



Sen. Win Stoller

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10300SB1116sam001

LRB103 05947 RPS 59946 a

1 AMENDMENT TO SENATE BILL 1116

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1116 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 14-104 and 14-152.1 as follows:

6 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

7 Sec. 14-104. Service for which contributions permitted.  
8 Contributions provided for in this Section shall cover the  
9 period of service granted. Except as otherwise provided in  
10 this Section, the contributions shall be based upon the  
11 employee's compensation and contribution rate in effect on the  
12 date he last became a member of the System; provided that for  
13 all employment prior to January 1, 1969 the contribution rate  
14 shall be that in effect for a noncovered employee on the date  
15 he last became a member of the System. Except as otherwise  
16 provided in this Section, contributions permitted under this

1 Section shall include regular interest from the date an  
2 employee last became a member of the System to the date of  
3 payment.

4 These contributions must be paid in full before retirement  
5 either in a lump sum or in installment payments in accordance  
6 with such rules as may be adopted by the board.

7 (a) Any member may make contributions as required in this  
8 Section for any period of service, subsequent to the date of  
9 establishment, but prior to the date of membership.

10 (b) Any employee who had been previously excluded from  
11 membership because of age at entry and subsequently became  
12 eligible may elect to make contributions as required in this  
13 Section for the period of service during which he was  
14 ineligible.

15 (c) An employee of the Department of Insurance who, after  
16 January 1, 1944 but prior to becoming eligible for membership,  
17 received salary from funds of insurance companies in the  
18 process of rehabilitation, liquidation, conservation or  
19 dissolution, may elect to make contributions as required in  
20 this Section for such service.

21 (d) Any employee who rendered service in a State office to  
22 which he was elected, or rendered service in the elective  
23 office of Clerk of the Appellate Court prior to the date he  
24 became a member, may make contributions for such service as  
25 required in this Section. Any member who served by appointment  
26 of the Governor under the Civil Administrative Code of

1 Illinois and did not participate in this System may make  
2 contributions as required in this Section for such service.

3 (e) Any person employed by the United States government or  
4 any instrumentality or agency thereof from January 1, 1942  
5 through November 15, 1946 as the result of a transfer from  
6 State service by executive order of the President of the  
7 United States shall be entitled to prior service credit  
8 covering the period from January 1, 1942 through December 31,  
9 1943 as provided for in this Article and to membership service  
10 credit for the period from January 1, 1944 through November  
11 15, 1946 by making the contributions required in this Section.  
12 A person so employed on January 1, 1944 but whose employment  
13 began after January 1, 1942 may qualify for prior service and  
14 membership service credit under the same conditions.

15 (f) An employee of the Department of Labor of the State of  
16 Illinois who performed services for and under the supervision  
17 of that Department prior to January 1, 1944 but who was  
18 compensated for those services directly by federal funds and  
19 not by a warrant of the Auditor of Public Accounts paid by the  
20 State Treasurer may establish credit for such employment by  
21 making the contributions required in this Section. An employee  
22 of the Department of Agriculture of the State of Illinois, who  
23 performed services for and under the supervision of that  
24 Department prior to June 1, 1963, but was compensated for  
25 those services directly by federal funds and not paid by a  
26 warrant of the Auditor of Public Accounts paid by the State

1 Treasurer, and who did not contribute to any other public  
2 employee retirement system for such service, may establish  
3 credit for such employment by making the contributions  
4 required in this Section.

5 (g) Any employee who executed a waiver of membership  
6 within 60 days prior to January 1, 1944 may, at any time while  
7 in the service of a department, file with the board a  
8 rescission of such waiver. Upon making the contributions  
9 required by this Section, the member shall be granted the  
10 creditable service that would have been received if the waiver  
11 had not been executed.

12 (h) Until May 1, 1990, an employee who was employed on a  
13 full-time basis by a regional planning commission for at least  
14 5 continuous years may establish creditable service for such  
15 employment by making the contributions required under this  
16 Section, provided that any credits earned by the employee in  
17 the commission's retirement plan have been terminated.

