



Rep. Patricia R. Bellock

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1 AMENDMENT TO HOUSE BILL 4903

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4903 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Section 3-103 and by adding Section 3-109.4 as  
6 follows:

7 (40 ILCS 5/3-103) (from Ch. 108 1/2, par. 3-103)

8 Sec. 3-103. Municipality.

9 (a) "Municipality": (1) Any city, village or incorporated  
10 town of 5,000 or more but less than 500,000 inhabitants, as  
11 determined from the United States Government statistics or a  
12 census taken at any time by the city, village or incorporated  
13 town and (2) any city, village or incorporated town of less  
14 than 5,000 inhabitants which, by referendum held under Section  
15 3-145 adopts this Article.

16 (b) A municipality includes multiple municipalities that

1 have chosen to consolidate their police departments pursuant to  
2 an intergovernmental agreement, as provided for in Section  
3 7-4-7 of the Illinois Municipal Code, provided the combined  
4 municipalities individually meet the criteria of subsection  
5 (a) of this Section.

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

7 (40 ILCS 5/3-109.4 new)

8 Sec. 3-109.4. Consolidation of police pension funds.  
9 Municipalities may combine Article 3 pension funds, if (1) the  
10 police departments of the involved municipalities have been  
11 consolidated pursuant to Section 7-4-7 of the Illinois  
12 Municipal Code, (2) the Article 3 pension funds of the involved  
13 municipalities were established prior to the consolidation,  
14 and (3) an intergovernmental agreement has been approved and  
15 executed to complete the consolidation of the pension funds.  
16 The newly created consolidated police pension fund will operate  
17 as a single fund created under Section 3-101. The  
18 municipalities choosing to consolidate their police pension  
19 funds under an intergovernmental agreement and this Section  
20 shall act as a single municipality under this Article, as  
21 defined in subsection (b) of Section 3-103, for the purpose of  
22 funding and administering the newly consolidated police  
23 pension fund under this Article.

24 The assets of the pre-consolidated police pension funds  
25 shall be transferred to the board of trustees of the police

1 pension fund of the consolidated municipalities as defined in  
2 subsection (b) of Section 3-103. The consolidated police  
3 pension fund shall assume all accrued liabilities of the  
4 preexisting individual police pension funds, and all accrued  
5 rights, including creditable service, benefits and future  
6 expectancies of the members, retired employees and  
7 beneficiaries of the preexisting individual police pension  
8 funds shall remain unimpaired, and may be enforced against the  
9 consolidated pension fund. To the extent possible, the pension  
10 fund board of trustees, as defined in Section 3-128, shall  
11 consist of one appointed member from each of the consolidated  
12 municipalities, with the intergovernmental agreement to set  
13 forth how the mayors or village presidents of the  
14 municipalities are to appoint the members.

15 The intergovernmental agreement shall include the  
16 determination of which municipality's treasurer is to be the  
17 treasurer of the consolidated municipality under this Article  
18 and under Section 3-132. The intergovernmental agreement shall  
19 also include the manner in which the municipalities shall meet  
20 the requirements set forth in Sections 3-125 and 3-127 for the  
21 consolidated police pension fund.

22 Upon a consolidation of police pension funds under this  
23 Section and the creation of a board of trustees for the  
24 consolidated police pension fund, the boards of trustees of the  
25 individual police pension funds of the consolidated  
26 municipalities shall cease to exist.

1 Section 10. The Illinois Municipal Code is amended by  
2 changing Sections 7-4-7, 7-4-8, 10-2.1-1 as follows:

3 (65 ILCS 5/7-4-7) (from Ch. 24, par. 7-4-7)

4 Sec. 7-4-7. The territory which is embraced within the  
5 corporate limits of adjoining municipalities within ~~any county~~  
6 ~~in~~ this State shall be a police district. A consolidated joint  
7 law enforcement department is created when 2 or more  
8 municipalities enter into an intergovernmental agreement to  
9 consolidate each municipality's existing law enforcement  
10 agency into a single, consolidated joint law enforcement  
11 department for both administrative and operational purposes. A  
12 consolidated joint law enforcement department shall be  
13 considered to be one department, notwithstanding the fact that  
14 it covers more than one municipality.

15 (Source: Laws 1961, p. 576.)

16 (65 ILCS 5/7-4-8) (from Ch. 24, par. 7-4-8)

17 Sec. 7-4-8. The police of any municipality or consolidated  
18 joint law enforcement department in such a police district have  
19 full authority and power as peace officers and may go into any  
20 part of the district to exercise that authority and power. For  
21 these purposes the mayor and village president of any  
22 municipality in the district, ~~and~~ the chiefs of police therein,  
23 and the chief of any consolidated joint law enforcement

1 department therein, shall use the police forces under their  
2 control anywhere in the district.

