



Sen. Larry K. Bomke

**Filed: 5/4/2005**

09400SB0811sam001

LRB094 04438 AMC 44865 a

1 AMENDMENT TO SENATE BILL 811

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 811 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 14-103.05 and 14-104 as follows:

6 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)  
7 Sec. 14-103.05. Employee.

8 (a) Any person employed by a Department who receives salary  
9 for personal services rendered to the Department on a warrant  
10 issued pursuant to a payroll voucher certified by a Department  
11 and drawn by the State Comptroller upon the State Treasurer,  
12 including an elected official described in subparagraph (d) of  
13 Section 14-104, shall become an employee for purpose of  
14 membership in the Retirement System on the first day of such  
15 employment.

16 A person entering service on or after January 1, 1972 and  
17 prior to January 1, 1984 shall become a member as a condition  
18 of employment and shall begin making contributions as of the  
19 first day of employment.

20 A person entering service on or after January 1, 1984  
21 shall, upon completion of 6 months of continuous service which  
22 is not interrupted by a break of more than 2 months, become a  
23 member as a condition of employment. Contributions shall begin  
24 the first of the month after completion of the qualifying

1 period.

2 The qualifying period of 6 months of service is not  
3 applicable to: (1) a person who has been granted credit for  
4 service in a position covered by the State Universities  
5 Retirement System, the Teachers' Retirement System of the State  
6 of Illinois, the General Assembly Retirement System, or the  
7 Judges Retirement System of Illinois unless that service has  
8 been forfeited under the laws of those systems; (2) a person  
9 entering service on or after July 1, 1991 in a noncovered  
10 position; or (3) a person to whom Section 14-108.2a or  
11 14-108.2b applies.

12 (b) The term "employee" does not include the following:

13 (1) members of the State Legislature, and persons  
14 electing to become members of the General Assembly  
15 Retirement System pursuant to Section 2-105;

16 (2) incumbents of offices normally filled by vote of  
17 the people;

18 (3) except as otherwise provided in this Section, any  
19 person appointed by the Governor with the advice and  
20 consent of the Senate unless that person elects to  
21 participate in this system;

22 (3.1) any person serving as a commissioner of an ethics  
23 commission created under the State Officials and Employees  
24 Ethics Act unless that person elects to participate in this  
25 system with respect to that service as a commissioner;

26 (3.2) any person serving as a part-time employee in any  
27 of the following positions: Legislative Inspector General,  
28 Special Legislative Inspector General, employee of the  
29 Office of the Legislative Inspector General, Executive  
30 Director of the Legislative Ethics Commission, or staff of  
31 the Legislative Ethics Commission, regardless of whether  
32 he or she is in active service on or after July 8, 2004  
33 (the effective date of Public Act 93-685), unless that  
34 person elects to participate in this System with respect to

1 that service; in this item (3.2), a "part-time employee" is  
2 a person who is not required to work at least 35 hours per  
3 week;

4 (3.3) any person who has made an election under Section  
5 1-123 and who is serving either as legal counsel in the  
6 Office of the Governor or as Chief Deputy Attorney General;

7 (4) except as provided in subsection (p) of Section  
8 14-104 or Section 14-108.2 or 14-108.2c, any person who is  
9 covered or eligible to be covered by the Teachers'  
10 Retirement System of the State of Illinois, the State  
11 Universities Retirement System, or the Judges Retirement  
12 System of Illinois;

13 (5) an employee of a municipality or any other  
14 political subdivision of the State;

15 (6) any person who becomes an employee after June 30,  
16 1979 as a public service employment program participant  
17 under the Federal Comprehensive Employment and Training  
18 Act and whose wages or fringe benefits are paid in whole or  
19 in part by funds provided under such Act;

20 (7) enrollees of the Illinois Young Adult Conservation  
21 Corps program, administered by the Department of Natural  
22 Resources, authorized grantee pursuant to Title VIII of the  
23 "Comprehensive Employment and Training Act of 1973", 29 USC  
24 993, as now or hereafter amended;

25 (8) enrollees and temporary staff of programs  
26 administered by the Department of Natural Resources under  
27 the Youth Conservation Corps Act of 1970;

28 (9) any person who is a member of any professional  
29 licensing or disciplinary board created under an Act  
30 administered by the Department of Professional Regulation  
31 or a successor agency or created or re-created after the  
32 effective date of this amendatory Act of 1997, and who  
33 receives per diem compensation rather than a salary,  
34 notwithstanding that such per diem compensation is paid by

1 warrant issued pursuant to a payroll voucher; such persons  
2 have never been included in the membership of this System,  
3 and this amendatory Act of 1987 (P.A. 84-1472) is not  
4 intended to effect any change in the status of such  
5 persons;

6 (10) any person who is a member of the Illinois Health  
7 Care Cost Containment Council, and receives per diem  
8 compensation rather than a salary, notwithstanding that  
9 such per diem compensation is paid by warrant issued  
10 pursuant to a payroll voucher; such persons have never been  
11 included in the membership of this System, and this  
12 amendatory Act of 1987 is not intended to effect any change  
13 in the status of such persons;

14 (11) any person who is a member of the Oil and Gas  
15 Board created by Section 1.2 of the Illinois Oil and Gas  
16 Act, and receives per diem compensation rather than a  
17 salary, notwithstanding that such per diem compensation is  
18 paid by warrant issued pursuant to a payroll voucher; or

19 (12) a person employed by the State Board of Higher  
20 Education in a position with the Illinois Century Network  
21 as of June 30, 2004, who remains continuously employed  
22 after that date by the Department of Central Management  
23 Services in a position with the Illinois Century Network  
24 and participates in the Article 15 system with respect to  
25 that employment.

