



Rep. Brandon W. Phelps

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09800HB4691ham002

LRB098 17176 RPM 58097 a

1 AMENDMENT TO HOUSE BILL 4691

2 AMENDMENT NO. _____. Amend House Bill 4691 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 7-210 as follows:

6 (40 ILCS 5/7-210) (from Ch. 108 1/2, par. 7-210)

7 Sec. 7-210. Funds. (a) All money received by the board
8 shall immediately be deposited with the State Treasurer for the
9 account of the fund, or in the case of funds received under
10 Section 7-199.1, in a separate account maintained for that
11 purpose. All disbursements of funds held by the State Treasurer
12 shall be made only upon warrants of the State Comptroller drawn
13 upon the Treasurer as custodian of this fund upon vouchers
14 signed by the person or persons designated for such purpose by
15 resolution of the board. The Comptroller is authorized to draw
16 such warrants upon vouchers so signed, including warrants

1 payable to the Fund for deposit in a revolving account
2 authorized by Section 7-195.1. The Treasurer shall accept all
3 warrants so signed and shall be released from liability for all
4 payments made thereon. Vouchers shall be drawn only upon proper
5 authorization by the board as properly recorded in the official
6 minute books of the meetings of the board.

7 (b) All securities of the fund when received shall be
8 deposited with the State Treasurer who shall provide adequate
9 safe deposit facilities for their preservation and have custody
10 of them.

11 (c) The assets of the fund shall be invested as one fund,
12 and no particular person, municipality, or instrumentality
13 thereof or participating instrumentality shall have any right
14 in any specific security or in any item of cash other than an
15 undivided interest in the whole.

16 (d) Except as provided in subsection (d-5), whenever
17 ~~whenever~~ any employees of a municipality or participating
18 instrumentality have been or shall be excluded from
19 participation in this fund by virtue of the application of
20 paragraph b of Section 7-109 (2), the board shall issue a
21 voucher authorizing the Comptroller to draw his warrant upon
22 the Treasurer as custodian of this fund in an amount equal to
23 the accumulated contributions of such employees. Such warrant
24 shall be drawn in favor of the appropriate fund of the
25 retirement fund in which such employees have or shall become
26 participants. Such transfer shall terminate any further rights

1 of such employees under this fund.

2 (d-5) Upon creation of a newly established Article 3 police
3 pension fund by referendum under Section 3-145 or by census
4 under Section 3-105, the following amounts shall be transferred
5 from this Fund to the new police pension fund, within 30 days
6 after an application therefor is received from the new pension
7 fund:

8 (1) the amounts actually contributed to this Fund as
9 employee contributions by or on behalf of the police
10 officers transferring to the new pension fund for their
11 service as police officers of the municipality that is
12 establishing the new pension fund, plus interest on those
13 amounts at the rate of 6% per year, compounded annually,
14 from the date of contribution to the date of transfer to
15 the new pension fund, and

16 (2) an amount representing employer contributions,
17 equal to the total amount determined under item (1).

18 This transfer terminates any further rights of such police
19 officers in this Fund arising out of their service as police
20 officers of the municipality that is establishing the new
21 pension fund.

22 (e) If a participating instrumentality terminates
23 participation because it fails to meet the requirements of
24 Section 7-108, it shall pay to the fund the amount equal to any
25 net debit balance in its municipality reserve account and
26 account receivable. Its successors, and assigns and

1 transferees of its assets shall be obligated to make this
2 payment to the extent of the value of assets transferred to
3 them. The fund shall pay an amount equal to any net credit
4 balance to the participating instrumentality, its successors
5 or assigns. Any remaining net debit or credit balance not
6 collectible or payable shall be transferred to the terminated
7 municipality reserve account. The fund shall pay to each
8 employee of the participating instrumentality an amount equal
9 to his credits in the employee reserves. The employees shall
10 have no further rights to any benefits from the fund, except
11 that annuities awarded prior to the date of termination shall
12 continue to be paid.

13 (Source: P.A. 84-812.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.38 as follows:

16 (30 ILCS 805/8.38 new)

17 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 98th General Assembly.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."