



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5350

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160
40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the General Provisions and State Employees Articles of the Illinois Pension Code. Provides that the alternative retirement annuity under the State Employees Article applies to a conservation police officer subject to the Tier 2 provisions. Provides that a conservation police officer subject to the Tier 2 provisions may convert up to 8 years of service credit established before the effective date of the amendatory Act as a conservation police officer under the State Employees Article into eligible creditable service by filing a written election with the Board under that Article, accompanied by a specified payment. Effective immediately.

LRB100 20220 MJP 35505 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 1-160 and 14-110 as follows:

6 (40 ILCS 5/1-160)

7 Sec. 1-160. Provisions applicable to new hires.

8 (a) The provisions of this Section apply to a person who,
9 on or after January 1, 2011, first becomes a member or a
10 participant under any reciprocal retirement system or pension
11 fund established under this Code, other than a retirement
12 system or pension fund established under Article 2, 3, 4, 5, 6,
13 15 or 18 of this Code, notwithstanding any other provision of
14 this Code to the contrary, but do not apply to any self-managed
15 plan established under this Code, to any person with respect to
16 service as a sheriff's law enforcement employee under Article
17 7, or to any participant of the retirement plan established
18 under Section 22-101. Notwithstanding anything to the contrary
19 in this Section, for purposes of this Section, a person who
20 participated in a retirement system under Article 15 prior to
21 January 1, 2011 shall be deemed a person who first became a
22 member or participant prior to January 1, 2011 under any
23 retirement system or pension fund subject to this Section. The

1 changes made to this Section by Public Act 98-596 are a
2 clarification of existing law and are intended to be
3 retroactive to January 1, 2011 (the effective date of Public
4 Act 96-889), notwithstanding the provisions of Section 1-103.1
5 of this Code.

6 This Section does not apply to a person who first becomes a
7 noncovered employee under Article 14 on or after the
8 implementation date of the plan created under Section 1-161 for
9 that Article, unless that person elects under subsection (b) of
10 Section 1-161 to instead receive the benefits provided under
11 this Section and the applicable provisions of that Article.

12 This Section does not apply to a person who first becomes a
13 member or participant under Article 16 on or after the
14 implementation date of the plan created under Section 1-161 for
15 that Article, unless that person elects under subsection (b) of
16 Section 1-161 to instead receive the benefits provided under
17 this Section and the applicable provisions of that Article.

18 This Section does not apply to a person who elects under
19 subsection (c-5) of Section 1-161 to receive the benefits under
20 Section 1-161.

21 This Section does not apply to a person who first becomes a
22 member or participant of an affected pension fund on or after 6
23 months after the resolution or ordinance date, as defined in
24 Section 1-162, unless that person elects under subsection (c)
25 of Section 1-162 to receive the benefits provided under this
26 Section and the applicable provisions of the Article under

1 which he or she is a member or participant.

2 (b) "Final average salary" means the average monthly (or
3 annual) salary obtained by dividing the total salary or
4 earnings calculated under the Article applicable to the member
5 or participant during the 96 consecutive months (or 8
6 consecutive years) of service within the last 120 months (or 10
7 years) of service in which the total salary or earnings
8 calculated under the applicable Article was the highest by the
9 number of months (or years) of service in that period. For the
10 purposes of a person who first becomes a member or participant
11 of any retirement system or pension fund to which this Section
12 applies on or after January 1, 2011, in this Code, "final
13 average salary" shall be substituted for the following:

14 (1) In Article 7 (except for service as sheriff's law
15 enforcement employees), "final rate of earnings".

16 (2) In Articles 8, 9, 10, 11, and 12, "highest average
17 annual salary for any 4 consecutive years within the last
18 10 years of service immediately preceding the date of
19 withdrawal".

20 (3) In Article 13, "average final salary".

21 (4) In Article 14, "final average compensation".

22 (5) In Article 17, "average salary".

23 (6) In Section 22-207, "wages or salary received by him
24 at the date of retirement or discharge".

25 (b-5) Beginning on January 1, 2011, for all purposes under
26 this Code (including without limitation the calculation of

1 benefits and employee contributions), the annual earnings,
2 salary, or wages (based on the plan year) of a member or
3 participant to whom this Section applies shall not exceed
4 \$106,800; however, that amount shall annually thereafter be
5 increased by the lesser of (i) 3% of that amount, including all
6 previous adjustments, or (ii) one-half the annual unadjusted
7 percentage increase (but not less than zero) in the consumer
8 price index-u for the 12 months ending with the September
9 preceding each November 1, including all previous adjustments.

