



Rep. David R. Leitch

Filed: 4/12/2011

09700HB2292ham001

LRB097 07871 JDS 54384 a

1 AMENDMENT TO HOUSE BILL 2292

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2292 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 3-103, 3-145, 4-103, and 4-141 as follows:

6 (40 ILCS 5/3-103) (from Ch. 108 1/2, par. 3-103)

7 Sec. 3-103. Municipality. "Municipality": (1) Any city,  
8 village, or incorporated town of 7,500 ~~5,000~~ or more but less  
9 than 500,000 inhabitants, as determined from the United States  
10 Government statistics or a census taken at any time by the  
11 city, village or incorporated town and (2) any city, village,  
12 or incorporated town of less than 7,500 ~~5,000~~ inhabitants which  
13 has established, before the effective date of this amendatory  
14 Act of the 97th General Assembly, a fund under this Article or,  
15 by referendum held under Section 3-145, adopts this Article.

16 (Source: P.A. 83-1440.)

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

2 Sec. 3-145. Referendum in municipalities less than 7,500  
3 ~~5,000~~.

4 (a) This Article shall not be effective in any municipality  
5 having a population of less than 7,500 ~~5,000~~ unless the  
6 proposition to adopt the Article is submitted to and approved  
7 by the voters of the municipality in the manner herein  
8 provided.

9 Whenever the electors of the municipality, equal in number  
10 to 5% of the number of legal votes cast at the last preceding  
11 general municipal election, petition the city, village or town  
12 clerk to submit the proposition whether that municipality shall  
13 adopt this Article, the officer to whom the petition is  
14 addressed shall certify the proposition to the proper election  
15 officials who shall submit the proposition in accordance with  
16 the general election law at a regular election in the  
17 municipality provided that notice of the referendum, if held  
18 before July 1, 1999, has been given in accordance with the  
19 provisions of Section 12-5 of the Election Code in effect at  
20 the time of the bond referendum, at least 10 and not more than  
21 45 days before the date of the election, notwithstanding the  
22 time for publication otherwise imposed by Section 12-5. Notices  
23 required in connection with the submission of public questions  
24 on or after July 1, 1999 shall be as set forth in Section 12-5  
25 of the Election Code. If the proposition is not adopted at that

1 election, it may be submitted in like manner at any regular  
2 election thereafter. The proposition shall be substantially in  
3 the following form:

4 -----

5	Shall the city (or village or	
6	incorporated town) of.... adopt	YES
7	Article 3 of the "Illinois Pension	-----
8	Code", pertaining to the creation	NO
9	of a police pension fund?	

10 -----

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

13 (b) For a period of 60 days after the effective date of  
14 this amendatory Act of the 96th General Assembly, if a  
15 municipality having a population of less than 5,000 has adopted  
16 this Article in accordance with the provisions of subsection  
17 (a), the municipality may elect to terminate participation  
18 under this Article if all of the following conditions are met:

19 (1) An independent auditor certifies that the fund  
20 created under this Article has no liabilities and there are  
21 no members or participants in the fund and no beneficiaries  
22 entitled to benefits under the fund.

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

25 If the conditions of this subsection (b) are met and the  
26 closed fund contains assets, those assets shall be transferred

1 to the municipality for its general corporate purposes.

2 If a municipality that terminates participation under this  
3 Article in accordance with this subsection (b) wants to  
4 reinstate the fund, then the proposition to re-adopt the  
5 Article must be submitted to and approved by the voters of the  
6 municipality in the manner provided in subsection (a).

7 (Source: P.A. 96-216, eff. 8-10-09.)

8 (40 ILCS 5/4-103) (from Ch. 108 1/2, par. 4-103)

9 Sec. 4-103. Municipality. "Municipality": (1) Any city,  
10 township, village, or incorporated town of 7,500 ~~5,000~~ or more  
11 but less than 500,000 inhabitants, and any fire protection  
12 district having any full-time paid firefighters, and (2) any  
13 city, village, incorporated town, or township of less than  
14 7,500 ~~5,000~~ inhabitants that has ~~having~~ a full-time paid fire  
15 department and that (i) has established, before the effective  
16 date of this amendatory Act of the 97th General Assembly, a  
17 fund under this Article or (ii) which ~~which~~ adopts the provisions of  
18 this Article ~~article~~ pursuant to the provisions of Section  
19 4-141. The term "city council" or "board of trustees" includes  
20 the board of trustees of a fire protection district and the  
21 board of town trustees or other persons empowered to draft the  
22 tentative budget and appropriation ordinance and the electors  
23 of such a township acting at the annual or special meeting of  
24 town electors.

25 (Source: P.A. 83-1440.)

1 (40 ILCS 5/4-141) (from Ch. 108 1/2, par. 4-141)  
 2 Sec. 4-141. Referendum in municipalities less than 7,500  
 3 ~~5,000~~. This Article shall become effective in any municipality  
 4 having a population of less than 7,500 ~~5,000~~, ~~population~~ if the  
 5 proposition to adopt the Article is submitted to and approved  
 6 by the voters of the municipality in the manner herein  
 7 provided.

8 Whenever the electors of the municipality equal in number  
 9 to 5% of the number of legal votes cast at the last preceding  
 10 general municipal election for mayor or president, as the case  
 11 may be, petition the corporate authorities of the municipality  
 12 to submit the proposition whether that municipality shall adopt  
 13 this Article, the municipal clerk shall certify the proposition  
 14 to the proper election official who shall submit it to the  
 15 electors in accordance with the general election law at the  
 16 next succeeding regular election in the municipality. If the  
 17 proposition is not adopted at that election, it may be  
 18 submitted in like manner at any regular election thereafter.

19 The proposition shall be substantially in the following  
 20 form:

21 -----  
 22 Shall the city (or village or  
 23 incorporated town as the case may be) YES  
 24 of.... adopt Article 4 of the  
 25 "Illinois Pension Code", -----

1 providing for a Firefighters' NO  
2 Pension Fund and the levying  
3 of an annual tax therefor?

4 -----  
5 If a majority of the votes cast on the proposition is for  
6 the proposition, this Article is adopted in that municipality.  
7 (Source: P.A. 83-1440.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.".