 municipality:

17 (1) in fiscal year 2016, one-third of the total amount
18 of any payments of State funds to the municipality;

19 (2) in fiscal year 2017, two-thirds of the total amount
20 of any payments of State funds to the municipality; and

21 (3) in fiscal year 2018 and each fiscal year
22 thereafter, the total amount of any payments of State funds
23 to the municipality.

24 The State Comptroller may not deduct from any payments of
25 State funds to the municipality more than the amount of
26 delinquent payments certified to the State Comptroller by the

1 Fund fund.

2 (c) The Board ~~board~~ shall make available to the membership
3 and the general public for inspection and copying at reasonable
4 times the most recent Actuarial Valuation Balance Sheet and Tax
5 Levy Requirement issued to the Fund ~~fund~~ by the Department of
6 Insurance.

7 (d) (Blank). ~~The firefighters' pension fund shall consist~~
8 ~~of the following moneys which shall be set apart by the~~
9 ~~treasurer of the municipality: (1) all moneys derived from the~~
10 ~~taxes levied hereunder; (2) contributions by firefighters as~~
11 ~~provided under Section 4-118.1; (3) all rewards in money, fees,~~
12 ~~gifts, and emoluments that may be paid or given for or on~~
13 ~~account of extraordinary service by the fire department or any~~
14 ~~member thereof, except when allowed to be retained by~~
15 ~~competitive awards; and (4) any money, real estate or personal~~
16 ~~property received by the board.~~

17 (e) (Blank). ~~For the purposes of this Section, "enrolled~~
18 ~~actuary" means an actuary: (1) who is a member of the Society~~
19 ~~of Actuaries or the American Academy of Actuaries; and (2) who~~
20 ~~is enrolled under Subtitle C of Title III of the Employee~~
21 ~~Retirement Income Security Act of 1974, or who has been engaged~~
22 ~~in providing actuarial services to one or more public~~
23 ~~retirement systems for a period of at least 3 years as of July~~
24 ~~1, 1983.~~

25 (f) The corporate authorities of a municipality that
26 employs a person who is described in subdivision (d) of Section

1 4-106 may add to the tax levy otherwise provided for in this
2 Section an amount equal to the projected cost of the employer
3 contributions required to be paid by the municipality to the
4 State Universities Retirement System under subsection (b-1) of
5 Section 15-155 of this Code.

6 (g) (Blank). ~~The Commission on Government Forecasting and~~
7 ~~Accountability shall conduct a study of all funds established~~
8 ~~under this Article and shall report its findings to the General~~
9 ~~Assembly on or before January 1, 2013. To the fullest extent~~
10 ~~possible, the study shall include, but not be limited to, the~~
11 ~~following:~~

12 ~~(1) fund balances;~~

13 ~~(2) historical employer contribution rates for each~~
14 ~~fund;~~

15 ~~(3) the actuarial formulas used as a basis for employer~~
16 ~~contributions, including the actual assumed rate of return~~
17 ~~for each year, for each fund;~~

18 ~~(4) available contribution funding sources;~~

19 ~~(5) the impact of any revenue limitations caused by~~
20 ~~PTELL and employer home rule or non-home rule status; and~~

21 ~~(6) existing statutory funding compliance procedures~~
22 ~~and funding enforcement mechanisms for all municipal~~
23 ~~pension funds.~~

24 (Source: P.A. 99-8, eff. 7-9-15.)

25 (40 ILCS 5/4-118.1) (from Ch. 108 1/2, par. 4-118.1)

1 Sec. 4-118.1. Contributions by firefighters.

2 (a) Beginning January 1, 1976 and until August 6, 1999 (the
3 effective date of Public Act 91-466) ~~this amendatory Act of the~~
4 ~~91st General Assembly~~, each firefighter shall contribute to the
5 pension fund 6 3/4% of salary towards the cost of his or her
6 pension. Beginning August 6, 1999 ~~on the effective date of this~~
7 ~~amendatory Act of the 91st General Assembly~~, each firefighter
8 shall contribute to the pension fund 6.955% of salary towards
9 the cost of his or her pension.

10 (b) In addition, beginning January 1, 1976, each
11 firefighter shall contribute 1% of salary toward the cost of
12 the increase in pension provided in Section 4-109.1; beginning
13 January 1, 1987, such contribution shall be 1.5% of salary;
14 beginning July 1, 2004, the contribution shall be 2.5% of
15 salary.

