



Sen. Bill Brady

Filed: 5/12/2005

09400HB0316sam002

LRB094 06684 LJB 46042 a

1 AMENDMENT TO HOUSE BILL 316

2 AMENDMENT NO. _____. Amend House Bill 316 on page 1,
3 immediately above line 4, by inserting the following:

4 "Section 3. The State Employees Group Insurance Act of 1971
5 is amended by changing Section 3 as follows:

6 (5 ILCS 375/3) (from Ch. 127, par. 523)

7 Sec. 3. Definitions. Unless the context otherwise
8 requires, the following words and phrases as used in this Act
9 shall have the following meanings. The Department may define
10 these and other words and phrases separately for the purpose of
11 implementing specific programs providing benefits under this
12 Act.

13 (a) "Administrative service organization" means any
14 person, firm or corporation experienced in the handling of
15 claims which is fully qualified, financially sound and capable
16 of meeting the service requirements of a contract of
17 administration executed with the Department.

18 (b) "Annuitant" means (1) an employee who retires, or has
19 retired, on or after January 1, 1966 on an immediate annuity
20 under the provisions of Articles 2, 14 (including an employee
21 who has elected to receive an alternative retirement
22 cancellation payment under Section 14-108.5 of the Illinois
23 Pension Code in lieu of an annuity), 15 (including an employee
24 who has retired under the optional retirement program

1 established under Section 15-158.2), paragraphs (2), (3), or
2 (5) of Section 16-106, or Article 18 of the Illinois Pension
3 Code; (2) any person who was receiving group insurance coverage
4 under this Act as of March 31, 1978 by reason of his status as
5 an annuitant, even though the annuity in relation to which such
6 coverage was provided is a proportional annuity based on less
7 than the minimum period of service required for a retirement
8 annuity in the system involved; (3) any person not otherwise
9 covered by this Act who has retired as a participating member
10 under Article 2 of the Illinois Pension Code but is ineligible
11 for the retirement annuity under Section 2-119 of the Illinois
12 Pension Code; (4) the spouse of any person who is receiving a
13 retirement annuity under Article 18 of the Illinois Pension
14 Code and who is covered under a group health insurance program
15 sponsored by a governmental employer other than the State of
16 Illinois and who has irrevocably elected to waive his or her
17 coverage under this Act and to have his or her spouse
18 considered as the "annuitant" under this Act and not as a
19 "dependent"; or (5) an employee who retires, or has retired,
20 from a qualified position, as determined according to rules
21 promulgated by the Director, under a qualified local government
22 or a qualified rehabilitation facility or a qualified domestic
23 violence shelter or service. (For definition of "retired
24 employee", see (p) post).

25 (b-5) "New SERS annuitant" means a person who, on or after
26 January 1, 1998, becomes an annuitant, as defined in subsection
27 (b), by virtue of beginning to receive a retirement annuity
28 under Article 14 of the Illinois Pension Code (including an
29 employee who has elected to receive an alternative retirement
30 cancellation payment under Section 14-108.5 of that Code in
31 lieu of an annuity), and is eligible to participate in the
32 basic program of group health benefits provided for annuitants
33 under this Act.

34 (b-6) "New SURS annuitant" means a person who (1) on or

1 after January 1, 1998, becomes an annuitant, as defined in
2 subsection (b), by virtue of beginning to receive a retirement
3 annuity under Article 15 of the Illinois Pension Code, (2) has
4 not made the election authorized under Section 15-135.1 of the
5 Illinois Pension Code, and (3) is eligible to participate in
6 the basic program of group health benefits provided for
7 annuitants under this Act.

8 (b-7) "New TRS State annuitant" means a person who, on or
9 after July 1, 1998, becomes an annuitant, as defined in
10 subsection (b), by virtue of beginning to receive a retirement
11 annuity under Article 16 of the Illinois Pension Code based on
12 service as a teacher as defined in paragraph (2), (3), or (5)
13 of Section 16-106 of that Code, and is eligible to participate
14 in the basic program of group health benefits provided for
15 annuitants under this Act.

