

# HB0973



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0973

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-109

from Ch. 108 1/2, par. 3-109

Amends the Downstate Police Article of the Illinois Pension Code. Makes a technical change in a Section concerning persons who are excluded from participation in a fund created under the Article.

LRB101 03184 RPS 48192 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 Illinois Pension Code is amended by changing  
5 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 ~~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  
17 exclusively;

18 (2) any police officer who fails to pay the  
19 contributions required under Section 3-125.1, computed (i)  
20 for funds established prior to August 5, 1963, from the  
21 date the municipality established the fund or the date of a  
22 police officer's first appointment (including an  
23 appointment on probation), whichever is later, or (ii) for

1 funds established after August 5, 1963, from the date, as  
2 determined from the statistics or census provided in  
3 Section 3-103, the municipality became subject to this  
4 Article by attaining the minimum population or by  
5 referendum, or the date of a police officer's first  
6 appointment (including an appointment on probation),  
7 whichever is later, and continuing during his or her entire  
8 service as a police officer; and

9 (3) any person who has elected under Section 3-109.1 to  
10 participate in the Illinois Municipal Retirement Fund  
11 rather than in a fund established under this Article,  
12 without regard to whether the person continues to be  
13 employed as chief of police or is employed in some other  
14 rank or capacity within the police department, unless the  
15 person has lawfully rescinded that election.

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

20 (c) Any person otherwise qualified to participate who was  
21 excluded from participation by reason of the age restriction  
22 removed by Public Act 79-1165 may elect to participate by  
23 making a written application to the Board before January 1,  
24 1990. Persons so electing shall begin participation on the  
25 first day of the month following the date of application. Such  
26 persons may also elect to establish creditable service for

1 periods of employment as a police officer during which they did  
2 not participate by paying into the police pension fund, before  
3 January 1, 1990, the amount that the person would have  
4 contributed had deductions from salary been made for such  
5 purpose at the time such service was rendered, together with  
6 interest thereon at 6% per annum from the time such service was  
7 rendered until the date the payment is made.

8 (d) A person otherwise qualified to participate who was  
9 excluded from participation by reason of the fitness  
10 requirement removed by this amendatory Act of 1995 may elect to  
11 participate by making a written application to the Board before  
12 July 1, 1996. Persons so electing shall begin participation on  
13 the first day of the month following the month in which the  
14 application is received by the Board. These persons may also  
15 elect to establish creditable service for periods of employment  
16 as a police officer during which they did not participate by  
17 paying into the police pension fund, before January 1, 1997,  
18 the amount that the person would have contributed had  
19 deductions from salary been made for this purpose at the time  
20 the service was rendered, together with interest thereon at 6%  
21 per annum, compounded annually, from the time the service was  
22 rendered until the date of payment.

23 (e) A person employed by the Village of Shiloh who is  
24 otherwise qualified to participate and was excluded from  
25 participation by reason of his or her failure to make written  
26 application to the Board within 3 months after receiving his or

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

17 (f) A person who has entered into a personal services  
18 contract to perform police duties for the Village of  
19 Bartonville on or before the effective date of this amendatory  
20 Act of the 96th General Assembly may be appointed as an officer  
21 in the Village of Bartonville within 6 months after the  
22 effective date of this amendatory Act, but shall be excluded  
23 from participating under this Article.

24 (g) 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, 2011. 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, 2011, (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; 96-775, eff. 8-28-09;  
20 96-1252, eff. 7-23-10.)