



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0491

Introduced 2/4/2009, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|-------------------------------|
| 40 ILCS 5/3-106 | from Ch. 108 1/2, par. 3-106 |
| 40 ILCS 5/3-110.11 new | |
| 40 ILCS 5/7-139.14 new | |
| 40 ILCS 5/14-110 | from Ch. 108 1/2, par. 14-110 |
| 40 ILCS 5/14-152.1 | |
| 30 ILCS 805/8.33 new | |

Amends the Downstate Police Article of the Illinois Pension Code. Provides that, beginning on the effective date of this amendatory Act, "police officer" or "officer" includes any person who is employed as a police dispatcher. Allows a police dispatcher to transfer creditable service under the Illinois Municipal Retirement Fund Article to his or her pension fund under the Downstate Police Article. Amends the State Employee Article of the Illinois Pension Code. Allows an investigator for the Secretary of State to elect to establish eligible creditable service for up to 5 years of service as a police officer under the Downstate Police Article or Illinois Municipal Retirement Fund Article. Exempts the changes from new benefit increase provisions. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 03613 AMC 13641 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 3-106, 14-110, and 14-152.1 and by adding Sections
6 3-110.11 and 7-139.14 as follows:

7 (40 ILCS 5/3-106) (from Ch. 108 1/2, par. 3-106)

8 Sec. 3-106. Police officer, officer. "Police officer" or
9 "officer": Any person who (1) is appointed to the police force
10 of a police department and sworn and commissioned to perform
11 police duties; and (2) within 3 months after receiving his or
12 her first appointment and, if reappointed, within 3 months
13 thereafter, or as otherwise provided in Section 3-109, makes
14 written application to the board to come under the provisions
15 of this Article.

16 Beginning on the effective date of this amendatory Act of
17 the 96th General Assembly, "police officer" or "officer"
18 includes any person who is employed as a police dispatcher.

19 Police officers serving initial probationary periods, if
20 otherwise eligible, shall be police officers within the meaning
21 of this Section.

22 (Source: P.A. 89-52, eff. 6-30-95.)

1 (40 ILCS 5/3-110.11 new)

2 Sec. 3-110.11. Transfer from IMRF. Until January 1, 2010, a
3 police dispatcher may transfer to a fund established under this
4 Article all or any portion of his or her creditable service
5 accumulated under Article 7 of this Code upon payment to the
6 fund of an amount to be determined by the board, equal to (i)
7 the difference between the amount of employee and employer
8 contributions transferred to the fund under Section 7-139.13
9 and the amounts that would have been contributed had such
10 contributions been made at the rates applicable to an employee
11 under this Article, plus (ii) interest thereon at the effective
12 rate for each year, compounded annually, from the date of
13 service to the date of payment.

14 (40 ILCS 5/7-139.14 new)

15 Sec. 7-139.14. Transfer to Article 3 fund.

16 (a) Until January 1, 2010, a police dispatcher who has
17 creditable service under this Article and who has become an
18 active participant in a police pension fund established under
19 Article 3 of this Code may apply for transfer to that Article 3
20 fund of all or any portion of his or her creditable service
21 accumulated under this Article. At the time of the transfer the
22 Fund shall pay to the police pension fund an amount equal to:

23 (1) the amounts accumulated to the credit of the
24 applicant under this Article, including interest;

25 (2) the municipality credits based on that service,

1 including interest; and

2 (3) any interest paid by the applicant in order to
3 reinstate that service.

4 Participation in this Fund with respect to the transferred
5 credits shall terminate on the date of transfer.

6 (b) A police dispatcher who is an active member of a
7 pension fund established under Article 3 of this Code may
8 reinstate creditable service under this Article that was
9 terminated by receipt of a refund by paying to the Fund the
10 amount of the refund plus interest thereon at the rate of 6%
11 per year, compounded annually, from the date of refund to the
12 date of payment.