16 (c) Beginning on July 1, 2004 (the effective date of Public
17 Act 93-689) ~~this amendatory Act of the 93rd General Assembly~~,
18 each firefighter who elects to receive a pension under Section
19 4-109.3 and who has participated in at least one other pension
20 fund under this Article for a period of at least one year shall
21 contribute an additional 1.0% of salary toward the cost of the
22 increase in pensions provided in Section 4-109.3; except that
23 beginning January 1, 2021, no additional contributions shall be
24 paid under this subsection (c).

25 In the event that a firefighter does not elect to receive a
26 retirement pension provided under Section 4-109.3 from one or

1 more of the pension funds under this Article in which the
2 firefighter has credit, he or she shall, upon withdrawal from
3 the last pension fund as defined in Section 4-109.3, be
4 entitled to receive, from each such fund to which he or she has
5 paid additional contributions under this subsection (c) and
6 from which he or she does not receive a refund under Section
7 4-116, a refund of those contributions without interest.
8 Beginning January 1, 2021, however, such refunds shall be
9 payable from the Downstate Firefighters Pension Fund and
10 chargeable to the appropriate municipal accounts and reserves.

11 A refund of total contributions to a particular firefighter
12 pension fund under Section 4-116 shall include any refund of
13 additional contributions paid to that fund under this
14 subsection (c), but a firefighter who accepts a refund from a
15 pension fund under Section 4-116 is thereafter ineligible to
16 receive a pension provided under Section 4-109.3 from that
17 fund. A firefighter who meets the eligibility requirements of
18 Section 4-109.3 may receive a pension under Section 4-109.3
19 from any pension fund from which the firefighter has not
20 received a refund under Section 4-116 or under this subsection
21 (c); except that beginning January 1, 2021 (the consolidation
22 date), such pensions shall be payable from the Downstate
23 Firefighters Pension Fund as provided in Section 4-109.3 and
24 chargeable to the appropriate municipal accounts and reserves.

25 (d) "Salary" means the annual salary, including longevity,
26 attached to the firefighter's rank, as established by the

1 municipality appropriation ordinance, including any
2 compensation for overtime which is included in the salary so
3 established, but excluding any "overtime pay", "holiday pay",
4 "bonus pay", "merit pay", or any other cash benefit not
5 included in the salary so established.

6 (e) The contributions shall be deducted and withheld from
7 the salary of firefighters.

8 (Source: P.A. 93-689, eff. 7-1-04.)

9 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

10 Sec. 4-121. Board created.

11 (a) This subsection (a) applies until January 1, 2021.

12 There is created in each municipality or fire protection
13 district a board of trustees to be known as the "Board of
14 Trustees of the Firefighters' Pension Fund". The membership of
15 the board for each municipality shall be, respectively, as
16 follows: in cities, the treasurer, clerk, marshal or chief
17 officer of the fire department, and the comptroller if there is
18 one, or if not, the mayor; in each township, village or
19 incorporated town, the president of the municipality's board of
20 trustees, the village or town clerk, village or town attorney,
21 village or town treasurer, and the chief officer of the fire
22 department; and in each fire protection district, the president
23 and other 2 members of its board of trustees and the marshal or
24 chief of its fire department or service, as the case may be;
25 and in all the municipalities above designated 3 additional

1 persons chosen from their active firefighters and one other
2 person who has retired under the Firemen's Pension Fund Act of
3 1919, or this Article. ~~The Notwithstanding any provision of~~
4 ~~this Section to the contrary,~~ the term of office of each member
5 of a board established on or before the 3rd Monday in April,
6 2006 shall terminate on the 3rd Monday in April, 2006, but all
7 incumbent members shall continue to exercise all of the powers
8 and be subject to all of the duties of a member of the board
9 until all the new members of the board take office.

10 Beginning on the 3rd Monday in April, 2006 and until
11 January 1, 2021, the board of trustees for each municipality or
12 fire protection district shall consist of 5 members. Two
13 members of the board shall be appointed by the mayor or
14 president of the board of trustees of the municipality or fire
15 protection district involved. Two members of the board shall be
16 active participants of the pension fund who are elected from
17 the active participants of the fund. One member of the board
18 shall be a person who is retired under the Firemen's Pension
19 Fund Act of 1919 or this Article who is elected from persons
20 retired under the Firemen's Pension Fund Act of 1919 or this
21 Article.