3 (Source: P.A. 90-593, eff. 6-19-98; 91-319, eff. 7-29-99.)

4 (65 ILCS 5/10-2.1-1) (from Ch. 24, par. 10-2.1-1)

5 Sec. 10-2.1-1. Appointment-Terms of office.

6 (a) In every municipality with a population of at least  
7 5,000 and not more than 250,000 which is not subject to  
8 Division 1 of this Article, and in every municipality with a  
9 population of less than 5,000 which adopts this Division 2.1 as  
10 provided in Section 10-2.1-27, including in either event any  
11 municipality incorporated and existing under a special  
12 charter, the mayor of the city, with the consent of the city  
13 council or the president of the village or incorporated town,  
14 with the consent of the board of trustees, shall appoint a  
15 board of fire and police commissioners. This board shall  
16 consist of 3 members, whose terms of office shall be 3 years  
17 and until their respective successors are appointed and have  
18 qualified, except as provided in Section 10-2.1-2 or subsection  
19 (b) of this Section. No such appointment, however, shall be  
20 made by any mayor or president within 30 days before the  
21 expiration of his term of office.

22 (b) As used in this Section, "board of fire and police  
23 commissioners" includes a consolidated board of fire and police  
24 commissioners, which shall be formed at the time that 2 or more  
25 municipalities enter into an intergovernmental agreement to

1 consolidate each municipality's existing law enforcement  
2 agency into a single, consolidated joint law enforcement  
3 department for both administrative and operational purposes.  
4 The use of the terms "board", "commission", "member", and,  
5 "commissioner", as used in this Section, shall be applicable to  
6 a consolidated board of fire and police commissioners and its  
7 individual member municipalities. The board shall consist of  
8 one member from each municipality, to be appointed in  
9 accordance with subsection (a) above, and one member to be  
10 appointed in accordance with the intergovernmental agreement  
11 that creates the consolidated joint law enforcement  
12 department. The individual appointed as a board member in  
13 accordance with the intergovernmental agreement shall be an  
14 elector of one of the municipalities bound by the  
15 intergovernmental agreement. The members of the board shall  
16 serve for a term of 3 years and until their respective  
17 successors are appointed and have qualified. The  
18 qualifications set forth in Section 10-2.1-3 of this Code are  
19 applicable to board members, with the additional requirement  
20 that the members shall not be related by blood or marriage, up  
21 to the degree of first cousin, to any elected official of the  
22 municipalities that are party to the intergovernmental  
23 agreement. The terms and conditions set forth within this  
24 Section, governing the appointment, promotion, and discipline  
25 of full-time municipal police officers shall be applicable to  
26 full-time police officers appointed to and employed by a

1 consolidated joint law enforcement department.

2 (c) The municipalities party to an intergovernmental  
3 agreement that creates a consolidated joint law enforcement  
4 department shall, within the terms of the intergovernmental  
5 agreement, provide for a budget to fund the day-to-day  
6 operations of the board, to include the provision of office and  
7 meeting space, record storage, testing for original  
8 appointments and promotional appointments, secretarial and  
9 administrative assistance, legal fees, hearing expenses, and  
10 training of the board's members. Notice and publication  
11 requirements, as set forth within this Section and the Open  
12 Meetings Act, shall be met by the posting of the required  
13 notices at the principal office of the board and by publication  
14 within a newspaper of general circulation within the municipal  
15 boundaries of the municipalities that are party to the  
16 intergovernmental agreement.

17 (d) In the event that one or more of the municipalities  
18 party to an intergovernmental agreement that creates a  
19 consolidated joint law enforcement department maintains a  
20 full-time municipal fire department, then a separate board of  
21 fire and police commissioners, as provided for under subsection  
22 (a), shall be appointed for each of the municipal fire  
23 departments, by the municipalities that have a full-time fire  
24 department. In that case, any existing board of fire and police  
25 commissioners shall continue to serve for the municipal fire  
26 department. Otherwise, any existing board of fire and police

1 commissioners shall cease to exist upon the establishment of  
2 the board.

3 (e) Any police eligibility lists for original appointment  
4 or promotion in existence at the time any municipalities  
5 execute an intergovernmental agreement to create a  
6 consolidated joint law enforcement department, shall be deemed  
7 null and void, and the board shall proceed to create new  
8 original appointment and promotional lists for the  
9 consolidated joint law enforcement department in accordance  
10 with this Section.

11 (Source: P.A. 76-1445.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".