



Sen. Rachelle Crowe

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10200HB4209sam002

LRB102 20423 RPS 38949 a

1 AMENDMENT TO HOUSE BILL 4209

2 AMENDMENT NO. _____. Amend House Bill 4209 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 3-110.10 and 7-139.14 as follows:

6 (40 ILCS 5/3-110.10)

7 Sec. 3-110.10. Transfer from Article 7. Until January 1,
8 2009, a person may transfer to a fund established under this
9 Article up to 8 years of creditable service accumulated under
10 Article 7 of this Code upon payment to the fund of an amount to
11 be determined by the board, equal to (i) the difference
12 between the amount of employee and employer contributions
13 transferred to the fund under Section 7-139.11 and the amounts
14 that would have been contributed had such contributions been
15 made at the rates applicable to an employee under this
16 Article, plus (ii) interest thereon at the actuarially assumed

1 rate, compounded annually, from the date of service to the
2 date of payment.

3 No later than September 30, 2023 ~~6 months after the~~
4 ~~effective date of this amendatory Act of the 102nd General~~
5 ~~Assembly~~, a person may transfer to a fund established under
6 this Article creditable service accumulated under Article 7 of
7 this Code for service as a sheriff's law enforcement employee,
8 person employed by a participating municipality to perform
9 police duties, ~~or~~ law enforcement officer employed on a
10 full-time basis by a forest preserve district, or person
11 employed by a participating municipality or instrumentality to
12 perform administrative duties related to law enforcement upon
13 payment to the fund of an amount to be determined by the board,
14 equal to (i) the difference between the amount of employee and
15 employer contributions transferred to the fund under Section
16 7-139.14 and the amounts that would have been contributed had
17 such contributions been made at the rates applicable to an
18 employee under this Article, plus (ii) interest thereon at the
19 actuarially assumed rate, compounded annually, from the date
20 of service to the date of payment.

21 (Source: P.A. 102-113, eff. 7-23-21.)

22 (40 ILCS 5/7-139.14)

23 Sec. 7-139.14. Transfer to Article 3 pension fund.

24 (a) No later than June 30, 2023 ~~Within 6 months after the~~
25 ~~effective date of this amendatory Act of the 102nd General~~

1 ~~Assembly~~, an active member of a pension fund established under
2 Article 3 of this Code may apply for transfer to that Article 3
3 pension fund of his or her credits and creditable service
4 accumulated in this Fund for service as a sheriff's law
5 enforcement employee, person employed by a participating
6 municipality to perform police duties, ~~or~~ law enforcement
7 officer employed on a full-time basis by a forest preserve
8 district, or person employed by a participating municipality
9 or instrumentality to perform administrative duties related to
10 law enforcement. The creditable service shall be transferred
11 only upon payment by this Fund to such Article 3 pension fund
12 of an amount equal to:

13 (1) the amounts accumulated to the credit of the
14 applicant for the service to be transferred, including
15 interest; and

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

18 (3) any interest paid by the applicant to reinstate
19 such service.

20 Participation in this Fund as to any credits transferred
21 under this Section shall terminate on the date of transfer.

22 (b) Notwithstanding any other provision of this Code, any
23 person applying to transfer service under this Section may
24 reinstate credits and creditable service terminated upon
25 receipt of a separation benefit by paying to the Fund the
26 amount of the separation benefit plus interest thereon at the

1 actuarially assumed rate of interest to the date of payment.
2 Such payment must be made within 60 ~~90~~ days after notification
3 by the Fund of the cost of such reinstatement.

4 (Source: P.A. 102-113, eff. 7-23-21.)

5 Section 10. The Illinois Pension Code is amended by adding
6 Section 3-110.13 and by changing Section 15-134.4 as follows:

7 (40 ILCS 5/3-110.13 new)

8 Sec. 3-110.13. Transfer from Article 15. No later than
9 June 30, 2023, a person may irrevocably apply under Section
10 15-134.4 to transfer to a fund established under this Article
11 creditable service accumulated under Article 15 of this Code
12 for service as a police officer upon payment to the fund of an
13 amount, to be determined by the board, equal to (i) the
14 difference between the amount of employee and employer
15 contributions transferred to the fund under Section 15-134.4
16 and the amounts that would have been contributed had such
17 contributions been made at the rates applicable to an employee
18 under this Article, plus (ii) interest thereon at the
19 actuarially assumed rate, compounded annually, from the date
20 of service to the date of payment.

21 (40 ILCS 5/15-134.4) (from Ch. 108 1/2, par. 15-134.4)

22 Sec. 15-134.4. Transfer of creditable service to an
23 Article 3 pension fund, the Article 5 Pension Fund, or the

1 Article 14 System.

2 (a) An active member of the Pension Fund established under
3 Article 5 of this Code may apply, not later than January 1,
4 1990, to transfer his or her credits and creditable service
5 accumulated under this System for service with the City
6 Colleges of Chicago teaching in the Criminal Justice Program,
7 to the Article 5 Fund. Such credits and creditable service
8 shall be transferred forthwith.

9 Payment by this System to the Article 5 Fund shall be made
10 at the same time and shall consist of:

11 (1) the amounts credited to the applicant for such
12 service through employee contributions, including
13 interest, as of the date of transfer; and

14 (2) employer contributions equal in amount to the
15 accumulated employee contributions as determined in item
16 (1).