16 (c) "Carrier" means (1) an insurance company, a corporation
17 organized under the Limited Health Service Organization Act or
18 the Voluntary Health Services Plan Act, a partnership, or other
19 nongovernmental organization, which is authorized to do group
20 life or group health insurance business in Illinois, or (2) the
21 State of Illinois as a self-insurer.

22 (d) "Compensation" means salary or wages payable on a
23 regular payroll by the State Treasurer on a warrant of the
24 State Comptroller out of any State, trust or federal fund, or
25 by the Governor of the State through a disbursing officer of
26 the State out of a trust or out of federal funds, or by any
27 Department out of State, trust, federal or other funds held by
28 the State Treasurer or the Department, to any person for
29 personal services currently performed, and ordinary or
30 accidental disability benefits under Articles 2, 14, 15
31 (including ordinary or accidental disability benefits under
32 the optional retirement program established under Section
33 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
34 Article 18 of the Illinois Pension Code, for disability

1 incurred after January 1, 1966, or benefits payable under the
2 Workers' Compensation or Occupational Diseases Act or benefits
3 payable under a sick pay plan established in accordance with
4 Section 36 of the State Finance Act. "Compensation" also means
5 salary or wages paid to an employee of any qualified local
6 government or qualified rehabilitation facility or a qualified
7 domestic violence shelter or service.

8 (e) "Commission" means the State Employees Group Insurance
9 Advisory Commission authorized by this Act. Commencing July 1,
10 1984, "Commission" as used in this Act means the Commission on
11 Government Forecasting and Accountability as established by
12 the Legislative Commission Reorganization Act of 1984.

13 (f) "Contributory", when referred to as contributory
14 coverage, shall mean optional coverages or benefits elected by
15 the member toward the cost of which such member makes
16 contribution, or which are funded in whole or in part through
17 the acceptance of a reduction in earnings or the foregoing of
18 an increase in earnings by an employee, as distinguished from
19 noncontributory coverage or benefits which are paid entirely by
20 the State of Illinois without reduction of the member's salary.

21 (g) "Department" means any department, institution, board,
22 commission, officer, court or any agency of the State
23 government receiving appropriations and having power to
24 certify payrolls to the Comptroller authorizing payments of
25 salary and wages against such appropriations as are made by the
26 General Assembly from any State fund, or against trust funds
27 held by the State Treasurer and includes boards of trustees of
28 the retirement systems created by Articles 2, 14, 15, 16 and 18
29 of the Illinois Pension Code. "Department" also includes the
30 Illinois Comprehensive Health Insurance Board, the Board of
31 Examiners established under the Illinois Public Accounting
32 Act, and the Illinois Finance Authority.

33 (h) "Dependent", when the term is used in the context of
34 the health and life plan, means a member's spouse and any

1 unmarried child (1) from birth to age 19 including an adopted
2 child, a child who lives with the member from the time of the
3 filing of a petition for adoption until entry of an order of
4 adoption, a stepchild or recognized child who lives with the
5 member in a parent-child relationship, or a child who lives
6 with the member if such member is a court appointed guardian of
7 the child, or (2) age 19 to 23 enrolled as a full-time student
8 in any accredited school, financially dependent upon the
9 member, and eligible to be claimed as a dependent for income
10 tax purposes, or (3) age 19 or over who is mentally or
11 physically handicapped. For the health plan only, the term
12 "dependent" also includes any person enrolled prior to the
13 effective date of this Section who is dependent upon the member
14 to the extent that the member may claim such person as a
15 dependent for income tax deduction purposes; no other such
16 person may be enrolled. For the health plan only, the term
17 "dependent" also includes any person who has received after
18 June 30, 2000 an organ transplant and who is financially
19 dependent upon the member and eligible to be claimed as a
20 dependent for income tax purposes.

21 (i) "Director" means the Director of the Illinois
22 Department of Central Management Services.

23 (j) "Eligibility period" means the period of time a member
24 has to elect enrollment in programs or to select benefits
25 without regard to age, sex or health.