22 For the purposes of this Section, a firefighter receiving a
23 disability pension shall be considered a retired firefighter.
24 In the event that there are no retired firefighters under the
25 Fund or if none is willing to serve on the board, then an
26 additional active firefighter shall be elected to the board in

1 lieu of the retired firefighter that would otherwise be
2 elected.

3 If the regularly constituted fire department of a
4 municipality is dissolved and Section 4-106.1 is not
5 applicable, the board shall continue to exist and administer
6 the Fund so long as there continues to be any annuitant or
7 deferred pensioner in the Fund. In such cases, elections shall
8 continue to be held as specified in this Section, except that:
9 (1) deferred pensioners shall be deemed to be active members
10 for the purposes of such elections; (2) any otherwise
11 unfillable positions on the board, including ex officio
12 positions, shall be filled by election from the remaining
13 firefighters and deferred pensioners of the Fund, to the extent
14 possible; and (3) if the membership of the board falls below 3
15 persons, the Illinois Director of Insurance or his designee
16 shall be deemed a member of the board, ex officio.

17 (b) The members of the boards of trustees serving on
18 December 31, 2020 may continue to exercise the powers of that
19 office until March 1, 2021 for the sole purpose of assisting in
20 the consolidation of their respective pension funds, but
21 subject to the supervision and requirements of the Transition
22 Board.

23 (c) Beginning January 1, 2021, the Board of Trustees of the
24 Illinois Municipal Retirement Fund shall assume the duties of
25 the former boards of trustees.

26 ~~The members chosen from the active and retired firefighters~~

1 ~~shall be elected by ballot at elections to be held on the 3rd~~
2 ~~Monday in April of the applicable years under the Australian~~
3 ~~ballot system, at such place or places, in the municipality,~~
4 ~~and under such regulations as shall be prescribed by the board.~~

5 ~~No person shall cast more than one vote for each candidate~~
6 ~~for whom he or she is eligible to vote. In the elections for~~
7 ~~board members to be chosen from the active firefighters, all~~
8 ~~active firefighters and no others may vote. In the elections~~
9 ~~for board members to be chosen from retired firefighters, the~~
10 ~~retired firefighters and no others may vote.~~

11 ~~Each member of the board so elected shall hold office for a~~
12 ~~term of 3 years and until his or her successor has been duly~~
13 ~~elected and qualified.~~

14 ~~The board shall canvass the ballots and declare which~~
15 ~~persons have been elected and for what term or terms~~
16 ~~respectively. In case of a tie vote between 2 or more~~
17 ~~candidates, the board shall determine by lot which candidate or~~
18 ~~candidates have been elected and for what term or terms~~
19 ~~respectively. In the event of the failure, resignation, or~~
20 ~~inability to act of any board member, a successor shall be~~
21 ~~elected for the unexpired term at a special election called by~~
22 ~~the board and conducted in the same manner as a regular~~
23 ~~election.~~

24 ~~The board shall elect annually from its members a president~~
25 ~~and secretary.~~

26 ~~Board members shall not receive or have any right to~~

1 ~~receive any salary from a pension fund for services performed~~
2 ~~as board members.~~

3 (Source: P.A. 100-201, eff. 8-18-17.)

4 (40 ILCS 5/4-124) (from Ch. 108 1/2, par. 4-124)

5 Sec. 4-124. To enforce contributions. To assess each
6 firefighter the contributions required under Section 4-118.1.
7 The contributions deducted from salaries, together with all
8 interest accruing thereon, shall be paid promptly ~~placed~~ by the
9 treasurer of the municipality ~~as ex officio treasurer of the~~
10 ~~board,~~ to the Treasurer ~~credit~~ of the Fund ~~pension fund,~~
11 subject to the order of the Board ~~board.~~

12 (Source: P.A. 83-1440.)

13 (40 ILCS 5/4-128) (from Ch. 108 1/2, par. 4-128)

14 Sec. 4-128. To invest funds. To determine the limitations
15 on the amounts of cash to be invested in order to maintain such
16 cash balances as may be deemed advisable to meet current
17 annuity, benefit, and expense requirements, and to invest the
18 remaining available cash in securities, in accordance with the
19 prudent person investment rule and the other provisions of this
20 Article. Beginning on the consolidation date, the Article 1 and
21 1A restrictions on the investment of Article 4 Funds no longer
22 apply, to the extent that they do not also apply to Article 7
23 of this Code. ~~Beginning January 1, 1998, the board shall invest~~
24 ~~funds in accordance with Sections 1 113.1 through 1 113.10 of~~

1 ~~this Code.~~

2 (Source: P.A. 90-507, eff. 8-22-97.)