10 For the purposes of this Section, "consumer price index-u"
11 means the index published by the Bureau of Labor Statistics of
12 the United States Department of Labor that measures the average
13 change in prices of goods and services purchased by all urban
14 consumers, United States city average, all items, 1982-84 =
15 100. The new amount resulting from each annual adjustment shall
16 be determined by the Public Pension Division of the Department
17 of Insurance and made available to the boards of the retirement
18 systems and pension funds by November 1 of each year.

19 (c) A member or participant is entitled to a retirement
20 annuity upon written application if he or she has attained age
21 67 (beginning January 1, 2015, age 65 with respect to service
22 under Article 12 of this Code that is subject to this Section)
23 and has at least 10 years of service credit and is otherwise
24 eligible under the requirements of the applicable Article.

25 A member or participant who has attained age 62 (beginning
26 January 1, 2015, age 60 with respect to service under Article

1 12 of this Code that is subject to this Section) and has at
2 least 10 years of service credit and is otherwise eligible
3 under the requirements of the applicable Article may elect to
4 receive the lower retirement annuity provided in subsection (d)
5 of this Section.

6 (c-5) A person who first becomes a member or a participant
7 under Article 8 or Article 11 of this Code on or after the
8 effective date of this amendatory Act of the 100th General
9 Assembly, notwithstanding any other provision of this Code to
10 the contrary, is entitled to a retirement annuity upon written
11 application if he or she has attained age 65 and has at least
12 10 years of service credit under Article 8 or Article 11 of
13 this Code and is otherwise eligible under the requirements of
14 Article 8 or Article 11 of this Code, whichever is applicable.

15 (d) The retirement annuity of a member or participant who
16 is retiring after attaining age 62 (beginning January 1, 2015,
17 age 60 with respect to service under Article 12 of this Code
18 that is subject to this Section) with at least 10 years of
19 service credit shall be reduced by one-half of 1% for each full
20 month that the member's age is under age 67 (beginning January
21 1, 2015, age 65 with respect to service under Article 12 of
22 this Code that is subject to this Section).

23 (d-5) The retirement annuity of a person who first becomes
24 a member or a participant under Article 8 or Article 11 of this
25 Code on or after the effective date of this amendatory Act of
26 the 100th General Assembly who is retiring at age 60 with at

1 least 10 years of service credit under Article 8 or Article 11
2 shall be reduced by one-half of 1% for each full month that the
3 member's age is under age 65.

4 (d-10) Each person who first became a member or participant
5 under Article 8 or Article 11 of this Code on or after January
6 1, 2011 and prior to the effective date of this amendatory Act
7 of the 100th General Assembly shall make an irrevocable
8 election either:

9 (i) to be eligible for the reduced retirement age
10 provided in subsections (c-5) and (d-5) of this Section,
11 the eligibility for which is conditioned upon the member or
12 participant agreeing to the increases in employee
13 contributions for age and service annuities provided in
14 subsection (a-5) of Section 8-174 of this Code (for service
15 under Article 8) or subsection (a-5) of Section 11-170 of
16 this Code (for service under Article 11); or

17 (ii) to not agree to item (i) of this subsection
18 (d-10), in which case the member or participant shall
19 continue to be subject to the retirement age provisions in
20 subsections (c) and (d) of this Section and the employee
21 contributions for age and service annuity as provided in
22 subsection (a) of Section 8-174 of this Code (for service
23 under Article 8) or subsection (a) of Section 11-170 of
24 this Code (for service under Article 11).

25 The election provided for in this subsection shall be made
26 between October 1, 2017 and November 15, 2017. A person subject

1 to this subsection who makes the required election shall remain
2 bound by that election. A person subject to this subsection who
3 fails for any reason to make the required election within the
4 time specified in this subsection shall be deemed to have made
5 the election under item (ii).

6 (e) Any retirement annuity or supplemental annuity shall be
7 subject to annual increases on the January 1 occurring either
8 on or after the attainment of age 67 (beginning January 1,
9 2015, age 65 with respect to service under Article 12 of this
10 Code that is subject to this Section and beginning on the
11 effective date of this amendatory Act of the 100th General
12 Assembly, age 65 with respect to persons who: (i) first became
13 members or participants under Article 8 or Article 11 of this
14 Code on or after the effective date of this amendatory Act of
15 the 100th General Assembly; or (ii) first became members or
16 participants under Article 8 or Article 11 of this Code on or
17 after January 1, 2011 and before the effective date of this
18 amendatory Act of the 100th General Assembly and made the
19 election under item (i) of subsection (d-10) of this Section)
20 or the first anniversary of the annuity start date, whichever
21 is later. Each annual increase shall be calculated at 3% or
22 one-half the annual unadjusted percentage increase (but not
23 less than zero) in the consumer price index-u for the 12 months
24 ending with the September preceding each November 1, whichever
25 is less, of the originally granted retirement annuity. If the
26 annual unadjusted percentage change in the consumer price

1 index-u for the 12 months ending with the September preceding
2 each November 1 is zero or there is a decrease, then the
3 annuity shall not be increased.