26 (k) "Employee" means and includes each officer or employee
27 in the service of a department who (1) receives his
28 compensation for service rendered to the department on a
29 warrant issued pursuant to a payroll certified by a department
30 or on a warrant or check issued and drawn by a department upon
31 a trust, federal or other fund or on a warrant issued pursuant
32 to a payroll certified by an elected or duly appointed officer
33 of the State or who receives payment of the performance of
34 personal services on a warrant issued pursuant to a payroll

1 certified by a Department and drawn by the Comptroller upon the
2 State Treasurer against appropriations made by the General
3 Assembly from any fund or against trust funds held by the State
4 Treasurer, and (2) is employed full-time or part-time in a
5 position normally requiring actual performance of duty during
6 not less than 1/2 of a normal work period, as established by
7 the Director in cooperation with each department, except that
8 persons elected by popular vote will be considered employees
9 during the entire term for which they are elected regardless of
10 hours devoted to the service of the State, and (3) except that
11 "employee" does not include any person who is not eligible by
12 reason of such person's employment to participate in one of the
13 State retirement systems under Articles 2, 14, 15 (either the
14 regular Article 15 system or the optional retirement program
15 established under Section 15-158.2) or 18, or under paragraph
16 (2), (3), or (5) of Section 16-106, of the Illinois Pension
17 Code, but such term does include persons who are employed
18 during the 6 month qualifying period under Article 14 of the
19 Illinois Pension Code. Such term also includes any person who
20 (1) after January 1, 1966, is receiving ordinary or accidental
21 disability benefits under Articles 2, 14, 15 (including
22 ordinary or accidental disability benefits under the optional
23 retirement program established under Section 15-158.2),
24 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
25 the Illinois Pension Code, for disability incurred after
26 January 1, 1966, (2) receives total permanent or total
27 temporary disability under the Workers' Compensation Act or
28 Occupational Disease Act as a result of injuries sustained or
29 illness contracted in the course of employment with the State
30 of Illinois, or (3) is not otherwise covered under this Act and
31 has retired as a participating member under Article 2 of the
32 Illinois Pension Code but is ineligible for the retirement
33 annuity under Section 2-119 of the Illinois Pension Code.
34 However, a person who satisfies the criteria of the foregoing

1 definition of "employee" except that such person is made
2 ineligible to participate in the State Universities Retirement
3 System by clause (4) of subsection (a) of Section 15-107 of the
4 Illinois Pension Code is also an "employee" for the purposes of
5 this Act. "Employee" also includes any person receiving or
6 eligible for benefits under a sick pay plan established in
7 accordance with Section 36 of the State Finance Act. "Employee"
8 also includes each officer or employee in the service of a
9 qualified local government, including persons appointed as
10 trustees of sanitary districts regardless of hours devoted to
11 the service of the sanitary district, and each employee in the
12 service of a qualified rehabilitation facility and each
13 full-time employee in the service of a qualified domestic
14 violence shelter or service, as determined according to rules
15 promulgated by the Director.

16 (l) "Member" means an employee, annuitant, retired
17 employee or survivor.

18 (m) "Optional coverages or benefits" means those coverages
19 or benefits available to the member on his or her voluntary
20 election, and at his or her own expense.

21 (n) "Program" means the group life insurance, health
22 benefits and other employee benefits designed and contracted
23 for by the Director under this Act.

24 (o) "Health plan" means a health benefits program offered
25 by the State of Illinois for persons eligible for the plan.

26 (p) "Retired employee" means any person who would be an
27 annuitant as that term is defined herein but for the fact that
28 such person retired prior to January 1, 1966. Such term also
29 includes any person formerly employed by the University of
30 Illinois in the Cooperative Extension Service who would be an
31 annuitant but for the fact that such person was made ineligible
32 to participate in the State Universities Retirement System by
33 clause (4) of subsection (a) of Section 15-107 of the Illinois
34 Pension Code.