3 (40 ILCS 5/4-130.1 new)

4 Sec. 4-130.1. Termination of participation by a
5 participating municipality. If a participating municipality
6 terminates participation because it fails to meet the
7 requirements of Section 3-103, it shall pay to the Fund the
8 amount equal to any net debit balance in its municipality
9 account and any account receivable. Its successors, assigns,
10 and transferees of its assets shall be obligated to make this
11 payment to the extent of the value of assets transferred to
12 them. The Fund shall pay an amount equal to any net credit
13 balance to the participating municipality, its successors or
14 assigns. Any remaining net debit or credit balance not
15 collectible or payable shall be transferred to a terminated
16 municipality reserve account. The Fund shall pay to each
17 firefighter of the participating municipality an amount equal
18 to his or her credits in the employee reserves. The employees
19 shall have no further rights to any benefits from the Fund,
20 except that annuities awarded prior to the date of termination
21 shall continue to be paid.

22 (40 ILCS 5/4-130.3 new)

23 Sec. 4-130.3. Authorizations.

24 (a) Each participating municipality shall:

1 (1) Deduct all normal and additional contributions
2 from each payment of earnings payable to each participating
3 employee who is entitled to any earnings from the
4 municipality, and remit all normal and additional
5 contributions immediately to the Board; and

6 (2) Pay to the Board contributions required by this
7 Article.

8 (b) Each participating employee shall, by virtue of the
9 payment of contributions to this Fund, receive a vested
10 interest in the annuities and benefits provided in this Article
11 and in consideration of such vested interest shall be deemed to
12 have agreed and authorized the deduction from earnings of all
13 contributions payable to this Fund in accordance with this
14 Article.

15 (c) Payment of earnings less the amounts of contributions
16 provided in this Article shall be a full and complete discharge
17 of all claims for payment for services rendered by any employee
18 during the period covered by any such payment.

19 (40 ILCS 5/4-134) (from Ch. 108 1/2, par. 4-134)

20 Sec. 4-134. Report for tax levy.

21 (a) The Board ~~board~~ shall report to the governing body of
22 each participating ~~city council or board of trustees of the~~
23 municipality on the condition of the Fund ~~pension fund~~ at the
24 end of its most recently completed fiscal year. The report
25 shall be made prior to the ~~council or board~~ meeting held for

1 appropriating and levying taxes for the year for which the
2 report is made.

3 The ~~pension board in the~~ report shall certify and provide
4 the following information ~~to the city council or board of~~
5 ~~trustees of the municipality:~~

6 (1) the total assets of the fund and the ~~their~~ current
7 market value of those assets;

8 (2) the estimated receipts during the next succeeding
9 fiscal year from deductions from the salaries or wages of
10 firefighters, and from all other sources;

11 (3) the estimated amount necessary during the fiscal
12 year to meet the annual actuarial requirements of the
13 pension fund ~~as provided in Sections 4-118 and 4-120;~~

14 (4) the total net income received from investment of
15 assets along with the assumed investment return and actual
16 investment return received by the Fund ~~fund~~ during its most
17 recently completed fiscal year compared to the total net
18 income, assumed investment return, and actual investment
19 return received during the preceding fiscal year;

20 (5) the increase in employer pension contributions
21 that results from the implementation of the provisions of
22 Public Act 93-689 ~~this amendatory Act of the 93rd General~~
23 ~~Assembly;~~

24 (6) the total number of active employees who are
25 financially contributing to the fund;

26 (7) the total amount that was disbursed in benefits

1 during the fiscal year, including the number of and total
2 amount disbursed to (i) annuitants in receipt of a regular
3 retirement pension, (ii) recipients being paid a
4 disability pension, and (iii) survivors and children in
5 receipt of benefits;

6 (8) the funded ratio of the Fund fund; and

7 (9) the unfunded liability carried by the Fund fund,
8 along with an actuarial explanation of the unfunded
9 liability, ~~and~~

10 ~~(10) the investment policy of the pension board under~~
11 ~~the statutory investment restrictions imposed on the fund.~~

12 Before the Board pension board makes its report, the Fund
13 ~~municipality~~ shall have the assets of the Fund fund and their
14 current market value verified by an independent certified
15 public accountant of its choice.

