



Rep. Grant Wehrli

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09900HB1320ham001

LRB099 03940 EFG 34348 a

1 AMENDMENT TO HOUSE BILL 1320

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1320 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 3-109.1 and 3-124.1 as follows:

6 (40 ILCS 5/3-109.1) (from Ch. 108 1/2, par. 3-109.1)

7 Sec. 3-109.1. Chief of police.

8 (a) Beginning January 1, 1990, any person who is employed  
9 as the chief of police of a "participating municipality" as  
10 defined in Section 7-106 of this Code, may elect to participate  
11 in the Illinois Municipal Retirement Fund rather than in a fund  
12 created under this Article 3. Except as provided in subsection  
13 (b), this election shall be irrevocable, and shall be filed in  
14 writing with the Board of the Illinois Municipal Retirement  
15 Fund.

16 (a-5) A chief of police who, after the effective date of

1 this amendatory Act of the 99th General Assembly, elects to  
2 participate in the Illinois Municipal Retirement Fund under  
3 this Section shall immediately:

4 (i) give notice of that employment to every police  
5 pension fund established under this Article in which he or  
6 she has service credit or any entitlement to a pension or  
7 other benefit; and

8 (ii) give notice to the Illinois Municipal Retirement  
9 Fund of every police pension fund established under this  
10 Article in which he or she has service credit or any  
11 entitlement to a pension or other benefit.

12 (b) Until January 1, 1999, a chief of police who has  
13 elected under this Section to participate in IMRF rather than a  
14 fund created under this Article may elect to rescind that  
15 election and transfer his or her participation to the police  
16 pension fund established under this Article by the employing  
17 municipality. The chief must notify the boards of trustees of  
18 both funds in writing of his or her decision to rescind the  
19 election and transfer participation. A chief of police who  
20 transfers participation under this subsection (b) shall not be  
21 deemed ineligible to participate in the police pension fund by  
22 reason of having failed to apply within the 3-month period  
23 specified in Section 3-106.

24 (Source: P.A. 90-460, eff. 8-17-97.)

1           Sec. 3-124.1. Re-entry into active service.

2           (a) If a police officer who is receiving pension payments  
3 (other than as provided in Section 3-109.3) re-enters active  
4 service under this Article with the same municipality, pension  
5 payment shall be suspended while he or she is in service. When  
6 he or she again retires, pension payments shall be resumed. If  
7 the police officer remains in service after re-entry for a  
8 period of less than 5 years, the pension shall be the same as  
9 upon first retirement. If the officer's service after re-entry  
10 is at least 5 years and the officer makes the required  
11 contributions during the period of re-entry, his or her pension  
12 shall be recomputed by taking into account the additional  
13 period of service and salary.

14           (b) If a person who first entered service under this  
15 Article after the effective date of this amendatory Act of the  
16 99th General Assembly is receiving pension payments (other than  
17 as provided in Section 3-109.3) and enters active service as a  
18 police officer under this Article with a different  
19 municipality, he or she shall immediately notify the pension  
20 fund that is making those pension payments of the return to  
21 service under this Article, and the pension payments shall be  
22 suspended while the person is in service. The suspension shall  
23 end upon termination of the service, regardless of whether or  
24 not the person qualifies for a pension based on that service.

25           (c) If a person who first entered service under this  
26 Article after the effective date of this amendatory Act of the

1 99th General Assembly is receiving pension payments (other than  
2 as provided in Section 3-109.3) and begins employment as a  
3 chief of police, then regardless of whether he or she elects to  
4 participate in a pension fund under this Article, elects under  
5 Section 3-109.1 to participate in the Illinois Municipal  
6 Retirement Fund, or chooses not to participate in either of  
7 those funds with respect to that employment, he or she shall  
8 immediately give notice of that employment to the pension fund  
9 that is making the pension payments, and the pension payments  
10 shall be suspended for the period of that employment. The  
11 suspension shall end upon termination of the employment,  
12 regardless of whether or not the person qualifies for a  
13 pension, increase in pension, or other retirement benefit based  
14 on that employment.

15 (d) Notwithstanding the other provisions of this Section,  
16 if a person is receiving pension payments under this Article  
17 and enters active service as a police officer under this  
18 Article with a different municipality, he or she is not subject  
19 to the notification requirements of this Section and is not  
20 subject to suspension of pension payments while in that active  
21 service, if that different municipality had a population of  
22 less than 6,000 at the time of the return to active service, as  
23 determined from the best available census data.

24 (Source: P.A. 91-939, eff. 2-1-01.)"