



Sen. James F. Clayborne Jr.

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09500HB0804sam002

LRB095 10606 AMC 36485 a

1 AMENDMENT TO HOUSE BILL 804

2 AMENDMENT NO. _____. Amend House Bill 804, AS AMENDED, in
3 Section 5, in the introductory clause, by replacing "Sections
4 7-139" with "Sections 3-109, 7-139,"; and

5 in Section 5, immediately below the introductory clause, by
6 inserting the following:

7 "(40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)
8 Sec. 3-109. Persons excluded.

9 (a) The following persons shall not be eligible to
10 participate in a fund created under this Article:

11 (1) part-time police officers, special police
12 officers, night watchmen, temporary employees, traffic
13 guards or so-called auxiliary police officers specially
14 appointed to aid or direct traffic at or near schools or
15 public functions, or to aid in civil defense, municipal
16 parking lot attendants, clerks or other civilian employees

1 of a police department who perform clerical duties
2 exclusively;

3 (2) any police officer who fails to pay the
4 contributions required under Section 3-125.1, computed (i)
5 for funds established prior to August 5, 1963, from the
6 date the municipality established the fund or the date of a
7 police officer's first appointment (including an
8 appointment on probation), whichever is later, or (ii) for
9 funds established after August 5, 1963, from the date, as
10 determined from the statistics or census provided in
11 Section 3-103, the municipality became subject to this
12 Article by attaining the minimum population or by
13 referendum, or the date of a police officer's first
14 appointment (including an appointment on probation),
15 whichever is later, and continuing during his or her entire
16 service as a police officer; and

17 (3) any person who has elected under Section 3-109.1 to
18 participate in the Illinois Municipal Retirement Fund
19 rather than in a fund established under this Article,
20 without regard to whether the person continues to be
21 employed as chief of police or is employed in some other
22 rank or capacity within the police department, unless the
23 person has lawfully rescinded that election.

24 (b) A police officer who is reappointed shall, before being
25 declared eligible to participate in the pension fund, repay to
26 the fund as required by Section 3-124 any refund received

1 thereunder.

2 (c) Any person otherwise qualified to participate who was
3 excluded from participation by reason of the age restriction
4 removed by Public Act 79-1165 may elect to participate by
5 making a written application to the Board before January 1,
6 1990. Persons so electing shall begin participation on the
7 first day of the month following the date of application. Such
8 persons may also elect to establish creditable service for
9 periods of employment as a police officer during which they did
10 not participate by paying into the police pension fund, before
11 January 1, 1990, the amount that the person would have
12 contributed had deductions from salary been made for such
13 purpose at the time such service was rendered, together with
14 interest thereon at 6% per annum from the time such service was
15 rendered until the date the payment is made.

16 (d) A person otherwise qualified to participate who was
17 excluded from participation by reason of the fitness
18 requirement removed by this amendatory Act of 1995 may elect to
19 participate by making a written application to the Board before
20 July 1, 1996. Persons so electing shall begin participation on
21 the first day of the month following the month in which the
22 application is received by the Board. These persons may also
23 elect to establish creditable service for periods of employment
24 as a police officer during which they did not participate by
25 paying into the police pension fund, before January 1, 1997,
26 the amount that the person would have contributed had

1 deductions from salary been made for this purpose at the time
2 the service was rendered, together with interest thereon at 6%
3 per annum, compounded annually, from the time the service was
4 rendered until the date of payment.

5 (e) A person employed by the Village of Shiloh who is
6 otherwise qualified to participate and was excluded from
7 participation by reason of his or her failure to make written
8 application to the Board within 3 months after receiving his or
9 her first appointment or reappointment as required under
10 Section 3-106 may elect to participate by making a written
11 application to the Board before July 1, 2008. Persons so
12 electing shall begin participation on the first day of the
13 month following the month in which the application is received
14 by the Board. These persons may also elect to establish
15 creditable service for periods of employment as a police
16 officer during which they did not participate by paying into
17 the police pension fund, before January 1, 2009, the amount
18 that the person would have contributed had deductions from
19 salary been made for this purpose at the time the service was
20 rendered, together with interest thereon at 6% per annum,
21 compounded annually, from the time the service was rendered
22 until the date of payment.

23 (Source: P.A. 89-52, eff. 6-30-95; 90-460, eff. 8-17-97.)".