26 (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,  
27 eff. 7-30-04; 93-1069, eff. 1-15-05.)

28 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

29 Sec. 14-104. Service for which contributions permitted.  
30 Contributions provided for in this Section shall cover the  
31 period of service granted. Except as otherwise provided in this  
32 Section, the contributions shall be based upon the employee's  
33 compensation and contribution rate in effect on the date he

1 last became a member of the System; provided that for all  
2 employment prior to January 1, 1969 the contribution rate shall  
3 be that in effect for a noncovered employee on the date he last  
4 became a member of the System. Except as otherwise provided in  
5 this Section, contributions permitted under this Section shall  
6 include regular interest from the date an employee last became  
7 a member of the System to the date of payment.

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

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

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

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

25 (d) Any employee who rendered service in a State office to  
26 which he was elected, or rendered service in the elective  
27 office of Clerk of the Appellate Court prior to the date he  
28 became a member, may make contributions for such service as  
29 required in this Section. Any member who served by appointment  
30 of the Governor under the Civil Administrative Code of Illinois  
31 and did not participate in this System may make contributions  
32 as required in this Section for such service.

33 (e) Any person employed by the United States government or  
34 any instrumentality or agency thereof from January 1, 1942

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

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

27 (g) Any employee who executed a waiver of membership within  
28 60 days prior to January 1, 1944 may, at any time while in the  
29 service of a department, file with the board a rescission of  
30 such waiver. Upon making the contributions required by this  
31 Section, the member shall be granted the creditable service  
32 that would have been received if the waiver had not been  
33 executed.

34 (h) Until May 1, 1990, an employee who was employed on a

1 full-time basis by a regional planning commission for at least  
2 5 continuous years may establish creditable service for such  
3 employment by making the contributions required under this  
4 Section, provided that any credits earned by the employee in  
5 the commission's retirement plan have been terminated.

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

11 (j) By paying the contributions otherwise required under  
12 this Section, plus an amount determined by the Board to be  
13 equal to the employer's normal cost of the benefit plus  
14 interest, but with all of the interest calculated from the date  
15 the employee last became a member of the System or November 19,  
16 1991, whichever is later, to the date of payment, an employee  
17 may establish service credit for a period of up to 2 years  
18 spent in active military service for which he does not qualify  
19 for credit under Section 14-105, provided that (1) he was not  
20 dishonorably discharged from such military service, and (2) the  
21 amount of service credit established by a member under this  
22 subsection (j), when added to the amount of military service  
23 credit granted to the member under subsection (b) of Section  
24 14-105, shall not exceed 5 years. The change in the manner of  
25 calculating interest under this subsection (j) made by this  
26 amendatory Act of the 92nd General Assembly applies to credit  
27 purchased by an employee on or after its effective date and  
28 does not entitle any person to a refund of contributions or  
29 interest already paid.

30 (k) An employee who was employed on a full-time basis by  
31 the Illinois State's Attorneys Association Statewide Appellate  
32 Assistance Service LEAA-ILEC grant project prior to the time  
33 that project became the State's Attorneys Appellate Service  
34 Commission, now the Office of the State's Attorneys Appellate

1 Prosecutor, an agency of State government, may establish  
2 creditable service for not more than 60 months service for such  
3 employment by making contributions required under this  
4 Section.

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

21 (m) Any person who rendered contractual services to a  
22 member of the General Assembly as a worker in the member's  
23 district office may establish creditable service for up to 3  
24 years of those contractual services by making the contributions  
25 required under this Section. The System shall determine a  
26 full-time salary equivalent for the purpose of calculating the  
27 required contribution. To establish credit under this  
28 subsection, the applicant must apply to the System by March 1,  
29 1998.

30 (n) Any person who rendered contractual services to a  
31 member of the General Assembly as a worker providing  
32 constituent services to persons in the member's district may  
33 establish creditable service for up to 8 years of those  
34 contractual services by making the contributions required



1 under this Section. The System shall determine a full-time  
2 salary equivalent for the purpose of calculating the required  
3 contribution. To establish credit under this subsection, the  
4 applicant must apply to the System by March 1, 1998.

5 (o) A member who participated in the Illinois Legislative  
6 Staff Internship Program may establish creditable service for  
7 up to one year of that participation by making the contribution  
8 required under this Section. The System shall determine a  
9 full-time salary equivalent for the purpose of calculating the  
10 required contribution. Credit may not be established under this  
11 subsection for any period for which service credit is  
12 established under any other provision of this Code.

13 (p) By paying the contributions otherwise required under  
14 this Section, plus an amount determined by the Board to be  
15 equal to the employer's normal cost of the benefit plus  
16 interest, with all of the interest calculated from the date of  
17 last employment with the University of Illinois at  
18 Urbana-Champaign to the date of payment, an employee may  
19 establish service credit for any employment by the University  
20 of Illinois at Urbana-Champaign between January 1, 1975 and  
21 December 31, 1979 for which the employee did not participate in  
22 the State Universities Retirement System. To establish credit  
23 under this subsection (p), the employee must apply within 30  
24 days after the effective date of this amendatory Act of the  
25 94th General Assembly.

26 (Source: P.A. 92-54, eff. 7-12-01.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."