



Sen. Don Harmon

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LRB095 07885 AMC 49407 a

1 AMENDMENT TO HOUSE BILL 1702

2 AMENDMENT NO. _____. Amend House Bill 1702 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 14-110 and 14-152.1 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not less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10 age 55, and any member who has withdrawn from service with not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

1 (i) for periods of service as a noncovered employee: if
2 retirement occurs on or after January 1, 2001, 3% of final
3 average compensation for each year of creditable service;
4 if retirement occurs before January 1, 2001, 2 1/4% of
5 final average compensation for each of the first 10 years
6 of creditable service, 2 1/2% for each year above 10 years
7 to and including 20 years of creditable service, and 2 3/4%
8 for each year of creditable service above 20 years; and

9 (ii) for periods of eligible creditable service as a
10 covered employee: if retirement occurs on or after January
11 1, 2001, 2.5% of final average compensation for each year
12 of creditable service; if retirement occurs before January
13 1, 2001, 1.67% of final average compensation for each of
14 the first 10 years of such service, 1.90% for each of the
15 next 10 years of such service, 2.10% for each year of such
16 service in excess of 20 but not exceeding 30, and 2.30% for
17 each year in excess of 30.

18 Such annuity shall be subject to a maximum of 75% of final
19 average compensation if retirement occurs before January 1,
20 2001 or to a maximum of 80% of final average compensation if
21 retirement occurs on or after January 1, 2001.

22 These rates shall not be applicable to any service
23 performed by a member as a covered employee which is not
24 eligible creditable service. Service as a covered employee
25 which is not eligible creditable service shall be subject to
26 the rates and provisions of Section 14-108.

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

4 (1) State policeman;

5 (2) fire fighter in the fire protection service of a
6 department;

7 (3) air pilot;

8 (4) special agent;

9 (5) investigator for the Secretary of State;

10 (6) conservation police officer;

11 (7) investigator for the Department of Revenue;

12 (8) security employee of the Department of Human
13 Services;

14 (9) Central Management Services security police
15 officer;

16 (10) security employee of the Department of
17 Corrections or the Department of Juvenile Justice;

18 (11) dangerous drugs investigator;

19 (12) investigator for the Department of State Police;

20 (13) investigator for the Office of the Attorney
21 General;

22 (14) controlled substance inspector;

23 (15) investigator for the Office of the State's
24 Attorneys Appellate Prosecutor;

25 (16) Commerce Commission police officer;

26 (17) arson investigator;

1 (18) State highway maintenance worker~~;~~

2 (19) tollway employee;

3 (20) automotive mechanic;

4 (21) mechanic/autobody technician;

5 (22) automotive attendant.

6 A person employed in one of the positions specified in this
7 subsection is entitled to eligible creditable service for
8 service credit earned under this Article while undergoing the
9 basic police training course approved by the Illinois Law
10 Enforcement Training Standards Board, if completion of that
11 training is required of persons serving in that position. For
12 the purposes of this Code, service during the required basic
13 police training course shall be deemed performance of the
14 duties of the specified position, even though the person is not
15 a sworn peace officer at the time of the training.

16 (c) For the purposes of this Section:

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

20 (2) The term "fire fighter in the fire protection
21 service of a department" includes all officers in such fire
22 protection service including fire chiefs and assistant
23 fire chiefs.

24 (3) The term "air pilot" includes any employee whose
25 official job description on file in the Department of
26 Central Management Services, or in the department by which

1 he is employed if that department is not covered by the
2 Personnel Code, states that his principal duty is the
3 operation of aircraft, and who possesses a pilot's license;
4 however, the change in this definition made by this
5 amendatory Act of 1983 shall not operate to exclude any
6 noncovered employee who was an "air pilot" for the purposes
7 of this Section on January 1, 1984.

8 (4) The term "special agent" means any person who by
9 reason of employment by the Division of Narcotic Control,
10 the Bureau of Investigation or, after July 1, 1977, the
11 Division of Criminal Investigation, the Division of
12 Internal Investigation, the Division of Operations, or any
13 other Division or organizational entity in the Department
14 of State Police is vested by law with duties to maintain
15 public order, investigate violations of the criminal law of
16 this State, enforce the laws of this State, make arrests
17 and recover property. The term "special agent" includes any
18 title or position in the Department of State Police that is
19 held by an individual employed under the State Police Act.

20 (5) The term "investigator for the Secretary of State"
21 means any person employed by the Office of the Secretary of
22 State and vested with such investigative duties as render
23 him ineligible for coverage under the Social Security Act
24 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
25 218(1)(1) of that Act.

