



Sen. Dave Syverson

Filed: 2/8/2022

10200SB3954sam001

LRB102 23200 RPS 36060 a

1 AMENDMENT TO SENATE BILL 3954

2 AMENDMENT NO. _____. Amend Senate Bill 3954 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 16-132 and 16-203 as follows:

6 (40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 16-132. Retirement annuity eligibility. A member who
10 has at least 20 years of creditable service is entitled to a
11 retirement annuity upon or after attainment of age 55. A
12 member who has at least 10 but less than 20 years of creditable
13 service is entitled to a retirement annuity upon or after
14 attainment of age 60. A member who has at least 5 but less than
15 10 years of creditable service is entitled to a retirement
16 annuity upon or after attainment of age 62. A member who (i)

1 has earned during the period immediately preceding the last
2 day of service at least one year of contributing creditable
3 service as an employee of a department as defined in Section
4 14-103.04, (ii) has earned at least 5 years of contributing
5 creditable service as an employee of a department as defined
6 in Section 14-103.04, and (iii) retires on or after January 1,
7 2001 is entitled to a retirement annuity upon or after
8 attainment of an age which, when added to the number of years
9 of his or her total creditable service, equals at least 85.
10 Portions of years shall be counted as decimal equivalents.

11 A member who is eligible to receive a retirement annuity
12 of at least 74.6% of final average salary and will attain age
13 55 on or before December 31 during the year which commences on
14 July 1 shall be deemed to attain age 55 on the preceding June
15 1.

16 A member meeting the above eligibility conditions is
17 entitled to a retirement annuity upon written application to
18 the board setting forth the date the member wishes the
19 retirement annuity to commence. However, the effective date of
20 the retirement annuity shall be no earlier than the day
21 following the last day of creditable service, regardless of
22 the date of official termination of employment; except that
23 the effective date of a retirement annuity may be after the
24 date of official termination of employment as long as such
25 employment is for (1) less than 10 days in length and (2) less
26 than \$2,000 in compensation.

1 To be eligible for a retirement annuity, a member shall
2 not be employed as a teacher in the schools included under this
3 System or under Article 17, except (i) as provided in Section
4 16-118 or 16-150.1, (ii) if the member is disabled (in which
5 event, eligibility for salary must cease), or (iii) if the
6 System is required by federal law to commence payment due to
7 the member's age; the changes to this sentence made by this
8 amendatory Act of the 93rd General Assembly apply without
9 regard to whether the member terminated employment before or
10 after its effective date.

11 (Source: P.A. 93-320, eff. 7-23-03.)

12 (40 ILCS 5/16-203)

13 Sec. 16-203. Application and expiration of new benefit
14 increases.

15 (a) As used in this Section, "new benefit increase" means
16 an increase in the amount of any benefit provided under this
17 Article, or an expansion of the conditions of eligibility for
18 any benefit under this Article, that results from an amendment
19 to this Code that takes effect after June 1, 2005 (the
20 effective date of Public Act 94-4). "New benefit increase",
21 however, does not include any benefit increase resulting from
22 the changes made to Article 1 or this Article by Public Act
23 95-910, Public Act 100-23, Public Act 100-587, Public Act
24 100-743, Public Act 100-769, Public Act 101-10, ~~or~~ Public Act
25 101-49, Public Act 102-16, or this amendatory Act of the 102nd

1 ~~General Assembly this amendatory Act of the 102nd General~~
2 ~~Assembly.~~

3 (b) Notwithstanding any other provision of this Code or
4 any subsequent amendment to this Code, every new benefit
5 increase is subject to this Section and shall be deemed to be
6 granted only in conformance with and contingent upon
7 compliance with the provisions of this Section.

8 (c) The Public Act enacting a new benefit increase must
9 identify and provide for payment to the System of additional
10 funding at least sufficient to fund the resulting annual
11 increase in cost to the System as it accrues.

12 Every new benefit increase is contingent upon the General
13 Assembly providing the additional funding required under this
14 subsection. The Commission on Government Forecasting and
15 Accountability shall analyze whether adequate additional
16 funding has been provided for the new benefit increase and
17 shall report its analysis to the Public Pension Division of
18 the Department of Insurance. A new benefit increase created by
19 a Public Act that does not include the additional funding
20 required under this subsection is null and void. If the Public
21 Pension Division determines that the additional funding
22 provided for a new benefit increase under this subsection is
23 or has become inadequate, it may so certify to the Governor and
24 the State Comptroller and, in the absence of corrective action
25 by the General Assembly, the new benefit increase shall expire
26 at the end of the fiscal year in which the certification is

1 made.

2 (d) Every new benefit increase shall expire 5 years after
3 its effective date or on such earlier date as may be specified
4 in the language enacting the new benefit increase or provided
5 under subsection (c). This does not prevent the General
6 Assembly from extending or re-creating a new benefit increase
7 by law.

8 (e) Except as otherwise provided in the language creating
9 the new benefit increase, a new benefit increase that expires
10 under this Section continues to apply to persons who applied
11 and qualified for the affected benefit while the new benefit
12 increase was in effect and to the affected beneficiaries and
13 alternate payees of such persons, but does not apply to any
14 other person, including, without limitation, a person who
15 continues in service after the expiration date and did not
16 apply and qualify for the affected benefit while the new
17 benefit increase was in effect.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19;
19 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff.
20 8-20-21; revised 10-15-21.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."