4 For the purposes of Section 1-103.1 of this Code, the
5 changes made to this Section by this amendatory Act of the
6 100th General Assembly are applicable without regard to whether
7 the employee was in active service on or after the effective
8 date of this amendatory Act of the 100th General Assembly.

9 (f) The initial survivor's or widow's annuity of an
10 otherwise eligible survivor or widow of a retired member or
11 participant who first became a member or participant on or
12 after January 1, 2011 shall be in the amount of 66 2/3% of the
13 retired member's or participant's retirement annuity at the
14 date of death. In the case of the death of a member or
15 participant who has not retired and who first became a member
16 or participant on or after January 1, 2011, eligibility for a
17 survivor's or widow's annuity shall be determined by the
18 applicable Article of this Code. The initial benefit shall be
19 66 2/3% of the earned annuity without a reduction due to age. A
20 child's annuity of an otherwise eligible child shall be in the
21 amount prescribed under each Article if applicable. Any
22 survivor's or widow's annuity shall be increased (1) on each
23 January 1 occurring on or after the commencement of the annuity
24 if the deceased member died while receiving a retirement
25 annuity or (2) in other cases, on each January 1 occurring
26 after the first anniversary of the commencement of the annuity.

1 Each annual increase shall be calculated at 3% or one-half the
2 annual unadjusted percentage increase (but not less than zero)
3 in the consumer price index-u for the 12 months ending with the
4 September preceding each November 1, whichever is less, of the
5 originally granted survivor's annuity. If the annual
6 unadjusted percentage change in the consumer price index-u for
7 the 12 months ending with the September preceding each November
8 1 is zero or there is a decrease, then the annuity shall not be
9 increased.

10 (g) The benefits in Section 14-110 apply only if the person
11 is a State policeman, a fire fighter in the fire protection
12 service of a department, a conservation police officer, or a
13 security employee of the Department of Corrections or the
14 Department of Juvenile Justice, as those terms are defined in
15 subsection (b) of Section 14-110. A person who meets the
16 requirements of this Section is entitled to an annuity
17 calculated under the provisions of Section 14-110, in lieu of
18 the regular or minimum retirement annuity, only if the person
19 has withdrawn from service with not less than 20 years of
20 eligible creditable service and has attained age 60, regardless
21 of whether the attainment of age 60 occurs while the person is
22 still in service.

23 (h) If a person who first becomes a member or a participant
24 of a retirement system or pension fund subject to this Section
25 on or after January 1, 2011 is receiving a retirement annuity
26 or retirement pension under that system or fund and becomes a

1 member or participant under any other system or fund created by
2 this Code and is employed on a full-time basis, except for
3 those members or participants exempted from the provisions of
4 this Section under subsection (a) of this Section, then the
5 person's retirement annuity or retirement pension under that
6 system or fund shall be suspended during that employment. Upon
7 termination of that employment, the person's retirement
8 annuity or retirement pension payments shall resume and be
9 recalculated if recalculation is provided for under the
10 applicable Article of this Code.

11 If a person who first becomes a member of a retirement
12 system or pension fund subject to this Section on or after
13 January 1, 2012 and is receiving a retirement annuity or
14 retirement pension under that system or fund and accepts on a
15 contractual basis a position to provide services to a
16 governmental entity from which he or she has retired, then that
17 person's annuity or retirement pension earned as an active
18 employee of the employer shall be suspended during that
19 contractual service. A person receiving an annuity or
20 retirement pension under this Code shall notify the pension
21 fund or retirement system from which he or she is receiving an
22 annuity or retirement pension, as well as his or her
23 contractual employer, of his or her retirement status before
24 accepting contractual employment. A person who fails to submit
25 such notification shall be guilty of a Class A misdemeanor and
26 required to pay a fine of \$1,000. Upon termination of that

1 contractual employment, the person's retirement annuity or
2 retirement pension payments shall resume and, if appropriate,
3 be recalculated under the applicable provisions of this Code.

4 (i) (Blank).

5 (j) In the case of a conflict between the provisions of
6 this Section and any other provision of this Code, the
7 provisions of this Section shall control.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
9 100-563, eff. 12-8-17.)