26 A person who became employed as an investigator for the

1 Secretary of State between January 1, 1967 and December 31,
2 1975, and who has served as such until attainment of age
3 60, either continuously or with a single break in service
4 of not more than 3 years duration, which break terminated
5 before January 1, 1976, shall be entitled to have his
6 retirement annuity calculated in accordance with
7 subsection (a), notwithstanding that he has less than 20
8 years of credit for such service.

9 (6) The term "Conservation Police Officer" means any
10 person employed by the Division of Law Enforcement of the
11 Department of Natural Resources and vested with such law
12 enforcement duties as render him ineligible for coverage
13 under the Social Security Act by reason of Sections
14 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The
15 term "Conservation Police Officer" includes the positions
16 of Chief Conservation Police Administrator and Assistant
17 Conservation Police Administrator.

18 (7) The term "investigator for the Department of
19 Revenue" means any person employed by the Department of
20 Revenue and vested with such investigative duties as render
21 him ineligible for coverage under the Social Security Act
22 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
23 218(l)(1) of that Act.

24 (8) The term "security employee of the Department of
25 Human Services" means any person employed by the Department
26 of Human Services who (i) is employed at the Chester Mental

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

24 The changes made to this subdivision (c)(8) by Public
25 Act 92-14 apply to persons who retire on or after January
26 1, 2001, notwithstanding Section 1-103.1.

1 (9) "Central Management Services security police
2 officer" means any person employed by the Department of
3 Central Management Services who is 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.

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

1 investigator.

2 (11) The term "dangerous drugs investigator" means any
3 person who is employed as such by the Department of Human
4 Services.

5 (12) The term "investigator for the Department of State
6 Police" means a person employed by the Department of State
7 Police who is vested under Section 4 of the Narcotic
8 Control Division Abolition Act with such law enforcement
9 powers as render him ineligible for coverage under the
10 Social Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

1 218(d)(8)(D) and 218(1)(1) of that Act. The term
2 "controlled substance inspector" includes the Program
3 Executive of Enforcement and the Assistant Program
4 Executive of Enforcement.

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

10 (16) "Commerce Commission police officer" means any
11 person employed by the Illinois Commerce Commission who is
12 vested with such law enforcement duties as render him
13 ineligible for coverage under the Social Security Act by
14 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
15 218(1)(1) of that Act.

16 (17) "Arson investigator" means any person who is
17 employed as such by the Office of the State Fire Marshal
18 and is vested with such law enforcement 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. A person who was
22 employed as an arson investigator on January 1, 1995 and is
23 no longer in service but not yet receiving a retirement
24 annuity may convert his or her creditable service for
25 employment as an arson investigator into eligible
26 creditable service by paying to the System the difference

1 between the employee contributions actually paid for that
2 service and the amounts that would have been contributed if
3 the applicant were contributing at the rate applicable to
4 persons with the same social security status earning
5 eligible creditable service on the date of application.

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

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

19 (ii) A person employed on a full-time basis by the
20 Illinois State Toll Highway Authority in the position
21 of equipment operator/laborer, equipment
22 operator/laborer H-4, equipment operator/laborer H-6,
23 welder, welder H-4, welder H-6, mechanical/electrical,
24 mechanical/electrical H-4, mechanical/electrical H-6,
25 water/sewer, water/sewer H-4, water/sewer H-6, sign
26 maker/hanger, sign maker/hanger H-4, sign maker/hanger

1 H-6, roadway lighting, roadway lighting H-4, roadway
2 lighting H-6, structural, structural H-4, structural
3 H-6, painter, painter H-4, or painter H-6; and whose
4 principal responsibility is to perform, on the
5 roadway, the actual maintenance necessary to keep the
6 Authority's tollways in serviceable condition for
7 vehicular traffic.

8 (19) The term "tollway employee" means a person
9 employed by the Illinois State Toll Highway Authority as a
10 lane walker, senior lane walker, toll collector, senior
11 toll collector, money room truck driver, custodian II,
12 custodian III, custodian supervisor, custodian manager,
13 maintenance manager, maintenance supervisor, plaza
14 manager, plaza supervisor, sign shop manager, sign shop
15 supervisor, building maintenance manager, or roadway
16 electric manager.

17 (20) The term "automotive mechanic" means a person
18 employed as such on a full-time basis by the Illinois
19 Department of Transportation, Department of Central
20 Management Services, Illinois Department of Agriculture,
21 or Illinois State Toll Highway Authority and who is
22 assigned to retrieve or repair State vehicles on State
23 highways or tollways.

