



Sen. Robert F. Martwick

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10400HB3193sam003

LRB104 06092 RPS 26852 a

1 AMENDMENT TO HOUSE BILL 3193

2 AMENDMENT NO. _____. Amend House Bill 3193, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 2, on page 211, immediately below line 5, by inserting the
5 following:

6 "Article 36.

7 Section 36-5. The Illinois Pension Code is amended by
8 changing Section 7-132 as follows:

9 (40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

10 Sec. 7-132. Municipalities, instrumentalities and
11 participating instrumentalities included and effective dates.

12 (A) Municipalities and their instrumentalities.

13 (a) The following described municipalities, but not
14 including any with more than 1,000,000 inhabitants, and the

1 instrumentalities thereof, shall be included within and be
2 subject to this Article beginning upon the effective dates
3 specified by the Board:

4 (1) Except as to the municipalities and
5 instrumentalities thereof specifically excluded under this
6 Article, every county shall be subject to this Article,
7 and all cities, villages and incorporated towns having a
8 population in excess of 5,000 inhabitants as determined by
9 the last preceding decennial or subsequent federal census,
10 shall be subject to this Article following publication of
11 the census by the Bureau of the Census. Within 90 days
12 after publication of the census, the Board shall notify
13 any municipality that has become subject to this Article
14 as a result of that census, and shall provide information
15 to the corporate authorities of the municipality
16 explaining the duties and consequences of participation.
17 The notification shall also include a proposed date upon
18 which participation by the municipality will commence.

19 However, for any city, village or incorporated town
20 that attains a population over 5,000 inhabitants after
21 having provided social security coverage for its employees
22 under the Social Security Enabling Act, participation
23 under this Article shall not be mandatory but may be
24 elected in accordance with subparagraph (3) or (4) of this
25 paragraph (a), whichever is applicable.

26 (2) School districts, other than those specifically

1 excluded under this Article, shall be subject to this
2 Article, without election, with respect to all employees
3 thereof.

4 (3) Towns and all other bodies politic and corporate
5 which are formed by vote of, or are subject to control by,
6 the electors in towns and are located in towns which are
7 not participating municipalities on the effective date of
8 this Act, may become subject to this Article by election
9 pursuant to Section 7-132.1.

10 (4) Any other municipality (together with its
11 instrumentalities), other than those specifically excluded
12 from participation and those described in paragraph (3)
13 above, may elect to be included either by referendum under
14 Section 7-134 or by the adoption of a resolution or
15 ordinance by its governing body. A copy of such resolution
16 or ordinance duly authenticated and certified by the clerk
17 of the municipality or other appropriate official of its
18 governing body shall constitute the required notice to the
19 board of such action.

20 (b) A municipality that is about to begin participation
21 shall submit to the Board an application to participate, in a
22 form acceptable to the Board, not later than 90 days prior to
23 the proposed effective date of participation. The Board shall
24 act upon the application within 90 days, and if it finds that
25 the application is in conformity with its requirements and the
26 requirements of this Article, participation by the applicant

1 shall commence on a date acceptable to the municipality and
2 specified by the Board, but in no event more than one year from
3 the date of application.

4 (c) A participating municipality which succeeds to the
5 functions of a participating municipality which is dissolved
6 or terminates its existence shall assume and be transferred
7 the net accumulation balance in the municipality reserve and
8 the municipality account receivable balance of the terminated
9 municipality.

10 (d) In the case of a Veterans Assistance Commission whose
11 employees were being treated by the Fund on January 1, 1990 as
12 employees of the county served by the Commission, the Fund may
13 continue to treat the employees of the Veterans Assistance
14 Commission as county employees for the purposes of this
15 Article, unless the Commission becomes a participating
16 instrumentality in accordance with subsection (B) of this
17 Section.

18 (B) Participating instrumentalities.

19 (a) The participating instrumentalities designated in
20 paragraph (b) of this subsection shall be included within and
21 be subject to this Article if:

22 (1) an application to participate, in a form
23 acceptable to the Board and adopted by a two-thirds vote
24 of the governing body, is presented to the Board not later
25 than 90 days prior to the proposed effective date; and

1 (2) the Board finds that the application is in
2 conformity with its requirements, that the applicant has
3 reasonable expectation to continue as a political entity
4 for a period of at least 10 years and has the prospective
5 financial capacity to meet its current and future
6 obligations to the Fund, and that the actuarial soundness
7 of the Fund may be reasonably expected to be unimpaired by
8 approval of participation by the applicant.