10 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

11 Sec. 14-110. Alternative retirement annuity.

12 (a) Any member who has withdrawn from service with not less
13 than 20 years of eligible creditable service and has attained
14 age 55, and any member who has withdrawn from service with not
15 less than 25 years of eligible creditable service and has
16 attained age 50, regardless of whether the attainment of either
17 of the specified ages occurs while the member is still in
18 service, shall be entitled to receive at the option of the
19 member, in lieu of the regular or minimum retirement annuity, a
20 retirement annuity computed as follows:

21 (i) for periods of service as a noncovered employee: if
22 retirement occurs on or after January 1, 2001, 3% of final
23 average compensation for each year of creditable service;
24 if retirement occurs before January 1, 2001, 2 1/4% of
25 final average compensation for each of the first 10 years

1 of creditable service, 2 1/2% for each year above 10 years
2 to and including 20 years of creditable service, and 2 3/4%
3 for each year of creditable service above 20 years; and

4 (ii) for periods of eligible creditable service as a
5 covered employee: if retirement occurs on or after January
6 1, 2001, 2.5% of final average compensation for each year
7 of creditable service; if retirement occurs before January
8 1, 2001, 1.67% of final average compensation for each of
9 the first 10 years of such service, 1.90% for each of the
10 next 10 years of such service, 2.10% for each year of such
11 service in excess of 20 but not exceeding 30, and 2.30% for
12 each year in excess of 30.

13 Such annuity shall be subject to a maximum of 75% of final
14 average compensation if retirement occurs before January 1,
15 2001 or to a maximum of 80% of final average compensation if
16 retirement occurs on or after January 1, 2001.

17 These rates shall not be applicable to any service
18 performed by a member as a covered employee which is not
19 eligible creditable service. Service as a covered employee
20 which is not eligible creditable service shall be subject to
21 the rates and provisions of Section 14-108.

22 (b) For the purpose of this Section, "eligible creditable
23 service" means creditable service resulting from service in one
24 or more of the following positions:

25 (1) State policeman;

26 (2) fire fighter in the fire protection service of a

- 1 department;
- 2 (3) air pilot;
- 3 (4) special agent;
- 4 (5) investigator for the Secretary of State;
- 5 (6) conservation police officer;
- 6 (7) investigator for the Department of Revenue or the
- 7 Illinois Gaming Board;
- 8 (8) security employee of the Department of Human
- 9 Services;
- 10 (9) Central Management Services security police
- 11 officer;
- 12 (10) security employee of the Department of
- 13 Corrections or the Department of Juvenile Justice;
- 14 (11) dangerous drugs investigator;
- 15 (12) investigator for the Department of State Police;
- 16 (13) investigator for the Office of the Attorney
- 17 General;
- 18 (14) controlled substance inspector;
- 19 (15) investigator for the Office of the State's
- 20 Attorneys Appellate Prosecutor;
- 21 (16) Commerce Commission police officer;
- 22 (17) arson investigator;
- 23 (18) State highway maintenance worker.

24 A person employed in one of the positions specified in this

25 subsection is entitled to eligible creditable service for

26 service credit earned under this Article while undergoing the

1 basic police training course approved by the Illinois Law
2 Enforcement Training Standards Board, if completion of that
3 training is required of persons serving in that position. For
4 the purposes of this Code, service during the required basic
5 police training course shall be deemed performance of the
6 duties of the specified position, even though the person is not
7 a sworn peace officer at the time of the training.

8 (c) For the purposes of this Section:

9 (1) The term "State policeman" includes any title or
10 position in the Department of State Police that is held by
11 an individual employed under the State Police Act.

12 (2) The term "fire fighter in the fire protection
13 service of a department" includes all officers in such fire
14 protection service including fire chiefs and assistant
15 fire chiefs.

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's license;
22 however, the change in this definition made by this
23 amendatory Act of 1983 shall not operate to exclude any
24 noncovered employee who was an "air pilot" for the purposes
25 of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, or any
5 other Division or organizational entity in the Department
6 of State Police is vested by law with duties to maintain
7 public order, investigate violations of the criminal law of
8 this State, enforce the laws of this State, make arrests
9 and recover property. The term "special agent" includes any
10 title or position in the Department of State Police that is
11 held by an individual employed under the State Police Act.

12 (5) The term "investigator for the Secretary of State"
13 means any person employed by the Office of the Secretary of
14 State and vested with such investigative duties as render
15 him ineligible for coverage under the Social Security Act
16 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
17 218(1)(1) of that Act.