1 (q) "Survivor" means a person receiving an annuity as a
2 survivor of an employee or of an annuitant. "Survivor" also
3 includes: (1) the surviving dependent of a person who satisfies
4 the definition of "employee" except that such person is made
5 ineligible to participate in the State Universities Retirement
6 System by clause (4) of subsection (a) of Section 15-107 of the
7 Illinois Pension Code; (2) the surviving dependent of any
8 person formerly employed by the University of Illinois in the
9 Cooperative Extension Service who would be an annuitant except
10 for the fact that such person was made ineligible to
11 participate in the State Universities Retirement System by
12 clause (4) of subsection (a) of Section 15-107 of the Illinois
13 Pension Code; and (3) the surviving dependent of a person who
14 was an annuitant under this Act by virtue of receiving an
15 alternative retirement cancellation payment under Section
16 14-108.5 of the Illinois Pension Code.

17 (q-2) "SERS" means the State Employees' Retirement System
18 of Illinois, created under Article 14 of the Illinois Pension
19 Code.

20 (q-3) "SURS" means the State Universities Retirement
21 System, created under Article 15 of the Illinois Pension Code.

22 (q-4) "TRS" means the Teachers' Retirement System of the
23 State of Illinois, created under Article 16 of the Illinois
24 Pension Code.

25 (q-5) "New SERS survivor" means a survivor, as defined in
26 subsection (q), whose annuity is paid under Article 14 of the
27 Illinois Pension Code and is based on the death of (i) an
28 employee whose death occurs on or after January 1, 1998, or
29 (ii) a new SERS annuitant as defined in subsection (b-5). "New
30 SERS survivor" includes the surviving dependent of a person who
31 was an annuitant under this Act by virtue of receiving an
32 alternative retirement cancellation payment under Section
33 14-108.5 of the Illinois Pension Code.

34 (q-6) "New SURS survivor" means a survivor, as defined in

1 subsection (q), whose annuity is paid under Article 15 of the
2 Illinois Pension Code and is based on the death of (i) an
3 employee whose death occurs on or after January 1, 1998, or
4 (ii) a new SURS annuitant as defined in subsection (b-6).

5 (q-7) "New TRS State survivor" means a survivor, as defined
6 in subsection (q), whose annuity is paid under Article 16 of
7 the Illinois Pension Code and is based on the death of (i) an
8 employee who is a teacher as defined in paragraph (2), (3), or
9 (5) of Section 16-106 of that Code and whose death occurs on or
10 after July 1, 1998, or (ii) a new TRS State annuitant as
11 defined in subsection (b-7).

12 (r) "Medical services" means the services provided within
13 the scope of their licenses by practitioners in all categories
14 licensed under the Medical Practice Act of 1987.

15 (s) "Unit of local government" means any county,
16 municipality, township, school district (including a
17 combination of school districts under the Intergovernmental
18 Cooperation Act), special district or other unit, designated as
19 a unit of local government by law, which exercises limited
20 governmental powers or powers in respect to limited
21 governmental subjects, any not-for-profit association with a
22 membership that primarily includes townships and township
23 officials, that has duties that include provision of research
24 service, dissemination of information, and other acts for the
25 purpose of improving township government, and that is funded
26 wholly or partly in accordance with Section 85-15 of the
27 Township Code; any not-for-profit corporation or association,
28 with a membership consisting primarily of municipalities, that
29 operates its own utility system, and provides research,
30 training, dissemination of information, or other acts to
31 promote cooperation between and among municipalities that
32 provide utility services and for the advancement of the goals
33 and purposes of its membership; the Southern Illinois
34 Collegiate Common Market, which is a consortium of higher

1 education institutions in Southern Illinois; ~~and~~ the Illinois
2 Association of Park Districts; and, until January 1, 2010,
3 qualified human services providers. For the purposes of this
4 subsection (s), "qualified human services provider" means any
5 provider of human services that is certified by the Department
6 of Human Services to provide human services; that receives an
7 average of at least 51% of its operating funds from the State
8 of Illinois for providing those services for the 3 fiscal years
9 prior to the provider's application for coverage, approved by
10 the Director; and that continues to receive on an annual basis
11 at least 51% of its operating funds from the State after
12 approval of its application. "Qualified local government"
13 means a unit of local government approved by the Director and
14 participating in a program created under subsection (i) of
15 Section 10 of this Act.

