



Rep. David E. Miller

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LRB095 11158 AMC 35065 a

1 AMENDMENT TO HOUSE BILL 1723

2 AMENDMENT NO. _____. Amend House Bill 1723, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Pension Code is amended by
6 changing Section 14-110 and by adding Section 14-152.2 as
7 follows:

8 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

9 Sec. 14-110. Alternative retirement annuity.

10 (a) Any member who has withdrawn from service with not less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12 age 55, and any member who has withdrawn from service with not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

1 member, in lieu of the regular or minimum retirement annuity, a
2 retirement annuity computed as follows:

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

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

20 Such annuity shall be subject to a maximum of 75% of final
21 average compensation if retirement occurs before January 1,
22 2001 or to a maximum of 80% of final average compensation if
23 retirement occurs on or after January 1, 2001.

24 These rates shall not be applicable to any service
25 performed by a member as a covered employee which is not
26 eligible creditable service. Service as a covered employee

1 which is not eligible creditable service shall be subject to
2 the rates and provisions of Section 14-108.

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

6 (1) State policeman;

7 (2) fire fighter in the fire protection service of a
8 department;

9 (3) air pilot;

10 (4) special agent;

11 (5) investigator for the Secretary of State;

12 (6) conservation police officer;

13 (7) investigator for the Department of Revenue;

14 (8) security employee of the Department of Human
15 Services;

16 (9) Central Management Services security police
17 officer;

18 (10) security employee of the Department of
19 Corrections or the Department of Juvenile Justice;

20 (11) dangerous drugs investigator;

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

22 (13) investigator for the Office of the Attorney
23 General;

24 (14) controlled substance inspector;

25 (15) investigator for the Office of the State's
26 Attorneys Appellate Prosecutor;

- 1 (16) Commerce Commission police officer;
2 (17) arson investigator;
3 (18) State highway maintenance worker; ~~and-~~
4 (19) automotive mechanic.

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

15 (c) For the purposes of this Section:

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

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

23 (3) The term "air pilot" includes any employee whose
24 official job description on file in the Department of
25 Central Management Services, or in the department by which
26 he is employed if that department is not covered by the

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

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

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

25 A person who became employed as an investigator for the
26 Secretary of State between January 1, 1967 and December 31,

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

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

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

23 (8) The term "security employee of the Department of
24 Human Services" means any person employed by the Department
25 of Human Services who (i) is employed at the Chester Mental
26 Health Center and has daily contact with the residents

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

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

26 (9) "Central Management Services security police

1 officer" means any person employed by the Department of
2 Central Management Services who is vested with such law
3 enforcement duties as render him ineligible for coverage
4 under the Social Security Act by reason of Sections
5 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

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

21 (14) "Controlled substance inspector" means any person
22 who is employed as such by the Department of Professional
23 Regulation and is vested with such law enforcement duties
24 as render him ineligible for coverage under the Social
25 Security Act by reason of Sections 218(d)(5)(A),
26 218(d)(8)(D) and 218(1)(1) of that Act. The term

1 "controlled substance inspector" includes the Program
2 Executive of Enforcement and the Assistant Program
3 Executive of Enforcement.

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

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

15 (17) "Arson investigator" means any person who is
16 employed as such by the Office of the State Fire Marshal
17 and is vested with such law enforcement duties as render
18 the person ineligible for coverage under the Social
19 Security Act by reason of Sections 218(d)(5)(A),
20 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
21 employed as an arson investigator on January 1, 1995 and is
22 no longer in service but not yet receiving a retirement
23 annuity may convert his or her creditable service for
24 employment as an arson investigator into eligible
25 creditable service by paying to the System the difference
26 between the employee contributions actually paid for that

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

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

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

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

1 responsibility is to perform, on the roadway, the
2 actual maintenance necessary to keep the Authority's
3 tollways in serviceable condition for vehicular
4 traffic.

5 The changes to paragraph (1) of this item (18) made by
6 this amendatory Act of the 95th General Assembly apply
7 without regard to whether the member was in service on or
8 after its effective date, but do not entitle any person to
9 recalculation of any pension or other benefit already
10 granted.

11 (19) The term "automotive mechanic" means a person
12 employed as such by the Illinois Department of
13 Transportation, Department of Central Management Services,
14 Illinois Department of Agriculture, or Illinois State Toll
15 Highway Authority and who is assigned to retrieve or repair
16 State vehicles on State highways or tollways.