9 The Board shall notify the applicant of its findings
10 within 90 days after receiving the application, and if the
11 Board approves the application, participation by the applicant
12 shall commence on the effective date specified by the Board.

13 (b) The following participating instrumentalities, so long
14 as they meet the requirements of Section 7-108 and the area
15 served by them or within their jurisdiction is not located
16 entirely within a municipality having more than one million
17 inhabitants, may be included hereunder:

18 i. Township School District Trustees.

19 ii. Multiple County and Consolidated Health
20 Departments created under Division 5-25 of the Counties
21 Code or its predecessor law.

22 iii. Public Building Commissions created under the
23 Public Building Commission Act, and located in counties of
24 less than 1,000,000 inhabitants.

25 iv. A multitype, consolidated or cooperative library
26 system created under the Illinois Library System Act. Any

1 library system created under the Illinois Library System
2 Act that has one or more predecessors that participated in
3 the Fund may participate in the Fund upon application. The
4 Board shall establish procedures for implementing the
5 transfer of rights and obligations from the predecessor
6 system to the successor system.

7 v. Regional Planning Commissions created under
8 Division 5-14 of the Counties Code or its predecessor law.

9 vi. Local Public Housing Authorities created under the
10 Housing Authorities Act, located in counties of less than
11 1,000,000 inhabitants.

12 vii. Illinois Municipal League.

13 viii. Northeastern Illinois Metropolitan Area Planning
14 Commission.

15 ix. Southwestern Illinois Metropolitan Area Planning
16 Commission.

17 x. Illinois Association of Park Districts.

18 xi. Illinois Supervisors, County Commissioners and
19 Superintendents of Highways Association.

20 xii. Tri-City Regional Port District.

21 xiii. An association, or not-for-profit corporation,
22 membership in which is authorized under Section 85-15 of
23 the Township Code.

24 xiv. Drainage Districts operating under the Illinois
25 Drainage Code.

26 xv. Local mass transit districts created under the

1 Local Mass Transit District Act.

2 xvi. Soil and water conservation districts created
3 under the Soil and Water Conservation Districts Law.

4 xvii. Commissions created to provide water supply or
5 sewer services or both under Division 135 or Division 136
6 of Article 11 of the Illinois Municipal Code.

7 xviii. Public water districts created under the Public
8 Water District Act.

9 xix. Veterans Assistance Commissions established under
10 Section 9 of the Military Veterans Assistance Act that
11 serve counties with a population of less than 1,000,000.

12 xx. The governing body of an entity, other than a
13 vocational education cooperative, created under an
14 intergovernmental cooperative agreement established
15 between participating municipalities under the
16 Intergovernmental Cooperation Act, which by the terms of
17 the agreement is the employer of the persons performing
18 services under the agreement under the usual common law
19 rules determining the employer-employee relationship. The
20 governing body of such an intergovernmental cooperative
21 entity established prior to July 1, 1988 may make
22 participation retroactive to the effective date of the
23 agreement and, if so, the effective date of participation
24 shall be the date the required application is filed with
25 the fund. If any such entity is unable to pay the required
26 employer contributions to the fund, then the participating

1 municipalities shall make payment of the required
2 contributions and the payments shall be allocated as
3 provided in the agreement or, if not so provided, equally
4 among them.

5 xxi. The Illinois Municipal Electric Agency.

6 xxii. The Waukegan Port District.

7 xxiii. The Fox Waterway Agency created under the Fox
8 Waterway Agency Act.

9 xxiv. The Illinois Municipal Gas Agency.

10 xxv. The Kaskaskia Regional Port District.

11 xxvi. The Southwestern Illinois Development Authority.

12 xxvii. The Cairo Public Utility Company.

13 xxviii. Except with respect to employees who elect to
14 participate in the State Employees' Retirement System of
15 Illinois under Section 14-104.13 of this Code, the Chicago
16 Metropolitan Agency for Planning created under the
17 Regional Planning Act, provided that, with respect to the
18 benefits payable pursuant to Sections 7-146, 7-150, and
19 7-164 and the requirement that eligibility for such
20 benefits is conditional upon satisfying a minimum period
21 of service or a minimum contribution, any employee of the
22 Chicago Metropolitan Agency for Planning that was
23 immediately prior to such employment an employee of the
24 Chicago Area Transportation Study or the Northeastern
25 Illinois Planning Commission, such employee's service at
26 the Chicago Area Transportation Study or the Northeastern

1 Illinois Planning Commission and contributions to the
2 State Employees' Retirement System of Illinois established
3 under Article 14 and the Illinois Municipal Retirement
4 Fund shall count towards the satisfaction of such
5 requirements.