18 A person who became employed as an investigator for the
19 Secretary of State between January 1, 1967 and December 31,
20 1975, and who has served as such until attainment of age
21 60, either continuously or with a single break in service
22 of not more than 3 years duration, which break terminated
23 before January 1, 1976, shall be entitled to have his
24 retirement annuity calculated in accordance with
25 subsection (a), notwithstanding that he has less than 20
26 years of credit for such service.

1 (6) The term "Conservation Police Officer" means any
2 person employed by the Division of Law Enforcement of the
3 Department of Natural Resources and vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
7 term "Conservation Police Officer" includes the positions
8 of Chief Conservation Police Administrator and Assistant
9 Conservation Police Administrator.

10 (7) The term "investigator for the Department of
11 Revenue" means any person employed by the Department of
12 Revenue and vested with such investigative duties as render
13 him ineligible for coverage under the Social Security Act
14 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
15 218(1)(1) of that Act.

16 The term "investigator for the Illinois Gaming Board"
17 means any person employed as such by the Illinois Gaming
18 Board and vested with such peace officer duties as render
19 the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D), and 218(1)(1) of that Act.

22 (8) The term "security employee of the Department of
23 Human Services" means any person employed by the Department
24 of Human Services who (i) is employed at the Chester Mental
25 Health Center and has daily contact with the residents
26 thereof, (ii) is employed within a security unit at a

1 facility operated by the Department and has daily contact
2 with the residents of the security unit, (iii) is employed
3 at a facility operated by the Department that includes a
4 security unit and is regularly scheduled to work at least
5 50% of his or her working hours within that security unit,
6 or (iv) is a mental health police officer. "Mental health
7 police officer" means any person employed by the Department
8 of Human Services in a position pertaining to the
9 Department's mental health and developmental disabilities
10 functions who is vested with such law enforcement duties as
11 render the person ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
14 means that portion of a facility that is devoted to the
15 care, containment, and treatment of persons committed to
16 the Department of Human Services as sexually violent
17 persons, persons unfit to stand trial, or persons not
18 guilty by reason of insanity. With respect to past
19 employment, references to the Department of Human Services
20 include its predecessor, the Department of Mental Health
21 and Developmental Disabilities.

22 The changes made to this subdivision (c)(8) by Public
23 Act 92-14 apply to persons who retire on or after January
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police
26 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act.

5 (10) For a member who first became an employee under
6 this Article before July 1, 2005, the term "security
7 employee of the Department of Corrections or the Department
8 of Juvenile Justice" means any employee of the Department
9 of Corrections or the Department of Juvenile Justice or the
10 former Department of Personnel, and any member or employee
11 of the Prisoner Review Board, who has daily contact with
12 inmates or youth by working within a correctional facility
13 or Juvenile facility operated by the Department of Juvenile
14 Justice or who is a parole officer or an employee who has
15 direct contact with committed persons in the performance of
16 his or her job duties. For a member who first becomes an
17 employee under this Article on or after July 1, 2005, the
18 term means an employee of the Department of Corrections or
19 the Department of Juvenile Justice who is any of the
20 following: (i) officially headquartered at a correctional
21 facility or Juvenile facility operated by the Department of
22 Juvenile Justice, (ii) a parole officer, (iii) a member of
23 the apprehension unit, (iv) a member of the intelligence
24 unit, (v) a member of the sort team, or (vi) an
25 investigator.

26 (11) The term "dangerous drugs investigator" means any

1 person who is employed as such by the Department of Human
2 Services.

3 (12) The term "investigator for the Department of State
4 Police" means a person employed by the Department of State
5 Police who is vested under Section 4 of the Narcotic
6 Control Division Abolition Act with such law enforcement
7 powers as render him ineligible for coverage under the
8 Social Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D) and 218(1)(1) of that Act.

10 (13) "Investigator for the Office of the Attorney
11 General" means any person who is employed as such by the
12 Office of the Attorney General and is vested with such
13 investigative duties as render him ineligible for coverage
14 under the Social Security Act by reason of Sections
15 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
16 the period before January 1, 1989, the term includes all
17 persons who were employed as investigators by the Office of
18 the Attorney General, without regard to social security
19 status.

20 (14) "Controlled substance inspector" means any person
21 who is employed as such by the Department of Professional
22 Regulation and is vested with such law enforcement duties
23 as render him ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act. The term
26 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program
2 Executive of Enforcement.

3 (15) The term "investigator for the Office of the
4 State's Attorneys Appellate Prosecutor" means a person
5 employed in that capacity on a full time basis under the
6 authority of Section 7.06 of the State's Attorneys
7 Appellate Prosecutor's Act.

