



Sen. Edward D. Maloney

Filed: 3/23/2007

09500SB0826sam001

LRB095 05528 AMC 34360 a

1 AMENDMENT TO SENATE BILL 826

2 AMENDMENT NO. _____. Amend Senate Bill 826 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 3-145 as follows:

6 (40 ILCS 5/3-145) (from Ch. 108 1/2, par. 3-145)

7 Sec. 3-145. Referendum in municipalities less than 5,000.

8 (a) This Article shall not be effective in any municipality
9 having a population of less than 5,000 unless the proposition
10 to adopt the Article is submitted to and approved by the voters
11 of the municipality in the manner herein provided.

12 Whenever the electors of the municipality, equal in number
13 to 5% of the number of legal votes cast at the last preceding
14 general municipal election, petition the city, village or town
15 clerk to submit the proposition whether that municipality shall
16 adopt this Article, the officer to whom the petition is

1 addressed shall certify the proposition to the proper election
 2 officials who shall submit the proposition in accordance with
 3 the general election law at a regular election in the
 4 municipality provided that notice of the referendum, if held
 5 before July 1, 1999, has been given in accordance with the
 6 provisions of Section 12-5 of the Election Code in effect at
 7 the time of the bond referendum, at least 10 and not more than
 8 45 days before the date of the election, notwithstanding the
 9 time for publication otherwise imposed by Section 12-5. Notices
 10 required in connection with the submission of public questions
 11 on or after July 1, 1999 shall be as set forth in Section 12-5
 12 of the Election Code. If the proposition is not adopted at that
 13 election, it may be submitted in like manner at any regular
 14 election thereafter. The proposition shall be substantially in
 15 the following form:

16 -----
 17 Shall the city (or village or
 18 incorporated town) of.... adopt YES
 19 Article 3 of the "Illinois Pension -----
 20 Code", pertaining to the creation NO
 21 of a police pension fund?
 22 -----

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

25 (b) If a municipality having a population of less than
 26 5,000 has adopted this Article in accordance with the

1 provisions of subsection (a), the municipality may elect to
2 terminate participation under this Article if all of the
3 following conditions are met:

4 (1) An independent auditor certifies that the fund
5 created under this Article has no liabilities and there are
6 no members or beneficiaries entitled to benefits under the
7 fund.

8 (2) The corporate authorities of the municipality, by
9 ordinance, approve the closing of the fund.

10 If the conditions of this subsection (b) are met and the
11 closed fund contains assets, those assets shall be transferred
12 to the municipality for its general corporate purposes.

13 If a municipality that terminates participation under this
14 Article in accordance with this subsection (b) wants to
15 reinstate the fund, then the proposition to re-adopt the
16 Article must be submitted to and approved by the voters of the
17 municipality in the manner provided in subsection (a).

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."