18 (i) Any person who rendered full time contractual services  
19 to the General Assembly as a member of a legislative staff may  
20 establish service credit for up to 8 years of such services by  
21 making the contributions required under this Section, provided  
22 that application therefor is made not later than July 1, 1991.

23 (j) By paying the contributions otherwise required under  
24 this Section, plus an amount determined by the Board to be  
25 equal to the employer's normal cost of the benefit plus  
26 interest, but with all of the interest calculated from the

1 date the employee last became a member of the System or  
2 November 19, 1991, whichever is later, to the date of payment,  
3 an employee may establish service credit for a period of up to  
4 4 years spent in active military service for which he does not  
5 qualify for credit under Section 14-105, provided that (1) he  
6 was not dishonorably discharged from such military service,  
7 and (2) the amount of service credit established by a member  
8 under this subsection (j), when added to the amount of  
9 military service credit granted to the member under subsection  
10 (b) of Section 14-105, shall not exceed 5 years. The change in  
11 the manner of calculating interest under this subsection (j)  
12 made by this amendatory Act of the 92nd General Assembly  
13 applies to credit purchased by an employee on or after its  
14 effective date and does not entitle any person to a refund of  
15 contributions or interest already paid. In compliance with  
16 Section 14-152.1 of this Act concerning new benefit increases,  
17 any new benefit increase as a result of the changes to this  
18 subsection (j) made by Public Act 95-483 is funded through the  
19 employee contributions provided for in this subsection (j).  
20 Any new benefit increase as a result of the changes made to  
21 this subsection (j) by Public Act 95-483 is exempt from the  
22 provisions of subsection (d) of Section 14-152.1.

23 (k) An employee who was employed on a full-time basis by  
24 the Illinois State's Attorneys Association Statewide Appellate  
25 Assistance Service LEAA-ILEC grant project prior to the time  
26 that project became the State's Attorneys Appellate Service

1 Commission, now the Office of the State's Attorneys Appellate  
2 Prosecutor, an agency of State government, may establish  
3 creditable service for not more than 60 months service for  
4 such employment by making contributions required under this  
5 Section.

6 (1) By paying the contributions otherwise required under  
7 this Section, plus an amount determined by the Board to be  
8 equal to the employer's normal cost of the benefit plus  
9 interest, a member may establish service credit for periods of  
10 less than one year spent on authorized leave of absence from  
11 service, provided that (1) the period of leave began on or  
12 after January 1, 1982 and (2) any credit established by the  
13 member for the period of leave in any other public employee  
14 retirement system has been terminated. A member may establish  
15 service credit under this subsection for more than one period  
16 of authorized leave, and in that case the total period of  
17 service credit established by the member under this subsection  
18 may exceed one year. In determining the contributions required  
19 for establishing service credit under this subsection, the  
20 interest shall be calculated from the beginning of the leave  
21 of absence to the date of payment.

22 (1-5) By paying the contributions otherwise required under  
23 this Section, plus an amount determined by the Board to be  
24 equal to the employer's normal cost of the benefit plus  
25 interest, a member may establish service credit for periods of  
26 up to 2 years spent on authorized leave of absence from

1 service, provided that during that leave the member  
2 represented or was employed as an officer or employee of a  
3 statewide labor organization that represents members of this  
4 System. In determining the contributions required for  
5 establishing service credit under this subsection, the  
6 interest shall be calculated from the beginning of the leave  
7 of absence to the date of payment.

8 (m) Any person who rendered contractual services to a  
9 member of the General Assembly as a worker in the member's  
10 district office may establish creditable service for up to 3  
11 years of those contractual services by making the  
12 contributions required under this Section. The System shall  
13 determine a full-time salary equivalent for the purpose of  
14 calculating the required contribution. To establish credit  
15 under this subsection, the applicant must apply to the System  
16 by March 1, 1998.