8 (16) "Commerce Commission police officer" means any
9 person employed by the Illinois Commerce Commission who is
10 vested with such law enforcement duties as render him
11 ineligible for coverage under the Social Security Act by
12 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
13 218(1)(1) of that Act.

14 (17) "Arson investigator" means any person who is
15 employed as such by the Office of the State Fire Marshal
16 and is vested with such law enforcement duties as render
17 the person ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
20 employed as an arson investigator on January 1, 1995 and is
21 no longer in service but not yet receiving a retirement
22 annuity may convert his or her creditable service for
23 employment as an arson investigator into eligible
24 creditable service by paying to the System the difference
25 between the employee contributions actually paid for that
26 service and the amounts that would have been contributed if

1 the applicant were contributing at the rate applicable to
2 persons with the same social security status earning
3 eligible creditable service on the date of application.

4 (18) The term "State highway maintenance worker" means
5 a person who is either of the following:

6 (i) A person employed on a full-time basis by the
7 Illinois Department of Transportation in the position
8 of highway maintainer, highway maintenance lead
9 worker, highway maintenance lead/lead worker, heavy
10 construction equipment operator, power shovel
11 operator, or bridge mechanic; and whose principal
12 responsibility is to perform, on the roadway, the
13 actual maintenance necessary to keep the highways that
14 form a part of the State highway system in serviceable
15 condition for vehicular traffic.

16 (ii) A person employed on a full-time basis by the
17 Illinois State Toll Highway Authority in the position
18 of equipment operator/laborer H-4, equipment
19 operator/laborer H-6, welder H-4, welder H-6,
20 mechanical/electrical H-4, mechanical/electrical H-6,
21 water/sewer H-4, water/sewer H-6, sign maker/hanger
22 H-4, sign maker/hanger H-6, roadway lighting H-4,
23 roadway lighting H-6, structural H-4, structural H-6,
24 painter H-4, or painter H-6; and whose principal
25 responsibility is to perform, on the roadway, the
26 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of Corrections or
4 the Department of Juvenile Justice, and a security employee of
5 the Department of Human Services who is not a mental health
6 police officer, shall not be eligible for the alternative
7 retirement annuity provided by this Section unless he or she
8 meets the following minimum age and service requirements at the
9 time of retirement:

10 (i) 25 years of eligible creditable service and age 55;

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible
13 creditable service and age 54, or 24 years of eligible
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible
16 creditable service and age 53, or 23 years of eligible
17 creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of eligible
19 creditable service and age 52, or 22 years of eligible
20 creditable service and age 55; or

21 (v) beginning January 1, 1990, 25 years of eligible
22 creditable service and age 51, or 21 years of eligible
23 creditable service and age 55; or

24 (vi) beginning January 1, 1991, 25 years of eligible
25 creditable service and age 50, or 20 years of eligible
26 creditable service and age 55.

1 Persons who have service credit under Article 16 of this
2 Code for service as a security employee of the Department of
3 Corrections or the Department of Juvenile Justice, or the
4 Department of Human Services in a position requiring
5 certification as a teacher may count such service toward
6 establishing their eligibility under the service requirements
7 of this Section; but such service may be used only for
8 establishing such eligibility, and not for the purpose of
9 increasing or calculating any benefit.

10 (e) If a member enters military service while working in a
11 position in which eligible creditable service may be earned,
12 and returns to State service in the same or another such
13 position, and fulfills in all other respects the conditions
14 prescribed in this Article for credit for military service,
15 such military service shall be credited as eligible creditable
16 service for the purposes of the retirement annuity prescribed
17 in this Section.

18 (f) For purposes of calculating retirement annuities under
19 this Section, periods of service rendered after December 31,
20 1968 and before October 1, 1975 as a covered employee in the
21 position of special agent, conservation police officer, mental
22 health police officer, or investigator for the Secretary of
23 State, shall be deemed to have been service as a noncovered
24 employee, provided that the employee pays to the System prior
25 to retirement an amount equal to (1) the difference between the
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 July 31, 1987, regular interest on the amount specified in item
4 (1) from the date of service to the date of payment.

5 For purposes of calculating retirement annuities under
6 this Section, periods of service rendered after December 31,
7 1968 and before January 1, 1982 as a covered employee in the
8 position of investigator for the Department of Revenue shall be
9 deemed to have been service as a noncovered employee, provided
10 that the employee pays to the System prior to retirement an
11 amount equal to (1) the difference between the employee
12 contributions that would have been required for such service as
13 a noncovered employee, and the amount of employee contributions
14 actually paid, plus (2) if payment is made after January 1,
15 1990, regular interest on the amount specified in item (1) from
16 the date of service to the date of payment.

