



Sen. William E. Peterson

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09400SB0796sam001

LRB094 04419 AMC 57752 a

1 AMENDMENT TO SENATE BILL 796

2 AMENDMENT NO. _____. Amend Senate Bill 796 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 3-103, 3-125, and 3-145 as follows:

6 (40 ILCS 5/3-103) (from Ch. 108 1/2, par. 3-103)

7 Sec. 3-103. Municipality. "Municipality": (1) Any city,
8 village or incorporated town of 5,000 or more but less than
9 500,000 inhabitants, as determined from the United States
10 Government statistics or a census taken at any time by the
11 city, village or incorporated town, ~~and~~ (2) any city, village
12 or incorporated town of less than 5,000 inhabitants which, by
13 referendum held under subsection (a) of Section 3-145 adopts
14 this Article, and (3) any city, village, or incorporated town
15 of less than 5,000 inhabitants that is located within a county
16 that is subject to the limitations of the Property Tax
17 Extension Limitation Law and that, in accordance with
18 subsection (b) of Section 3-145, adopts this Article by
19 resolution or ordinance.

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

21 (40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)

22 Sec. 3-125. Financing. Except as otherwise provided in
23 subsection (b) of Section 3-145, the ~~The~~ city council or the

1 board of trustees of the municipality shall annually levy a tax
2 upon all the taxable property of the municipality at the rate
3 on the dollar which will produce an amount which, when added to
4 the deductions from the salaries or wages of police officers,
5 and revenues available from other sources, will equal a sum
6 sufficient to meet the annual requirements of the police
7 pension fund. The annual requirements to be provided by such
8 tax levy are equal to (1) the normal cost of the pension fund
9 for the year involved, plus (2) the amount necessary to
10 amortize the fund's unfunded accrued liabilities as provided in
11 Section 3-127. The tax shall be levied and collected in the
12 same manner as the general taxes of the municipality, and in
13 addition to all other taxes now or hereafter authorized to be
14 levied upon all property within the municipality, and shall be
15 in addition to the amount authorized to be levied for general
16 purposes as provided by Section 8-3-1 of the Illinois Municipal
17 Code, approved May 29, 1961, as amended.

18 The police pension fund shall consist of the following
19 moneys which shall be set apart by the treasurer of the
20 municipality:

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

22 (2) Contributions by police officers under Section
23 3-125.1;

24 (3) All moneys accumulated by the municipality under any
25 previous legislation establishing a fund for the benefit of
26 disabled or retired police officers;

27 (4) Donations, gifts or other transfers authorized by this
28 Article.

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

30 (40 ILCS 5/3-145) (from Ch. 108 1/2, par. 3-145)
31 Sec. 3-145. Election to participate ~~Referendum~~ in
32 municipalities less than 5,000.

33 (a) Except as provided in subsection (b), this ~~This~~ Article

1 shall not be effective in any municipality having a population
2 of less than 5,000 unless the proposition to adopt the Article
3 is submitted to and approved by the voters of the municipality
4 in the manner herein provided.

5 Whenever the electors of the municipality, equal in number
6 to 5% of the number of legal votes cast at the last preceding
7 general municipal election, petition the city, village or town
8 clerk to submit the proposition whether that municipality shall
9 adopt this Article, the officer to whom the petition is
10 addressed shall certify the proposition to the proper election
11 officials who shall submit the proposition in accordance with
12 the general election law at a regular election in the
13 municipality provided that notice of the referendum, if held
14 before July 1, 1999, has been given in accordance with the
15 provisions of Section 12-5 of the Election Code in effect at
16 the time of the bond referendum, at least 10 and not more than
17 45 days before the date of the election, notwithstanding the
18 time for publication otherwise imposed by Section 12-5. Notices
19 required in connection with the submission of public questions
20 on or after July 1, 1999 shall be as set forth in Section 12-5
21 of the Election Code. If the proposition is not adopted at that
22 election, it may be submitted in like manner at any regular
23 election thereafter. The proposition shall be substantially in
24 the following form:

25 -----
26 Shall the city (or village or
27 incorporated town) of.... adopt YES
28 Article 3 of the "Illinois Pension -----
29 Code", pertaining to the creation NO
30 of a police pension fund?
31 -----

32 If a majority of the votes cast on the proposition is for the
33 proposition, this Article is adopted in that municipality.

34 (b) A city, village, or incorporated town of less than

1 5,000 inhabitants that is regulated by the Property Tax
2 Extension Limitation Law may elect to adopt the provisions of
3 this Article by the passage of a resolution or ordinance by the
4 governing board of that city, village, or incorporated town,
5 but that city, village, or incorporated town shall not levy a
6 separate tax under Section 3-125 without approval by referendum
7 under the provisions of the Property Tax Extension Limitation
8 Law or this Article.

9 (Source: P.A. 90-812, eff. 1-26-99; 91-57, eff. 6-30-99.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."