16 (t) "Qualified rehabilitation facility" means any
17 not-for-profit organization that is accredited by the
18 Commission on Accreditation of Rehabilitation Facilities or
19 certified by the Department of Human Services (as successor to
20 the Department of Mental Health and Developmental
21 Disabilities) to provide services to persons with disabilities
22 and which receives funds from the State of Illinois for
23 providing those services, approved by the Director and
24 participating in a program created under subsection (j) of
25 Section 10 of this Act.

26 (u) "Qualified domestic violence shelter or service" means
27 any Illinois domestic violence shelter or service and its
28 administrative offices funded by the Department of Human
29 Services (as successor to the Illinois Department of Public
30 Aid), approved by the Director and participating in a program
31 created under subsection (k) of Section 10.

32 (v) "TRS benefit recipient" means a person who:

33 (1) is not a "member" as defined in this Section; and

34 (2) is receiving a monthly benefit or retirement

1 annuity under Article 16 of the Illinois Pension Code; and

2 (3) either (i) has at least 8 years of creditable
3 service under Article 16 of the Illinois Pension Code, or
4 (ii) was enrolled in the health insurance program offered
5 under that Article on January 1, 1996, or (iii) is the
6 survivor of a benefit recipient who had at least 8 years of
7 creditable service under Article 16 of the Illinois Pension
8 Code or was enrolled in the health insurance program
9 offered under that Article on the effective date of this
10 amendatory Act of 1995, or (iv) is a recipient or survivor
11 of a recipient of a disability benefit under Article 16 of
12 the Illinois Pension Code.

13 (w) "TRS dependent beneficiary" means a person who:

14 (1) is not a "member" or "dependent" as defined in this
15 Section; and

16 (2) is a TRS benefit recipient's: (A) spouse, (B)
17 dependent parent who is receiving at least half of his or
18 her support from the TRS benefit recipient, or (C)
19 unmarried natural or adopted child who is (i) under age 19,
20 or (ii) enrolled as a full-time student in an accredited
21 school, financially dependent upon the TRS benefit
22 recipient, eligible to be claimed as a dependent for income
23 tax purposes, and either is under age 24 or was, on January
24 1, 1996, participating as a dependent beneficiary in the
25 health insurance program offered under Article 16 of the
26 Illinois Pension Code, or (iii) age 19 or over who is
27 mentally or physically handicapped.

28 (x) "Military leave with pay and benefits" refers to
29 individuals in basic training for reserves, special/advanced
30 training, annual training, emergency call up, or activation by
31 the President of the United States with approved pay and
32 benefits.

33 (y) "Military leave without pay and benefits" refers to
34 individuals who enlist for active duty in a regular component

1 of the U.S. Armed Forces or other duty not specified or
2 authorized under military leave with pay and benefits.

3 (z) "Community college benefit recipient" means a person
4 who:

5 (1) is not a "member" as defined in this Section; and

6 (2) is receiving a monthly survivor's annuity or
7 retirement annuity under Article 15 of the Illinois Pension
8 Code; and

9 (3) either (i) was a full-time employee of a community
10 college district or an association of community college
11 boards created under the Public Community College Act
12 (other than an employee whose last employer under Article
13 15 of the Illinois Pension Code was a community college
14 district subject to Article VII of the Public Community
15 College Act) and was eligible to participate in a group
16 health benefit plan as an employee during the time of
17 employment with a community college district (other than a
18 community college district subject to Article VII of the
19 Public Community College Act) or an association of
20 community college boards, or (ii) is the survivor of a
21 person described in item (i).

22 (aa) "Community college dependent beneficiary" means a
23 person who:

24 (1) is not a "member" or "dependent" as defined in this
25 Section; and

26 (2) is a community college benefit recipient's: (A)
27 spouse, (B) dependent parent who is receiving at least half
28 of his or her support from the community college benefit
29 recipient, or (C) unmarried natural or adopted child who is
30 (i) under age 19, or (ii) enrolled as a full-time student
31 in an accredited school, financially dependent upon the
32 community college benefit recipient, eligible to be
33 claimed as a dependent for income tax purposes and under
34 age 23, or (iii) age 19 or over and mentally or physically

1 handicapped.

2 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
3 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839,
4 eff. 7-30-04; 93-1067, eff. 1-15-05.)".