17 (g) A State policeman may elect, not later than January 1,
18 1990, to establish eligible creditable service for up to 10
19 years of his service as a policeman under Article 3, by filing
20 a written election with the Board, accompanied by payment of an
21 amount to be determined by the Board, equal to (i) the
22 difference between the amount of employee and employer
23 contributions transferred to the System under Section 3-110.5,
24 and the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the effective rate for

1 each year, compounded annually, from the date of service to the
2 date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman may elect, not later than July 1, 1993, to establish
5 eligible creditable service for up to 10 years of his service
6 as a member of the County Police Department under Article 9, by
7 filing a written election with the Board, accompanied by
8 payment of an amount to be determined by the Board, equal to
9 (i) the difference between the amount of employee and employer
10 contributions transferred to the System under Section 9-121.10
11 and the amounts that would have been contributed had those
12 contributions been made at the rates applicable to State
13 policemen, plus (ii) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to the
15 date of payment.

16 (h) Subject to the limitation in subsection (i), a State
17 policeman or investigator for the Secretary of State may elect
18 to establish eligible creditable service for up to 12 years of
19 his service as a policeman under Article 5, by filing a written
20 election with the Board on or before January 31, 1992, and
21 paying to the System by January 31, 1994 an amount to be
22 determined by the Board, equal to (i) the difference between
23 the amount of employee and employer contributions transferred
24 to the System under Section 5-236, and the amounts that would
25 have been contributed had such contributions been made at the
26 rates applicable to State policemen, plus (ii) interest thereon

1 at the effective rate for each year, compounded annually, from
2 the date of service to the date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman, conservation police officer, or investigator for
5 the Secretary of State may elect to establish eligible
6 creditable service for up to 10 years of service as a sheriff's
7 law enforcement employee under Article 7, by filing a written
8 election with the Board on or before January 31, 1993, and
9 paying to the System by January 31, 1994 an amount to be
10 determined by the Board, equal to (i) the difference between
11 the amount of employee and employer contributions transferred
12 to the System under Section 7-139.7, and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) interest thereon
15 at the effective rate for each year, compounded annually, from
16 the date of service to the date of payment.

17 Subject to the limitation in subsection (i), a State
18 policeman, conservation police officer, or investigator for
19 the Secretary of State may elect to establish eligible
20 creditable service for up to 5 years of service as a police
21 officer under Article 3, a policeman under Article 5, a
22 sheriff's law enforcement employee under Article 7, a member of
23 the county police department under Article 9, or a police
24 officer under Article 15 by filing a written election with the
25 Board and paying to the System an amount to be determined by
26 the Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to the
7 date of payment.

8 Subject to the limitation in subsection (i), an
9 investigator for the Office of the Attorney General, or an
10 investigator for the Department of Revenue, may elect to
11 establish eligible creditable service for up to 5 years of
12 service as a police officer under Article 3, a policeman under
13 Article 5, a sheriff's law enforcement employee under Article
14 7, or a member of the county police department under Article 9
15 by filing a written election with the Board within 6 months
16 after August 25, 2009 (the effective date of Public Act 96-745)
17 and paying to the System an amount to be determined by the
18 Board, equal to (i) the difference between the amount of
19 employee and employer contributions transferred to the System
20 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
21 amounts that would have been contributed had such contributions
22 been made at the rates applicable to State policemen, plus (ii)
23 interest thereon at the actuarially assumed rate for each year,
24 compounded annually, from the date of service to the date of
25 payment.

26 Subject to the limitation in subsection (i), a State

1 policeman, conservation police officer, investigator for the
2 Office of the Attorney General, an investigator for the
3 Department of Revenue, or investigator for the Secretary of
4 State may elect to establish eligible creditable service for up
5 to 5 years of service as a person employed by a participating
6 municipality to perform police duties, or law enforcement
7 officer employed on a full-time basis by a forest preserve
8 district under Article 7, a county corrections officer, or a
9 court services officer under Article 9, by filing a written
10 election with the Board within 6 months after August 25, 2009
11 (the effective date of Public Act 96-745) and paying to the
12 System an amount to be determined by the Board, equal to (i)
13 the difference between the amount of employee and employer
14 contributions transferred to the System under Sections 7-139.8
15 and 9-121.10 and the amounts that would have been contributed
16 had such contributions been made at the rates applicable to
17 State policemen, plus (ii) interest thereon at the actuarially
18 assumed rate for each year, compounded annually, from the date
19 of service to the date of payment.