24 (21) The term "mechanic/autobody technician" means a
25 person who is employed as such on a full-time basis by the
26 Illinois State Toll Highway Authority and who is assigned

1 to retrieve or repair State vehicles on State highways or
2 tollways.

3 (22) The term "automotive attendant" means a person who
4 is employed as such on a full-time basis by the Illinois
5 State Toll Highway Authority and who is assigned to
6 retrieve or repair State vehicles on State highways or
7 tollways.

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

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

16 or

17 (ii) beginning January 1, 1987, 25 years of eligible
18 creditable service and age 54, or 24 years of eligible
19 creditable service and age 55; or

20 (iii) beginning January 1, 1988, 25 years of eligible
21 creditable service and age 53, or 23 years of eligible
22 creditable service and age 55; or

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

26 (v) beginning January 1, 1990, 25 years of eligible

1 creditable service and age 51, or 21 years of eligible
2 creditable service and age 55; or

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

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

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

23 (f) For purposes of calculating retirement annuities under
24 this Section, periods of service rendered after December 31,
25 1968 and before October 1, 1975 as a covered employee in the
26 position of special agent, conservation police officer, mental

1 health police officer, or investigator for the Secretary of
2 State, shall be deemed to have been service as a noncovered
3 employee, provided that the employee pays to the System prior
4 to retirement an amount equal to (1) the difference between the
5 employee contributions that would have been required for such
6 service as a noncovered employee, and the amount of employee
7 contributions actually paid, plus (2) if payment is made after
8 July 31, 1987, regular interest on the amount specified in item
9 (1) from the date of service to the date of payment.

10 For purposes of calculating retirement annuities under
11 this Section, periods of service rendered after December 31,
12 1968 and before January 1, 1982 as a covered employee in the
13 position of investigator for the Department of Revenue shall be
14 deemed to have been service as a noncovered employee, provided
15 that the employee pays to the System prior to retirement an
16 amount equal to (1) the difference between the employee
17 contributions that would have been required for such service as
18 a noncovered employee, and the amount of employee contributions
19 actually paid, plus (2) if payment is made after January 1,
20 1990, regular interest on the amount specified in item (1) from
21 the date of service to the date of payment.

22 (g) A State policeman may elect, not later than January 1,
23 1990, to establish eligible creditable service for up to 10
24 years of his service as a policeman under Article 3, by filing
25 a written election with the Board, accompanied by payment of an
26 amount to be determined by the Board, equal to (i) the

1 difference between the amount of employee and employer
2 contributions transferred to the System under Section 3-110.5,
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), a State
9 policeman may elect, not later than July 1, 1993, to establish
10 eligible creditable service for up to 10 years of his service
11 as a member of the County Police Department under Article 9, by
12 filing a written election with the Board, accompanied by
13 payment of an amount to be determined by the Board, equal to
14 (i) the difference between the amount of employee and employer
15 contributions transferred to the System under Section 9-121.10
16 and the amounts that would have been contributed had those
17 contributions been made at the rates applicable to State
18 policemen, plus (ii) interest thereon at the effective rate for
19 each year, compounded annually, from the date of service to the
20 date of payment.

21 (h) Subject to the limitation in subsection (i), a State
22 policeman or investigator for the Secretary of State may elect
23 to establish eligible creditable service for up to 12 years of
24 his service as a policeman under Article 5, by filing a written
25 election with the Board on or before January 31, 1992, and
26 paying to the System by January 31, 1994 an amount to be

1 determined by the Board, equal to (i) the difference between
2 the amount of employee and employer contributions transferred
3 to the System under Section 5-236, and the amounts that would
4 have been contributed had such contributions been made at the
5 rates applicable to State policemen, plus (ii) interest thereon
6 at the effective rate for each year, compounded annually, from
7 the date of service to the date of payment.

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

22 Subject to the limitation in subsection (i), a State
23 policeman, conservation police officer, or investigator for
24 the Secretary of State may elect to establish eligible
25 creditable service for up to 5 years of service as a police
26 officer under Article 3, a policeman under Article 5, a

1 sheriff's law enforcement employee under Article 7, a member of
2 the county police department under Article 9, or a police
3 officer under Article 15 by filing a written election with the
4 Board and paying to the System an amount to be determined by
5 the Board, equal to (i) the difference between the amount of
6 employee and employer contributions transferred to the System
7 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
8 and the amounts that would have been contributed had such
9 contributions been made at the rates applicable to State
10 policemen, plus (ii) interest thereon at the effective rate for
11 each year, compounded annually, from the date of service to the
12 date of payment.