16 (b) A participating ~~The~~ municipality is authorized to
17 publish the report submitted under this Section. This
18 publication may be made, without limitation, by publication in
19 a local newspaper of general circulation in the municipality or
20 by publication on the municipality's Internet website. If the
21 municipality publishes the report, then that publication must
22 include all of the information relating to that municipality
23 submitted by the Board pension board under subsection (a).

24 (Source: P.A. 95-950, eff. 8-29-08.)

25 (40 ILCS 5/7-175) (from Ch. 108 1/2, par. 7-175)

1 Sec. 7-175. Board elections.

2 (a) During the period beginning on August 1 and ending on
3 September 15 of each year the board shall accept nominations of
4 candidates for election to the trusteeships for terms beginning
5 the next January 1, new trusteeships or vacancies to be filled
6 by election.

7 (b) All nominations shall be by petition. Three petitions
8 for an executive trustee shall be signed by governing bodies of
9 contributing participating municipalities or
10 instrumentalities.

11 A petition for an employee trustee shall be signed by at
12 least 350 participating employees who were participants during
13 July of the current year and who, if their employment status
14 remained unchanged, would be eligible to vote for such
15 candidate at the following election.

16 A petition for an annuitant trustee shall be signed by at
17 least 100 persons who were annuitants of the Fund during July
18 of the current year and who, if their annuitant status remains
19 unchanged, would be eligible to vote for the candidate at the
20 following election.

21 (c) A separate ballot shall be used for each class of
22 trustee and the names of all candidates properly nominated in
23 petitions received by the board shall be placed in alphabetical
24 order upon the proper ballot. Where two employee trustees are
25 elected to a full term in the same year, there shall be one
26 election for the two trusteeships and the two candidates

1 getting the highest number of votes shall be elected.

2 (d) At any election, each contributing participating
3 municipality and participating instrumentality and each
4 contributing participating employee employed by such
5 participating municipality or participating instrumentality
6 during September of any year, shall be entitled to vote as
7 follows:

8 1. The governing body of each such participating
9 municipality and participating instrumentality shall have
10 one vote at any election in which an executive trustee is
11 to be elected, and may cast such vote for any candidate on
12 the executive trustee ballot.

13 2. Each participating employee shall have one vote at
14 any election in which an employee trustee is to be elected,
15 and may cast such vote for any candidate on the employee
16 trustee ballot.

17 3. Each annuitant of the Fund shall have one vote at
18 any election in which an annuitant trustee is to be
19 elected, and may cast that vote for any candidate on the
20 annuitant trustee ballot.

21 4. A vote may be cast for a person not on the ballot by
22 writing in his or her name.

23 (e) The election shall be by ballot pursuant to the rules
24 and regulations established by the board and shall be completed
25 by December 31 of the year. The results shall be entered in the
26 minutes of the meeting of the board following the tally of

1 votes.

2 (f) In case of a tie vote, the candidate employed by or
3 retired from the participating municipality or participating
4 instrumentality having the greatest number of participating
5 employees at the time shall be elected.

6 (g) Notwithstanding any other provision of this Article, if
7 only one candidate is properly nominated in petitions received
8 by the Board, that candidate shall be deemed the winner. In the
9 case of 2 employee trustees elected to a full term in the same
10 year, if only 2 candidates are properly nominated in petitions
11 received by the Board, those 2 candidates shall both be deemed
12 winners. If a candidate is deemed a winner under this
13 paragraph, no election under this Section or Section 7-175.1
14 shall be required.

15 (h) For the purposes of this Section, "annuitant" includes
16 a person who receives an annuity pursuant to Article 3 or 4.

17 For the purposes of this Section, "contributing
18 participating municipality" includes a municipality that
19 participates in Article 3 or 4.

20 For the purposes of this Section, "participating employee"
21 includes a police officer under Article 3 or a firefighter
22 under Article 4.

23 (Source: P.A. 98-932, eff. 8-15-14.)

24 (40 ILCS 5/7-175.1) (from Ch. 108 1/2, par. 7-175.1)

25 Sec. 7-175.1. Election of employee and annuitant trustees.

1 (a) The board shall prepare and send ballots and ballot
2 envelopes to the employees, including police officers under
3 Article 3 and firefighters under Article 4, and annuitants
4 eligible to vote as of September of that year. The ballots
5 shall contain the names of all candidates in alphabetical order
6 and an appropriate place where a name may be written in on the
7 ballot. The ballot envelope shall have on the outside a form of
8 certificate stating that the person voting the ballot is a
9 participating employee or annuitant entitled to vote.