6 xxix. United Counties Council (formerly the Urban
7 Counties Council), but only if the Council has a ruling
8 from the United States Internal Revenue Service that it is
9 a governmental entity.

10 xxx. The Will County Governmental League, but only if
11 the League has a ruling from the United States Internal
12 Revenue Service that it is a governmental entity.

13 xxxi. The Firefighters' Pension Investment Fund.

14 xxxii. The Police Officers' Pension Investment Fund.

15 xxxiii. The Joliet Regional Port District.

16 (c) The governing boards of special education joint
17 agreements created under Section 10-22.31 of the School Code
18 without designation of an administrative district shall be
19 included within and be subject to this Article as
20 participating instrumentalities when the joint agreement
21 becomes effective. However, the governing board of any such
22 special education joint agreement in effect before September
23 5, 1975 shall not be subject to this Article unless the joint
24 agreement is modified by the school districts to provide that
25 the governing board is subject to this Article, except as
26 otherwise provided by this Section.

1 The governing board of the Special Education District of
2 Lake County shall become subject to this Article as a
3 participating instrumentality on July 1, 1997. Notwithstanding
4 subdivision (a)1 of Section 7-139, on the effective date of
5 participation, employees of the governing board of the Special
6 Education District of Lake County shall receive creditable
7 service for their prior service with that employer, up to a
8 maximum of 5 years, without any employee contribution.
9 Employees may establish creditable service for the remainder
10 of their prior service with that employer, if any, by applying
11 in writing and paying an employee contribution in an amount
12 determined by the Fund, based on the employee contribution
13 rates in effect at the time of application for the creditable
14 service and the employee's salary rate on the effective date
15 of participation for that employer, plus interest at the
16 effective rate from the date of the prior service to the date
17 of payment. Application for this creditable service must be
18 made before July 1, 1998; the payment may be made at any time
19 while the employee is still in service. The employer may elect
20 to make the required contribution on behalf of the employee.

21 The governing board of a special education joint agreement
22 created under Section 10-22.31 of the School Code for which an
23 administrative district has been designated, if there are
24 employees of the cooperative educational entity who are not
25 employees of the administrative district, may elect to
26 participate in the Fund and be included within this Article as

1 a participating instrumentality, subject to such application
2 procedures and rules as the Board may prescribe.

3 The Boards of Control of cooperative or joint educational
4 programs or projects created and administered under Section
5 3-15.14 of the School Code, whether or not the Boards act as
6 their own administrative district, shall be included within
7 and be subject to this Article as participating
8 instrumentalities when the agreement establishing the
9 cooperative or joint educational program or project becomes
10 effective.

11 The governing board of a special education joint agreement
12 entered into after June 30, 1984 and prior to September 17,
13 1985 which provides for representation on the governing board
14 by less than all the participating districts shall be included
15 within and subject to this Article as a participating
16 instrumentality. Such participation shall be effective as of
17 the date the joint agreement becomes effective.

18 The governing boards of educational service centers
19 established under Section 2-3.62 of the School Code shall be
20 included within and subject to this Article as participating
21 instrumentalities. The governing boards of vocational
22 education cooperative agreements created under the
23 Intergovernmental Cooperation Act and approved by the State
24 Board of Education shall be included within and be subject to
25 this Article as participating instrumentalities. If any such
26 governing boards or boards of control are unable to pay the

1 required employer contributions to the fund, then the school
2 districts served by such boards shall make payment of required
3 contributions as provided in Section 7-172. The payments shall
4 be allocated among the several school districts in proportion
5 to the number of students in average daily attendance for the
6 last full school year for each district in relation to the
7 total number of students in average attendance for such period
8 for all districts served. If such educational service centers,
9 vocational education cooperatives or cooperative or joint
10 educational programs or projects created and administered
11 under Section 3-15.14 of the School Code are dissolved, the
12 assets and obligations shall be distributed among the
13 districts in the same proportions unless otherwise provided.