17 (n) Any person who rendered contractual services to a  
18 member of the General Assembly as a worker providing  
19 constituent services to persons in the member's district may  
20 establish creditable service for up to 8 years of those  
21 contractual services by making the contributions required  
22 under this Section. The System shall determine a full-time  
23 salary equivalent for the purpose of calculating the required  
24 contribution. To establish credit under this subsection, the  
25 applicant must apply to the System by March 1, 1998.

26 (o) A member who participated in the Illinois Legislative

1 Staff Internship Program may establish creditable service for  
2 up to one year of that participation by making the  
3 contribution required under this Section. The System shall  
4 determine a full-time salary equivalent for the purpose of  
5 calculating the required contribution. Credit may not be  
6 established under this subsection for any period for which  
7 service credit is established under any other provision of  
8 this Code.

9 (p) By paying the contributions otherwise required under  
10 this Section, plus an amount determined by the Board to be  
11 equal to the employer's normal cost of the benefit plus  
12 interest, a member may establish service credit for a period  
13 of up to 8 years during which he or she was employed by the  
14 Visually Handicapped Managers of Illinois in a vending program  
15 operated under a contractual agreement with the Department of  
16 Rehabilitation Services or its successor agency.

17 This subsection (p) applies without regard to whether the  
18 person was in service on or after the effective date of this  
19 amendatory Act of the 94th General Assembly. In the case of a  
20 person who is receiving a retirement annuity on that effective  
21 date, the increase, if any, shall begin to accrue on the first  
22 annuity payment date following receipt by the System of the  
23 contributions required under this subsection (p).

24 (q) By paying the required contributions under this  
25 Section, plus an amount determined by the Board to be equal to  
26 the employer's normal cost of the benefit plus interest, an



1 employee who was laid off but returned to any State employment  
2 may establish creditable service for the period of the layoff,  
3 provided that (1) the applicant applies for the creditable  
4 service under this subsection (q) within 6 months after the  
5 effective date of this amendatory Act of the 103rd General  
6 Assembly July 27, 2010 (the effective date of Public Act  
7 96-1320), (2) the applicant does not receive credit for that  
8 period under any other provision of this Code, (3) at the time  
9 of the layoff, the applicant is not in an initial probationary  
10 status consistent with the rules of the Department of Central  
11 Management Services, and (4) the total amount of creditable  
12 service established by the applicant under this subsection (q)  
13 does not exceed 2 ~~3~~ years. For service established under this  
14 subsection (q), the required employee contribution shall be  
15 based on the rate of compensation earned by the employee on the  
16 date of returning to employment after the layoff and the  
17 contribution rate then in effect, and the required interest  
18 shall be calculated at the actuarially assumed rate from the  
19 date of returning to employment after the layoff to the date of  
20 payment. Funding for any new benefit increase, as defined in  
21 Section 14-152.1 of this Act, that is created under this  
22 subsection (q) will be provided by the employee contributions  
23 required under this subsection (q).

24 (r) A member who participated in the University of  
25 Illinois Government Public Service Internship Program (GPSI)  
26 may establish creditable service for up to 2 years of that

1 participation by making the contribution required under this  
2 Section, plus an amount determined by the Board to be equal to  
3 the employer's normal cost of the benefit plus interest. The  
4 System shall determine a full-time salary equivalent for the  
5 purpose of calculating the required contribution. Credit may  
6 not be established under this subsection for any period for  
7 which service credit is established under any other provision  
8 of this Code.

9 (s) A member who worked as a nurse under a contractual  
10 agreement for the Department of Public Aid, or its successor  
11 agency, the Department of Human Services, in the Client  
12 Assessment Unit and was subsequently determined to be a State  
13 employee by the United States Internal Revenue Service and the  
14 Illinois Labor Relations Board may establish creditable  
15 service for those contractual services by making the  
16 contributions required under this Section. To establish credit  
17 under this subsection, the applicant must apply to the System  
18 by July 1, 2008.

19 The Department of Human Services shall pay an employer  
20 contribution based upon an amount determined by the Board to  
21 be equal to the employer's normal cost of the benefit, plus  
22 interest.

23 In compliance with Section 14-152.1 added by Public Act  
24 94-4, the cost of the benefits provided by Public Act 95-583  
25 are offset by the required employee and employer  
26 contributions.

