



Adopted in House Comm. on Mar 13, 2008

09500HB5156ham001

LRB095 13947 AMC 48293 a

1 AMENDMENT TO HOUSE BILL 5156

2 AMENDMENT NO. _____. Amend House Bill 5156 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 3-109 as follows:

6 (40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)

7 Sec. 3-109. Persons excluded.

8 (a) The following persons shall not be eligible to
9 participate in a fund created under this Article:

10 (1) part-time police officers, special police
11 officers, night watchmen, temporary employees, traffic
12 guards or so-called auxiliary police officers specially
13 appointed to aid or direct traffic at or near schools or
14 public functions, or to aid in civil defense, municipal
15 parking lot attendants, clerks or other civilian employees
16 of a police department who perform clerical duties

1 exclusively;

2 (2) any police officer who fails to pay the
3 contributions required under Section 3-125.1, computed (i)
4 for funds established prior to August 5, 1963, from the
5 date the municipality established the fund or the date of a
6 police officer's first appointment (including an
7 appointment on probation), whichever is later, or (ii) for
8 funds established after August 5, 1963, from the date, as
9 determined from the statistics or census provided in
10 Section 3-103, the municipality became subject to this
11 Article by attaining the minimum population or by
12 referendum, or the date of a police officer's first
13 appointment (including an appointment on probation),
14 whichever is later, and continuing during his or her entire
15 service as a police officer; and

16 (3) any person who has elected under Section 3-109.1 to
17 participate in the Illinois Municipal Retirement Fund
18 rather than in a fund established under this Article,
19 without regard to whether the person continues to be
20 employed as chief of police or is employed in some other
21 rank or capacity within the police department, unless the
22 person has lawfully rescinded that election.

23 (b) A police officer who is reappointed shall, before being
24 declared eligible to participate in the pension fund, repay to
25 the fund as required by Section 3-124 any refund received
26 thereunder.

1 (c) Any person otherwise qualified to participate who was
2 excluded from participation by reason of the age restriction
3 removed by Public Act 79-1165 may elect to participate by
4 making a written application to the Board before January 1,
5 1990. Persons so electing shall begin participation on the
6 first day of the month following the date of application. Such
7 persons may also elect to establish creditable service for
8 periods of employment as a police officer during which they did
9 not participate by paying into the police pension fund, before
10 January 1, 1990, the amount that the person would have
11 contributed had deductions from salary been made for such
12 purpose at the time such service was rendered, together with
13 interest thereon at 6% per annum from the time such service was
14 rendered until the date the payment is made.

15 (d) A person otherwise qualified to participate who was
16 excluded from participation by reason of the fitness
17 requirement removed by this amendatory Act of 1995 may elect to
18 participate by making a written application to the Board before
19 July 1, 1996. Persons so electing shall begin participation on
20 the first day of the month following the month in which the
21 application is received by the Board. These persons may also
22 elect to establish creditable service for periods of employment
23 as a police officer during which they did not participate by
24 paying into the police pension fund, before January 1, 1997,
25 the amount that the person would have contributed had
26 deductions from salary been made for this purpose at the time

1 the service was rendered, together with interest thereon at 6%
2 per annum, compounded annually, from the time the service was
3 rendered until the date of payment.

4 (e) A person employed by the Village of Shiloh who is
5 otherwise qualified to participate and was excluded from
6 participation by reason of his or her failure to make written
7 application to the Board within 3 months after receiving his or
8 her first appointment or reappointment as required under
9 Section 3-106 may elect to participate by making a written
10 application to the Board before July 1, 2008. Persons so
11 electing shall begin participation on the first day of the
12 month following the month in which the application is received
13 by the Board. These persons may also elect to establish
14 creditable service for periods of employment as a police
15 officer during which they did not participate by paying into
16 the police pension fund, before January 1, 2009, the amount
17 that the person would have contributed had deductions from
18 salary been made for this purpose at the time the service was
19 rendered, together with interest thereon at 6% per annum,
20 compounded annually, from the time the service was rendered
21 until the date of payment. The Village of Shiloh must pay to
22 the System the corresponding employer contributions, plus
23 interest.

24 (f) A person employed by the Village of Glen Carbon who is
25 otherwise qualified to participate and was excluded from
26 participation by reason of his or her failure to make written

1 application to the Board within 3 months after receiving his or
2 her first appointment or reappointment as required under
3 Section 3-106 may elect to participate by making a written
4 application to the Board before January 1, 2009. Persons so
5 electing shall begin participation on the first day of the
6 month following the month in which the application is received
7 by the Board. These persons may also elect to establish
8 creditable service for periods of employment as a police
9 officer during which they did not participate by paying into
10 the police pension fund, before July 1, 2009, (i) employee
11 contributions that the person would have contributed had
12 deductions from salary been made for this purpose at the time
13 the service was rendered, (ii) employer contributions that the
14 employer would have contributed had deductions from salary been
15 made for this purpose at the time the service was rendered,
16 plus (iii) interest on items (i) and (ii) at the actuarially
17 assumed interest rate, compounded annually, from the time the
18 service was rendered until the date of payment.

19 (Source: P.A. 95-483, eff. 8-28-07.)

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.32 as follows:

22 (30 ILCS 805/8.32 new)

23 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 95th General Assembly.

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