14 The governing board of Paris Cooperative High School shall
15 be included within and be subject to this Article as a
16 participating instrumentality on the effective date of this
17 amendatory Act of the 96th General Assembly. If the governing
18 board of Paris Cooperative High School is unable to pay the
19 required employer contributions to the fund, then the school
20 districts served shall make payment of required contributions
21 as provided in Section 7-172. The payments shall be allocated
22 among the several school districts in proportion to the number
23 of students in average daily attendance for the last full
24 school year for each district in relation to the total number
25 of students in average attendance for such period for all
26 districts served. If Paris Cooperative High School is

1 dissolved, then the assets and obligations shall be
2 distributed among the districts in the same proportions unless
3 otherwise provided.

4 The Philip J. Rock Center and School shall be included
5 within and be subject to this Article as a participating
6 instrumentality on the effective date of this amendatory Act
7 of the 97th General Assembly. The Philip J. Rock Center and
8 School shall certify to the Fund the dates of service of all
9 employees within 90 days of the effective date of this
10 amendatory Act of the 97th General Assembly. The Fund shall
11 transfer to the IMRF account of the Philip J. Rock Center and
12 School all creditable service and all employer contributions
13 made on behalf of the employees for service at the Philip J.
14 Rock Center and School that were reported and paid to IMRF by
15 another employer prior to this date. If the Philip J. Rock
16 Center and School is unable to pay the required employer
17 contributions to the Fund, then the amount due will be paid by
18 all employers as defined in item (2) of paragraph (a) of
19 subsection (A) of this Section. The payments shall be
20 allocated among these employers in proportion to the number of
21 students in average daily attendance for the last full school
22 year for each district in relation to the total number of
23 students in average attendance for such period for all
24 districts. If the Philip J. Rock Center and School is
25 dissolved, then its IMRF assets and obligations shall be
26 distributed in the same proportions unless otherwise provided.

1 Financial Oversight Panels established under Article 1H of
2 the School Code shall be included within and be subject to this
3 Article as a participating instrumentality on the effective
4 date of this amendatory Act of the 97th General Assembly. If
5 the Financial Oversight Panel is unable to pay the required
6 employer contributions to the fund, then the school districts
7 served shall make payment of required contributions as
8 provided in Section 7-172. If the Financial Oversight Panel is
9 dissolved, then the assets and obligations shall be
10 distributed to the district served.

11 (d) The governing boards of special recreation joint
12 agreements created under Section 8-10b of the Park District
13 Code, operating without designation of an administrative
14 district or an administrative municipality appointed to
15 administer the program operating under the authority of such
16 joint agreement shall be included within and be subject to
17 this Article as participating instrumentalities when the joint
18 agreement becomes effective. However, the governing board of
19 any such special recreation joint agreement in effect before
20 January 1, 1980 shall not be subject to this Article unless the
21 joint agreement is modified, by the districts and
22 municipalities which are parties to the agreement, to provide
23 that the governing board is subject to this Article.

24 If the Board returns any employer and employee
25 contributions to any employer which erroneously submitted such
26 contributions on behalf of a special recreation joint

1 agreement, the Board shall include interest computed from the
2 end of each year to the date of payment, not compounded, at the
3 rate of 7% per annum.

4 (e) Each multi-township assessment district, the board of
5 trustees of which has adopted this Article by ordinance prior
6 to April 1, 1982, shall be a participating instrumentality
7 included within and subject to this Article effective December
8 1, 1981. The contributions required under Section 7-172 shall
9 be included in the budget prepared under and allocated in
10 accordance with Section 2-30 of the Property Tax Code.

11 (f) The Illinois Medical District Commission created under
12 the Illinois Medical District Act may be included within and
13 subject to this Article as a participating instrumentality,
14 notwithstanding that the location of the District is entirely
15 within the City of Chicago. To become a participating
16 instrumentality, the Commission must apply to the Board in the
17 manner set forth in paragraph (a) of this subsection (B). If
18 the Board approves the application, under the criteria and
19 procedures set forth in paragraph (a) and any other applicable
20 rules, criteria, and procedures of the Board, participation by
21 the Commission shall commence on the effective date specified
22 by the Board.

23 (C) Prospective participants.

24 Beginning January 1, 1992, each prospective participating
25 municipality or participating instrumentality shall pay to the

1 Fund the cost, as determined by the Board, of a study prepared
2 by the Fund or its actuary, detailing the prospective costs of
3 participation in the Fund to be expected by the municipality
4 or instrumentality.

5 (Source: P.A. 102-637, eff. 8-27-21.); and

6 on page 211, line 15, by replacing "and 35" with "35, and 36".