17 (d) A security employee of the Department of Corrections or
18 the Department of Juvenile Justice, and a security employee of
19 the Department of Human Services who is not a mental health
20 police officer, shall not be eligible for the alternative
21 retirement annuity provided by this Section unless he or she
22 meets the following minimum age and service requirements at the
23 time of retirement:

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

25 or

26 (ii) beginning January 1, 1987, 25 years of eligible

1 creditable service and age 54, or 24 years of eligible
2 creditable service and age 55; or

3 (iii) beginning January 1, 1988, 25 years of eligible
4 creditable service and age 53, or 23 years of eligible
5 creditable service and age 55; or

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

9 (v) beginning January 1, 1990, 25 years of eligible
10 creditable service and age 51, or 21 years of eligible
11 creditable service and age 55; or

12 (vi) beginning January 1, 1991, 25 years of eligible
13 creditable service and age 50, or 20 years of eligible
14 creditable service and age 55.

15 Persons who have service credit under Article 16 of this
16 Code for service as a security employee of the Department of
17 Corrections or the Department of Juvenile Justice, or the
18 Department of Human Services in a position requiring
19 certification as a teacher may count such service toward
20 establishing their eligibility under the service requirements
21 of this Section; but such service may be used only for
22 establishing such eligibility, and not for the purpose of
23 increasing or calculating any benefit.

24 (e) If a member enters military service while working in a
25 position in which eligible creditable service may be earned,
26 and returns to State service in the same or another such

1 position, and fulfills in all other respects the conditions
2 prescribed in this Article for credit for military service,
3 such military service shall be credited as eligible creditable
4 service for the purposes of the retirement annuity prescribed
5 in this Section.

6 (f) For purposes of calculating retirement annuities under
7 this Section, periods of service rendered after December 31,
8 1968 and before October 1, 1975 as a covered employee in the
9 position of special agent, conservation police officer, mental
10 health police officer, or investigator for the Secretary of
11 State, shall be deemed to have been service as a noncovered
12 employee, provided that the employee pays to the System prior
13 to retirement an amount equal to (1) the difference between the
14 employee contributions that would have been required for such
15 service as a noncovered employee, and the amount of employee
16 contributions actually paid, plus (2) if payment is made after
17 July 31, 1987, regular interest on the amount specified in item
18 (1) from the date of service to the date of payment.

19 For purposes of calculating retirement annuities under
20 this Section, periods of service rendered after December 31,
21 1968 and before January 1, 1982 as a covered employee in the
22 position of investigator for the Department of Revenue shall be
23 deemed to have been service as a noncovered employee, provided
24 that the employee pays to the System prior to retirement an
25 amount equal to (1) the difference between the employee
26 contributions that would have been required for such service as

1 a noncovered employee, and the amount of employee contributions
2 actually paid, plus (2) if payment is made after January 1,
3 1990, regular interest on the amount specified in item (1) from
4 the date of service to the date of payment.

5 (g) A State policeman may elect, not later than January 1,
6 1990, to establish eligible creditable service for up to 10
7 years of his service as a policeman under Article 3, by filing
8 a written election with the Board, accompanied by payment of an
9 amount to be determined by the Board, equal to (i) the
10 difference between the amount of employee and employer
11 contributions transferred to the System under Section 3-110.5,
12 and the amounts that would have been contributed had such
13 contributions been made at the rates applicable to State
14 policemen, plus (ii) interest thereon at the effective rate for
15 each year, compounded annually, from the date of service to the
16 date of payment.

17 Subject to the limitation in subsection (i), a State
18 policeman may elect, not later than July 1, 1993, to establish
19 eligible creditable service for up to 10 years of his service
20 as a member of the County Police Department under Article 9, by
21 filing a written election with the Board, accompanied by
22 payment of an amount to be determined by the Board, equal to
23 (i) the difference between the amount of employee and employer
24 contributions transferred to the System under Section 9-121.10
25 and the amounts that would have been contributed had those
26 contributions been made at the rates applicable to State

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

4 (h) Subject to the limitation in subsection (i), a State
5 policeman or investigator for the Secretary of State may elect
6 to establish eligible creditable service for up to 12 years of
7 his service as a policeman under Article 5, by filing a written
8 election with the Board on or before January 31, 1992, and
9 paying to the System by January 31, 1994 an amount to be
10 determined by the Board, equal to (i) the difference between
11 the amount of employee and employer contributions transferred
12 to the System under Section 5-236, and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) interest thereon
15 at the effective rate for each year, compounded annually, from
16 the date of service to the date of payment.