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

16 (j) Subject to the limitation in subsection (i), an
17 investigator for the Office of the State's Attorneys Appellate
18 Prosecutor or a controlled substance inspector may elect to
19 establish eligible creditable service for up to 10 years of his
20 service as a policeman under Article 3 or a sheriff's law
21 enforcement employee under Article 7, by filing a written
22 election with the Board, accompanied by payment of an amount to
23 be determined by the Board, equal to (1) the difference between
24 the amount of employee and employer contributions transferred
25 to the System under Section 3-110.6 or 7-139.8, and the amounts
26 that would have been contributed had such contributions been

1 made at the rates applicable to State policemen, plus (2)
2 interest thereon at the effective rate for each year,
3 compounded annually, from the date of service to the date of
4 payment.

5 (k) Subject to the limitation in subsection (i) of this
6 Section, an alternative formula employee may elect to establish
7 eligible creditable service for periods spent as a full-time
8 law enforcement officer or full-time corrections officer
9 employed by the federal government or by a state or local
10 government located outside of Illinois, for which credit is not
11 held in any other public employee pension fund or retirement
12 system. To obtain this credit, the applicant must file a
13 written application with the Board by March 31, 1998,
14 accompanied by evidence of eligibility acceptable to the Board
15 and payment of an amount to be determined by the Board, equal
16 to (1) employee contributions for the credit being established,
17 based upon the applicant's salary on the first day as an
18 alternative formula employee after the employment for which
19 credit is being established and the rates then applicable to
20 alternative formula employees, plus (2) an amount determined by
21 the Board to be the employer's normal cost of the benefits
22 accrued for the credit being established, plus (3) regular
23 interest on the amounts in items (1) and (2) from the first day
24 as an alternative formula employee after the employment for
25 which credit is being established to the date of payment.

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

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

14 (m) The amendatory changes to this Section made by this
15 amendatory Act of the 94th General Assembly apply only to: (1)
16 security employees of the Department of Juvenile Justice
17 employed by the Department of Corrections before the effective
18 date of this amendatory Act of the 94th General Assembly and
19 transferred to the Department of Juvenile Justice by this
20 amendatory Act of the 94th General Assembly; and (2) persons
21 employed by the Department of Juvenile Justice on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly who are required by subsection (b) of Section 3-2.5-15
24 of the Unified Code of Corrections to have a bachelor's or
25 advanced degree from an accredited college or university with a
26 specialization in criminal justice, education, psychology,

1 social work, or a closely related social science or, in the
2 case of persons who provide vocational training, who are
3 required to have adequate knowledge in the skill for which they
4 are providing the vocational training.

5 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,
6 eff. 8-28-07.)

7 (40 ILCS 5/14-152.1)

8 Sec. 14-152.1. Application and expiration of new benefit
9 increases.

10 (a) As used in this Section, "new benefit increase" means
11 an increase in the amount of any benefit provided under this
12 Article, or an expansion of the conditions of eligibility for
13 any benefit under this Article, that results from an amendment
14 to this Code that takes effect after June 1, 2005 (the
15 effective date of Public Act 94-4) ~~this amendatory Act of the~~
16 ~~94th General Assembly~~. "New benefit increase", however, does
17 not include any benefit increase resulting from the changes
18 made to this Article by this amendatory Act of the 95th General
19 Assembly.

20 (b) Notwithstanding any other provision of this Code or any
21 subsequent amendment to this Code, every new benefit increase
22 is subject to this Section and shall be deemed to be granted
23 only in conformance with and contingent upon compliance with
24 the provisions of this Section.

25 (c) The Public Act enacting a new benefit increase must

1 identify and provide for payment to the System of additional
2 funding at least sufficient to fund the resulting annual
3 increase in cost to the System as it accrues.

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

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

26 (e) Except as otherwise provided in the language creating

1 the new benefit increase, a new benefit increase that expires
2 under this Section continues to apply to persons who applied
3 and qualified for the affected benefit while the new benefit
4 increase was in effect and to the affected beneficiaries and
5 alternate payees of such persons, but does not apply to any
6 other person, including without limitation a person who
7 continues in service after the expiration date and did not
8 apply and qualify for the affected benefit while the new
9 benefit increase was in effect.

10 (Source: P.A. 94-4, eff. 6-1-05.)

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