10 (b) Employees and annuitants, upon receipt of the ballot,
11 shall vote the ballot and place it in the ballot envelope, seal
12 the envelope, execute the certificate thereon and return the
13 ballot to the Fund.

14 (c) The board shall set a final date for ballot return, and
15 ballots received prior to that date in a ballot envelope with a
16 properly executed certificate and properly voted, shall be
17 valid ballots.

18 (d) The board shall set a day for counting the ballots and
19 name judges and clerks of election to conduct the count of
20 ballots, and shall make any rules and regulations necessary for
21 the conduct of the count.

22 (e) No election under this Section shall be required if a
23 candidate is deemed the winner under subsection (g) of Section
24 7-175.

25 (f) Nothing in this Section shall preclude the Board from
26 adopting rules that provide for Internet balloting or phone

1 balloting in addition to election by mail under this Section.
2 An Internet or phone ballot cast in accordance with rules
3 adopted under this subsection shall be a valid ballot.
4 (Source: P.A. 100-935, eff. 1-1-19.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.43 as follows:

7 (30 ILCS 805/8.43 new)

8 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 101st General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law, except that Sections 5 and 15 take effect January
14 1, 2021.

1

INDEX

2

Statutes amended in order of appearance

3

35 ILCS 200/18-185

4

40 ILCS 5/3-101

from Ch. 108 1/2, par. 3-101

5

40 ILCS 5/3-101.1 new

6

40 ILCS 5/3-101.2 new

7

40 ILCS 5/3-106

from Ch. 108 1/2, par. 3-106

8

40 ILCS 5/4-101

from Ch. 108 1/2, par. 4-101

9

40 ILCS 5/4-101.1 new

10

40 ILCS 5/4-101.2 new

11

40 ILCS 5/4-106

from Ch. 108 1/2, par. 4-106

12

40 ILCS 5/7-109

from Ch. 108 1/2, par. 7-109

13

40 ILCS 5/7-199.5 new

14

40 ILCS 5/7-199.6 new

15

40 ILCS 5/3-102.1 new

16

40 ILCS 5/3-103

from Ch. 108 1/2, par. 3-103

17

40 ILCS 5/3-103.9 new

18

40 ILCS 5/3-105

from Ch. 108 1/2, par. 3-105

19

40 ILCS 5/3-108.2

20

40 ILCS 5/3-108.3

21

40 ILCS 5/3-110

from Ch. 108 1/2, par. 3-110

22

40 ILCS 5/3-110.7

23

40 ILCS 5/3-125

from Ch. 108 1/2, par. 3-125

24

40 ILCS 5/3-125.1

from Ch. 108 1/2, par. 3-125.1

25

40 ILCS 5/3-128

from Ch. 108 1/2, par. 3-128

1	40 ILCS 5/3-134	from Ch. 108 1/2, par. 3-134
2	40 ILCS 5/3-135	from Ch. 108 1/2, par. 3-135
3	40 ILCS 5/3-141	from Ch. 108 1/2, par. 3-141
4	40 ILCS 5/3-141a new	
5	40 ILCS 5/3-141b new	
6	40 ILCS 5/4-102.1 new	
7	40 ILCS 5/4-103	from Ch. 108 1/2, par. 4-103
8	40 ILCS 5/4-105	from Ch. 108 1/2, par. 4-105
9	40 ILCS 5/4-105c	
10	40 ILCS 5/4-105d	
11	40 ILCS 5/4-106.5 new	
12	40 ILCS 5/4-108	from Ch. 108 1/2, par. 4-108
13	40 ILCS 5/4-118	from Ch. 108 1/2, par. 4-118
14	40 ILCS 5/4-118.1	from Ch. 108 1/2, par. 4-118.1
15	40 ILCS 5/4-121	from Ch. 108 1/2, par. 4-121
16	40 ILCS 5/4-124	from Ch. 108 1/2, par. 4-124
17	40 ILCS 5/4-128	from Ch. 108 1/2, par. 4-128
18	40 ILCS 5/4-130.1 new	
19	40 ILCS 5/4-130.3 new	
20	40 ILCS 5/4-134	from Ch. 108 1/2, par. 4-134
21	40 ILCS 5/7-175	from Ch. 108 1/2, par. 7-175
22	40 ILCS 5/7-175.1	from Ch. 108 1/2, par. 7-175.1
23	30 ILCS 805/8.43 new	