17 Subject to the limitation in subsection (i), a State
18 policeman, conservation police officer, or investigator for
19 the Secretary of State may elect to establish eligible
20 creditable service for up to 10 years of service as a sheriff's
21 law enforcement employee under Article 7, by filing a written
22 election with the Board on or before January 31, 1993, and
23 paying to the System by January 31, 1994 an amount to be
24 determined by the Board, equal to (i) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 7-139.7, and the amounts that would

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

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

8 (j) Subject to the limitation in subsection (i), an
9 investigator for the Office of the State's Attorneys Appellate
10 Prosecutor or a controlled substance inspector may elect to
11 establish eligible creditable service for up to 10 years of his
12 service as a policeman under Article 3 or a sheriff's law
13 enforcement employee under Article 7, by filing a written
14 election with the Board, accompanied by payment of an amount to
15 be determined by the Board, equal to (1) the difference between
16 the amount of employee and employer contributions transferred
17 to the System under Section 3-110.6 or 7-139.8, and the amounts
18 that would have been contributed had such contributions been
19 made at the rates applicable to State policemen, plus (2)
20 interest thereon at the effective rate for each year,
21 compounded annually, from the date of service to the date of
22 payment.

23 (k) Subject to the limitation in subsection (i) of this
24 Section, an alternative formula employee may elect to establish
25 eligible creditable service for periods spent as a full-time
26 law enforcement officer or full-time corrections officer

1 employed by the federal government or by a state or local
2 government located outside of Illinois, for which credit is not
3 held in any other public employee pension fund or retirement
4 system. To obtain this credit, the applicant must file a
5 written application with the Board by March 31, 1998,
6 accompanied by evidence of eligibility acceptable to the Board
7 and payment of an amount to be determined by the Board, equal
8 to (1) employee contributions for the credit being established,
9 based upon the applicant's salary on the first day as an
10 alternative formula employee after the employment for which
11 credit is being established and the rates then applicable to
12 alternative formula employees, plus (2) an amount determined by
13 the Board to be the employer's normal cost of the benefits
14 accrued for the credit being established, plus (3) regular
15 interest on the amounts in items (1) and (2) from the first day
16 as an alternative formula employee after the employment for
17 which credit is being established to the date of payment.

18 (1) Subject to the limitation in subsection (i), a security
19 employee of the Department of Corrections may elect, not later
20 than July 1, 1998, to establish eligible creditable service for
21 up to 10 years of his or her service as a policeman under
22 Article 3, by filing a written election with the Board,
23 accompanied by payment of an amount to be determined by the
24 Board, equal to (i) the difference between the amount of
25 employee and employer contributions transferred to the System
26 under Section 3-110.5, and the amounts that would have been

1 contributed had such contributions been made at the rates
2 applicable to security employees of the Department of
3 Corrections, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service to
5 the date of payment.

6 (m) The amendatory changes to this Section made by this
7 amendatory Act of the 94th General Assembly apply only to: (1)
8 security employees of the Department of Juvenile Justice
9 employed by the Department of Corrections before the effective
10 date of this amendatory Act of the 94th General Assembly and
11 transferred to the Department of Juvenile Justice by this
12 amendatory Act of the 94th General Assembly; and (2) persons
13 employed by the Department of Juvenile Justice on or after the
14 effective date of this amendatory Act of the 94th General
15 Assembly who are required by subsection (b) of Section 3-2.5-15
16 of the Unified Code of Corrections to have a bachelor's or
17 advanced degree from an accredited college or university with a
18 specialization in criminal justice, education, psychology,
19 social work, or a closely related social science or, in the
20 case of persons who provide vocational training, who are
21 required to have adequate knowledge in the skill for which they
22 are providing the vocational training.

23 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

24 (40 ILCS 5/14-152.2 new)

25 Sec. 14-152.2. New benefit increases.

1 (a) The General Assembly finds and declares that the
2 amendment to Section 14-110 made by this amendatory Act of the
3 95th General Assembly that provides the alternative formula to
4 persons employed as automotive mechanics by the Illinois
5 Department of Transportation, Department of Central Management
6 Services, Illinois Department of Agriculture, or Illinois
7 State Toll Highway Authority constitutes a new benefit increase
8 within the meaning of Section 14-152.1. This new benefit
9 increase will expire 5 years after the effective date of this
10 amendatory Act. Funding for this new benefit increase will be
11 provided by additional employee contributions under Section
12 14-133.

13 (b) The General Assembly finds and declares that the
14 amendment to Section 14-110 made by this amendatory Act of the
15 95th General Assembly that provides the alternative formula to
16 certain sign hangers employed by the Department of
17 Transportation constitutes a new benefit increase within the
18 meaning of Section 14-152.1. This new benefit increase will
19 expire 5 years after the effective date of this amendatory Act.
20 Funding for this new benefit increase will be provided by
21 additional employee contributions under Section 14-133.

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