13 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

14 Sec. 14-110. Alternative retirement annuity.

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

24 (i) for periods of service as a noncovered employee: if
25 retirement occurs on or after January 1, 2001, 3% of final

1 average compensation for each year of creditable service;
2 if retirement occurs before January 1, 2001, 2 1/4% of
3 final average compensation for each of the first 10 years
4 of creditable service, 2 1/2% for each year above 10 years
5 to and including 20 years of creditable service, and 2 3/4%
6 for each year of creditable service above 20 years; and

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

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

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

25 (b) For the purpose of this Section, "eligible creditable
26 service" means creditable service resulting from service in one

1 or more of the following positions:

2 (1) State policeman;

3 (2) fire fighter in the fire protection service of a
4 department;

5 (3) air pilot;

6 (4) special agent;

7 (5) investigator for the Secretary of State;

8 (6) conservation police officer;

9 (7) investigator for the Department of Revenue;

10 (8) security employee of the Department of Human
11 Services;

12 (9) Central Management Services security police
13 officer;

14 (10) security employee of the Department of
15 Corrections or the Department of Juvenile Justice;

16 (11) dangerous drugs investigator;

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

18 (13) investigator for the Office of the Attorney
19 General;

20 (14) controlled substance inspector;

21 (15) investigator for the Office of the State's
22 Attorneys Appellate Prosecutor;

23 (16) Commerce Commission police officer;

24 (17) arson investigator;

25 (18) State highway maintenance worker.

26 A person employed in one of the positions specified in this

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

10 (c) For the purposes of this Section:

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

14 (2) The term "fire fighter in the fire protection
15 service of a department" includes all officers in such fire
16 protection service including fire chiefs and assistant
17 fire chiefs.

18 (3) The term "air pilot" includes any employee whose
19 official job description on file in the Department of
20 Central Management Services, or in the department by which
21 he is employed if that department is not covered by the
22 Personnel Code, states that his principal duty is the
23 operation of aircraft, and who possesses a pilot's license;
24 however, the change in this definition made by this
25 amendatory Act of 1983 shall not operate to exclude any
26 noncovered employee who was an "air pilot" for the purposes

1 of this Section on January 1, 1984.

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

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

20 A person who became employed as an investigator for the
21 Secretary of State between January 1, 1967 and December 31,
22 1975, and who has served as such until attainment of age
23 60, either continuously or with a single break in service
24 of not more than 3 years duration, which break terminated
25 before January 1, 1976, shall be entitled to have his
26 retirement annuity calculated in accordance with

1 subsection (a), notwithstanding that he has less than 20
2 years of credit for such service.

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

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

18 (8) The term "security employee of the Department of
19 Human Services" means any person employed by the Department
20 of Human Services who (i) is employed at the Chester Mental
21 Health Center and has daily contact with the residents
22 thereof, (ii) is employed within a security unit at a
23 facility operated by the Department and has daily contact
24 with the residents of the security unit, (iii) is employed
25 at a facility operated by the Department that includes a
26 security unit and is regularly scheduled to work at least

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

18 The changes made to this subdivision (c)(8) by Public
19 Act 92-14 apply to persons who retire on or after January
20 1, 2001, notwithstanding Section 1-103.1.

21 (9) "Central Management Services security police
22 officer" means any person employed by the Department of
23 Central Management Services who is vested with such law
24 enforcement duties as render him ineligible for coverage
25 under the Social Security Act by reason of Sections
26 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

25 (12) The term "investigator for the Department of State
26 Police" means a person employed by the Department of State

1 Police who is vested under Section 4 of the Narcotic
2 Control Division Abolition Act with such law enforcement
3 powers as render him ineligible for coverage under the
4 Social Security Act by reason of Sections 218(d)(5)(A),
5 218(d)(8)(D) and 218(1)(1) of that Act.

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

16 (14) "Controlled substance inspector" means any person
17 who is employed as such by the Department of Professional
18 Regulation and is vested with such law enforcement duties
19 as render him 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. The term
22 "controlled substance inspector" includes the Program
23 Executive of Enforcement and the Assistant Program
24 Executive of Enforcement.

25 (15) The term "investigator for the Office of the
26 State's Attorneys Appellate Prosecutor" means a person

1 employed in that capacity on a full time basis under the
2 authority of Section 7.06 of the State's Attorneys
3 Appellate Prosecutor's Act.

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

10 (17) "Arson investigator" means any person who is
11 employed as such by the Office of the State Fire Marshal
12 and is vested with such law enforcement duties as render
13 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. A person who was
16 employed as an arson investigator on January 1, 1995 and is
17 no longer in service but not yet receiving a retirement
18 annuity may convert his or her creditable service for
19 employment as an arson investigator into eligible
20 creditable service by paying to the System the difference
21 between the employee contributions actually paid for that
22 service and the amounts that would have been contributed if
23 the applicant were contributing at the rate applicable to
24 persons with the same social security status earning
25 eligible creditable service on the date of application.