17 Participation in this System with respect to such credits
18 shall terminate on the date of transfer.

19 (b) Any active member of the State Employees' Retirement
20 System who is a State policeman, an investigator for the
21 Secretary of State, or a conservation police officer, and who
22 is not a participating employee in this System, may apply for
23 transfer of some or all of his or her creditable service
24 accumulated in this System for service as a police officer to
25 the State Employees' Retirement System in accordance with
26 Section 14-110. The creditable service shall be transferred

1 only upon payment by this System to the State Employees'
2 Retirement System of an amount equal to:

3 (1) the amounts accumulated to the credit of the
4 applicant for the service to be transferred, including
5 interest, as of the date of transfer, and any interest
6 paid by the applicant to reinstate such service; and

7 (2) employer contributions equal in amount to the
8 accumulated employee contributions as determined in item

9 (1) ~~and~~

10 ~~(3) any interest paid by the applicant to reinstate~~
11 ~~such service.~~

12 Participation in this System as to any credits transferred
13 under this Section shall terminate on the date of transfer.

14 (c) Any person applying to transfer service under
15 subsection (b) may reinstate credits and creditable service
16 terminated upon receipt of a refund by paying to the System the
17 amount of the refund plus interest thereon at the rate of 6%
18 per year from the date of the refund to the date of payment.

19 (d) No later than June 30, 2023, any active member of a
20 pension fund established under Article 3 of this Code who is
21 not a participating employee in this System may apply for
22 transfer of some or all of his or her creditable service
23 accumulated in this System for service as a police officer to
24 that Article 3 pension fund in accordance with Section
25 3-110.13. The creditable service shall be transferred only
26 upon payment by this System to that Article 3 pension fund of

1 an amount equal to:

2 (1) the amounts accumulated to the credit of the
3 applicant for the service to be transferred, including
4 interest, as of the date of transfer, and any interest
5 paid by the applicant to reinstate such service; and

6 (2) employer contributions equal in amount to the
7 accumulated employee contributions as determined in item
8 (1).

9 Participation in this System as to any credits transferred
10 under this Section shall terminate on the date of transfer.

11 (e) An application to transfer credits and creditable
12 service under this Section shall be irrevocable.

13 (Source: P.A. 95-530, eff. 8-28-07.)

14 Section 15. The Illinois Pension Code is amended by adding
15 Sections 3-110.14 and 7-139.1a as follows:

16 (40 ILCS 5/3-110.14 new)

17 Sec. 3-110.14. Transfer to Article 7. On and after July 1,
18 2022 but no later than December 1, 2023, a participating
19 employee who is actively employed as a sheriff's law
20 enforcement employee under Article 7 may make a written
21 election to transfer up to 10 years of creditable service from
22 a fund established under this Article to the Illinois
23 Municipal Retirement Fund established under Article 7. Upon
24 receiving a written election by a participant under this

1 Section, the creditable service shall be transferred to the
2 Illinois Municipal Retirement Fund as soon as practicable upon
3 payment by the police pension fund to the Illinois Municipal
4 Retirement Fund of an amount equal to:

5 (1) the amounts accumulated to the credit of the
6 applicant on the books of the fund on the date of the
7 transfer; and

8 (2) employer contributions in an amount equal to the
9 amount determined under paragraph (1).

10 Participation in the police pension fund with respect to the
11 service to be transferred shall terminate on the date of
12 transfer. This Section does not allow reinstatement of credits
13 in this Article that were previously forfeited.

14 (40 ILCS 5/7-139.1a new)

15 Sec. 7-139.1a. Transfer from Article 3. On and after July
16 1, 2022 but no later than January 1, 2023, a participating
17 sheriff's law enforcement employee may elect to transfer up to
18 10 years of service credit to the Fund as set forth in Section
19 3-110.14. To establish creditable service under this Section,
20 the sheriff's law enforcement employee may elect to do either
21 of the following:

22 (1) pay to the Fund an amount to be determined by the
23 Board, equal to (i) the difference between the amount of
24 employee and employer contributions transferred to the
25 Fund under Section 3-110.14 and the amounts that would

1 have been contributed had such contributions been made at
2 the rates applicable to a sheriff's law enforcement
3 employee under this Article, plus (ii) interest thereon at
4 the actuarially assumed rate, compounded annually, from
5 the date of service to the date of payment; or

6 (2) have the amount of his or her creditable service
7 established under this Section reduced by an amount
8 corresponding to the amount by which (i) the employer and
9 employee contributions that would have been required if he
10 or she had participated in the Fund as a sheriff's law
11 enforcement employee during the period for which credit is
12 being transferred, plus interest thereon at the
13 actuarially assumed rate, compounded annually, from the
14 date of termination of the service for which credit is
15 being transferred to the date of payment, exceeds (ii) the
16 amount actually transferred to the Fund.

17 Notwithstanding the amount transferred by the Article 3
18 fund pursuant to Section 3-110.14, in no event shall the
19 service credit established under this Section exceed the
20 lesser of 10 years or the actual amount of service credit that
21 had been earned in the Article 3 fund. If an amount greater
22 than the amount described under paragraph (1) is transferred
23 to the Fund, the additional amount shall be credited to the
24 account of the sheriff's law enforcement employee's employer.

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.46 as follows:

2 (30 ILCS 805/8.46 new)

3 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and
4 8 of this Act, no reimbursement by the State is required for
5 the implementation of any mandate created by this amendatory
6 Act of the 102nd General Assembly.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except that Sections 5 and 10 take effect
9 January 1, 2023."