20 (i) The total amount of eligible creditable service
21 established by any person under subsections (g), (h), (j), (k),
22 and (l) of this Section shall not exceed 12 years.

23 (j) Subject to the limitation in subsection (i), an
24 investigator for the Office of the State's Attorneys Appellate
25 Prosecutor or a controlled substance inspector may elect to
26 establish eligible creditable service for up to 10 years of his

1 service as a policeman under Article 3 or a sheriff's law
2 enforcement employee under Article 7, by filing a written
3 election with the Board, accompanied by payment of an amount to
4 be determined by the Board, equal to (1) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 3-110.6 or 7-139.8, and the amounts
7 that would have been contributed had such contributions been
8 made at the rates applicable to State policemen, plus (2)
9 interest thereon at the effective rate for each year,
10 compounded annually, from the date of service to the date of
11 payment.

12 (k) Subject to the limitation in subsection (i) of this
13 Section, an alternative formula employee may elect to establish
14 eligible creditable service for periods spent as a full-time
15 law enforcement officer or full-time corrections officer
16 employed by the federal government or by a state or local
17 government located outside of Illinois, for which credit is not
18 held in any other public employee pension fund or retirement
19 system. To obtain this credit, the applicant must file a
20 written application with the Board by March 31, 1998,
21 accompanied by evidence of eligibility acceptable to the Board
22 and payment of an amount to be determined by the Board, equal
23 to (1) employee contributions for the credit being established,
24 based upon the applicant's salary on the first day as an
25 alternative formula employee after the employment for which
26 credit is being established and the rates then applicable to

1 alternative formula employees, plus (2) an amount determined by
2 the Board to be the employer's normal cost of the benefits
3 accrued for the credit being established, plus (3) regular
4 interest on the amounts in items (1) and (2) from the first day
5 as an alternative formula employee after the employment for
6 which credit is being established to the date of payment.

7 (l) Subject to the limitation in subsection (i), a security
8 employee of the Department of Corrections may elect, not later
9 than July 1, 1998, to establish eligible creditable service for
10 up to 10 years of his or her service as a policeman under
11 Article 3, by filing a written election with the Board,
12 accompanied by payment of an amount to be determined by the
13 Board, equal to (i) the difference between the amount of
14 employee and employer contributions transferred to the System
15 under Section 3-110.5, and the amounts that would have been
16 contributed had such contributions been made at the rates
17 applicable to security employees of the Department of
18 Corrections, plus (ii) interest thereon at the effective rate
19 for each year, compounded annually, from the date of service to
20 the date of payment.

21 (m) The amendatory changes to this Section made by this
22 amendatory Act of the 94th General Assembly apply only to: (1)
23 security employees of the Department of Juvenile Justice
24 employed by the Department of Corrections before the effective
25 date of this amendatory Act of the 94th General Assembly and
26 transferred to the Department of Juvenile Justice by this

1 amendatory Act of the 94th General Assembly; and (2) persons
2 employed by the Department of Juvenile Justice on or after the
3 effective date of this amendatory Act of the 94th General
4 Assembly who are required by subsection (b) of Section 3-2.5-15
5 of the Unified Code of Corrections to have any bachelor's or
6 advanced degree from an accredited college or university or, in
7 the case of persons who provide vocational training, who are
8 required to have adequate knowledge in the skill for which they
9 are providing the vocational training.

10 (n) A person employed in a position under subsection (b) of
11 this Section who has purchased service credit under subsection
12 (j) of Section 14-104 or subsection (b) of Section 14-105 in
13 any other capacity under this Article may convert up to 5 years
14 of that service credit into service credit covered under this
15 Section by paying to the Fund an amount equal to (1) the
16 additional employee contribution required under Section
17 14-133, plus (2) the additional employer contribution required
18 under Section 14-131, plus (3) interest on items (1) and (2) at
19 the actuarially assumed rate from the date of the service to
20 the date of payment.

21 (o) Subject to the limitation in subsection (i), a
22 conservation police officer subject to subsection (g) of
23 Section 1-160 may elect to convert up to 8 years of service
24 credit established before the effective date of this amendatory
25 Act of the 100th General Assembly as a conservation police
26 officer under this Article into eligible creditable service by

1 filing a written election with the Board, accompanied by
2 payment of an amount to be determined by the Board equal to (i)
3 the difference between the amount of the employee contributions
4 actually paid for that service and the amount of the employee
5 contributions that would have been paid had the employee
6 contributions been made as a conservation police officer under
7 this Section who is not subject to Section 1-160, plus (ii)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

11 (Source: P.A. 100-19, eff. 1-1-18.)

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