26 (18) The term "State highway maintenance worker" means

1 a person who is either of the following:

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

12 (ii) A person employed on a full-time basis by the
13 Illinois State Toll Highway Authority in the position
14 of equipment operator/laborer H-4, equipment
15 operator/laborer H-6, welder H-4, welder H-6,
16 mechanical/electrical H-4, mechanical/electrical H-6,
17 water/sewer H-4, water/sewer H-6, sign maker/hanger
18 H-4, sign maker/hanger H-6, roadway lighting H-4,
19 roadway lighting H-6, structural H-4, structural H-6,
20 painter H-4, or painter H-6; and whose principal
21 responsibility is to perform, on the roadway, the
22 actual maintenance necessary to keep the Authority's
23 tollways in serviceable condition for vehicular
24 traffic.

25 (d) A security employee of the Department of Corrections or
26 the Department of Juvenile Justice, and a security employee of

1 the Department of Human Services who is not a mental health
2 police officer, shall not be eligible for the alternative
3 retirement annuity provided by this Section unless he or she
4 meets the following minimum age and service requirements at the
5 time of retirement:

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

7 or

8 (ii) beginning January 1, 1987, 25 years of eligible
9 creditable service and age 54, or 24 years of eligible
10 creditable service and age 55; or

11 (iii) beginning January 1, 1988, 25 years of eligible
12 creditable service and age 53, or 23 years of eligible
13 creditable service and age 55; or

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

17 (v) beginning January 1, 1990, 25 years of eligible
18 creditable service and age 51, or 21 years of eligible
19 creditable service and age 55; or

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

23 Persons who have service credit under Article 16 of this
24 Code for service as a security employee of the Department of
25 Corrections or the Department of Juvenile Justice, or the
26 Department of Human Services in a position requiring

1 certification as a teacher may count such service toward
2 establishing their eligibility under the service requirements
3 of this Section; but such service may be used only for
4 establishing such eligibility, and not for the purpose of
5 increasing or calculating any benefit.

6 (e) If a member enters military service while working in a
7 position in which eligible creditable service may be earned,
8 and returns to State service in the same or another such
9 position, and fulfills in all other respects the conditions
10 prescribed in this Article for credit for military service,
11 such military service shall be credited as eligible creditable
12 service for the purposes of the retirement annuity prescribed
13 in this Section.

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

1 For purposes of calculating retirement annuities under
2 this Section, periods of service rendered after December 31,
3 1968 and before January 1, 1982 as a covered employee in the
4 position of investigator for the Department of Revenue shall be
5 deemed to have been service as a noncovered employee, provided
6 that the employee pays to the System prior to retirement an
7 amount equal to (1) the difference between the employee
8 contributions that would have been required for such service as
9 a noncovered employee, and the amount of employee contributions
10 actually paid, plus (2) if payment is made after January 1,
11 1990, regular interest on the amount specified in item (1) from
12 the date of service to the date of payment.

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

25 Subject to the limitation in subsection (i), a State
26 policeman may elect, not later than July 1, 1993, to establish

1 eligible creditable service for up to 10 years of his service
2 as a member of the County Police Department under Article 9, by
3 filing a written election with the Board, accompanied by
4 payment of an amount to be determined by the Board, equal to
5 (i) the difference between the amount of employee and employer
6 contributions transferred to the System under Section 9-121.10
7 and the amounts that would have been contributed had those
8 contributions been made at the rates applicable to State
9 policemen, plus (ii) interest thereon at the effective rate for
10 each year, compounded annually, from the date of service to the
11 date of payment.