1           (t) Any person who rendered contractual services on a  
2 full-time basis to the Illinois Institute of Natural Resources  
3 and the Illinois Department of Energy and Natural Resources  
4 may establish creditable service for up to 4 years of those  
5 contractual services by making the contributions required  
6 under this Section, plus an amount determined by the Board to  
7 be equal to the employer's normal cost of the benefit plus  
8 interest at the actuarially assumed rate from the first day of  
9 the service for which credit is being established to the date  
10 of payment. To establish credit under this subsection (t), the  
11 applicant must apply to the System within 6 months after July  
12 27, 2010 (the effective date of Public Act 96-1320).

13           (u) By paying the required contributions under this  
14 Section, plus an amount determined by the Board to be equal to  
15 the employer's normal cost of the benefit, plus interest, a  
16 member may establish creditable service and earnings credit  
17 for periods of furlough beginning on or after July 1, 2008. To  
18 receive this credit, the participant must (i) apply in writing  
19 to the System before December 31, 2011 and (ii) not receive  
20 compensation for the furlough period. For service established  
21 under this subsection, the required employee contribution  
22 shall be based on the rate of compensation earned by the  
23 employee immediately following the date of the first furlough  
24 day in the time period specified in this subsection (u), and  
25 the required interest shall be calculated at the actuarially  
26 assumed rate from the date of the furlough to the date of

1 payment.

2 (v) Any member who rendered full-time contractual services  
3 to an Illinois Veterans Home operated by the Department of  
4 Veterans' Affairs may establish service credit for up to 8  
5 years of such services by making the contributions required  
6 under this Section, plus an amount determined by the Board to  
7 be equal to the employer's normal cost of the benefit, plus  
8 interest at the actuarially assumed rate. To establish credit  
9 under this subsection, the applicant must apply to the System  
10 no later than 6 months after July 27, 2010 (the effective date  
11 of Public Act 96-1320).

12 (Source: P.A. 96-97, eff. 7-27-09; 96-718, eff. 8-25-09;  
13 96-775, eff. 8-28-09; 96-961, eff. 7-2-10; 96-1000, eff.  
14 7-2-10; 96-1320, eff. 7-27-10; 96-1535, eff. 3-4-11; 97-333,  
15 8-12-11.)

16 (40 ILCS 5/14-152.1)

17 Sec. 14-152.1. Application and expiration of new benefit  
18 increases.

19 (a) As used in this Section, "new benefit increase" means  
20 an increase in the amount of any benefit provided under this  
21 Article, or an expansion of the conditions of eligibility for  
22 any benefit under this Article, that results from an amendment  
23 to this Code that takes effect after June 1, 2005 (the  
24 effective date of Public Act 94-4). "New benefit increase",  
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act  
2 96-37, Public Act 100-23, Public Act 100-587, Public Act  
3 100-611, Public Act 101-10, Public Act 101-610, Public Act  
4 102-210, Public Act 102-856, Public Act 102-956, or this  
5 amendatory Act of the 103rd General Assembly ~~or this~~  
6 ~~amendatory Act of the 102nd General Assembly.~~

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

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

16 Every new benefit increase is contingent upon the General  
17 Assembly providing the additional funding required under this  
18 subsection. The Commission on Government Forecasting and  
19 Accountability shall analyze whether adequate additional  
20 funding has been provided for the new benefit increase and  
21 shall report its analysis to the Public Pension Division of  
22 the Department of Insurance. A new benefit increase created by  
23 a Public Act that does not include the additional funding  
24 required under this subsection is null and void. If the Public  
25 Pension Division determines that the additional funding  
26 provided for a new benefit increase under this subsection is

1 or has become inadequate, it may so certify to the Governor and  
2 the State Comptroller and, in the absence of corrective action  
3 by the General Assembly, the new benefit increase shall expire  
4 at the end of the fiscal year in which the certification is  
5 made.

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

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

22 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
23 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.  
24 1-1-23; 102-956, eff. 5-27-22.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".