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

25 Subject to the limitation in subsection (i), a State
26 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible
2 creditable service for up to 10 years of service as a sheriff's
3 law enforcement employee under Article 7, by filing a written
4 election with the Board on or before January 31, 1993, and
5 paying to the System by January 31, 1994 an amount to be
6 determined by the Board, equal to (i) the difference between
7 the amount of employee and employer contributions transferred
8 to the System under Section 7-139.7, and the amounts that would
9 have been contributed had such contributions been made at the
10 rates applicable to State policemen, plus (ii) interest thereon
11 at the effective rate for each year, compounded annually, from
12 the date of service to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman, conservation police officer, or investigator for
15 the Secretary of State may elect to establish eligible
16 creditable service for up to 5 years of service as a police
17 officer under Article 3, a policeman under Article 5, a
18 sheriff's law enforcement employee under Article 7, a member of
19 the county police department under Article 9, or a police
20 officer under Article 15 by filing a written election with the
21 Board and paying to the System an amount to be determined by
22 the Board, equal to (i) the difference between the amount of
23 employee and employer contributions transferred to the System
24 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
25 and the amounts that would have been contributed had such
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 Subject to the limitation in subsection (i), an
5 investigator for the Secretary of State may elect to establish
6 eligible creditable service for up to 5 years of service as a
7 police officer under Article 3 or Article 7 if he or she has
8 not otherwise established credit for that service under this
9 subsection (h) or any other provision of this Code by filing a
10 written election with the Board within 6 months after the
11 effective date of this amendatory Act of the 96th General
12 Assembly and paying to the System an amount determined by the
13 Board to be equal to the amount of employee and employer
14 contributions that would have been contributed had such
15 contributions been made at the rates applicable to State
16 policemen, plus interest thereon at the effective rate for each
17 year, compounded annually, from the date of service to the date
18 of payment.

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

22 (j) Subject to the limitation in subsection (i), an
23 investigator for the Office of the State's Attorneys Appellate
24 Prosecutor or a controlled substance inspector may elect to
25 establish eligible creditable service for up to 10 years of his
26 service as a policeman under Article 3 or a sheriff's law

1 enforcement employee under Article 7, by filing a written
2 election with the Board, accompanied by payment of an amount to
3 be determined by the Board, equal to (1) the difference between
4 the amount of employee and employer contributions transferred
5 to the System under Section 3-110.6 or 7-139.8, and the amounts
6 that would have been contributed had such contributions been
7 made at the rates applicable to State policemen, plus (2)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

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

1 the Board to be the employer's normal cost of the benefits
2 accrued for the credit being established, plus (3) regular
3 interest on the amounts in items (1) and (2) from the first day
4 as an alternative formula employee after the employment for
5 which credit is being established to the date of payment.

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

20 (m) The amendatory changes to this Section made by this
21 amendatory Act of the 94th General Assembly apply only to: (1)
22 security employees of the Department of Juvenile Justice
23 employed by the Department of Corrections before the effective
24 date of this amendatory Act of the 94th General Assembly and
25 transferred to the Department of Juvenile Justice by this
26 amendatory Act of the 94th General Assembly; and (2) persons

1 employed by the Department of Juvenile Justice on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly who are required by subsection (b) of Section 3-2.5-15
4 of the Unified Code of Corrections to have a bachelor's or
5 advanced degree from an accredited college or university with a
6 specialization in criminal justice, education, psychology,
7 social work, or a closely related social science or, in the
8 case of persons who provide vocational training, who are
9 required to have adequate knowledge in the skill for which they
10 are providing the vocational training.

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

13 (40 ILCS 5/14-152.1)

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

16 (a) As used in this Section, "new benefit increase" means
17 an increase in the amount of any benefit provided under this
18 Article, or an expansion of the conditions of eligibility for
19 any benefit under this Article, that results from an amendment
20 to this Code that takes effect after June 1, 2005 (the
21 effective date of Public Act 94-4) ~~this amendatory Act of the~~
22 ~~94th General Assembly~~. "New benefit increase", however, does
23 not include any benefit increase resulting from the changes
24 made to this Article by this amendatory Act of the 96th General
25 Assembly.

1 (b) Notwithstanding any other provision of this Code or any
2 subsequent amendment to this Code, every new benefit increase
3 is subject to this Section and shall be deemed to be granted
4 only in conformance with and contingent upon compliance with
5 the provisions of this Section.

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

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

26 (d) Every new benefit increase shall expire 5 years after

1 its effective date or on such earlier date as may be specified
2 in the language enacting the new benefit increase or provided
3 under subsection (c). This does not prevent the General
4 Assembly from extending or re-creating a new benefit increase
5 by law.

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

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

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.33 as follows:

19 (30 ILCS 805/8.33 new)

20 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 96th General Assembly.

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

1 becoming law.