



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6953

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-103.05	from Ch. 108 1/2, par. 14-103.05
605 ILCS 10/4	from Ch. 121, par. 100-4
605 ILCS 10/5	from Ch. 121, par. 100-5

Amends the State Employees Article of the Illinois Pension Code. Provides that term "employee" does not include any person who becomes a director of the Illinois State Toll Highway Authority on or after the effective date of the amendatory Act. Amends the Toll Highway Act. Provides that, beginning on the effective date of the amendatory Act, the chairman and other directors of the Illinois State Toll Highway Authority shall receive no annual salary or other compensation for their service in office, except that they shall be reimbursed for actual expenses incurred in the performance of their duties. Provides that no service or contribution shall be credited in any retirement system or pension fund, under the Illinois Pension Code or otherwise, to the chairman and the directors for service in that office beginning on or after the effective date of the amendatory Act, and no public funds shall be appropriated, expended, or otherwise obligated for such a retirement system or pension fund credit. Prohibits the chairman and directors from receiving financial benefit or perquisite for service in that office, including without limitation participation in a program of life or health insurance. Effective immediately.

LRB096 24407 AMC 44063 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 Section 14-103.05 as follows:

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

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

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

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

1 the first of the month after completion of the qualifying
2 period.

3 A person employed by the Chicago Metropolitan Agency for
4 Planning on the effective date of this amendatory Act of the
5 95th General Assembly who was a member of this System as an
6 employee of the Chicago Area Transportation Study and makes an
7 election under Section 14-104.13 to participate in this System
8 for his or her employment with the Chicago Metropolitan Agency
9 for Planning.

10 The qualifying period of 6 months of service is not
11 applicable to: (1) a person who has been granted credit for
12 service in a position covered by the State Universities
13 Retirement System, the Teachers' Retirement System of the State
14 of Illinois, the General Assembly Retirement System, or the
15 Judges Retirement System of Illinois unless that service has
16 been forfeited under the laws of those systems; (2) a person
17 entering service on or after July 1, 1991 in a noncovered
18 position; or (3) a person to whom Section 14-108.2a or
19 14-108.2b applies.

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

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

24 (2) incumbents of offices normally filled by vote of
25 the people;

26 (3) except as otherwise provided in this Section, any

1 person appointed by the Governor with the advice and
2 consent of the Senate unless that person elects to
3 participate in this system;

4 (3.1) any person serving as a commissioner of an ethics
5 commission created under the State Officials and Employees
6 Ethics Act unless that person elects to participate in this
7 system with respect to that service as a commissioner;

8 (3.2) any person serving as a part-time employee in any
9 of the following positions: Legislative Inspector General,
10 Special Legislative Inspector General, employee of the
11 Office of the Legislative Inspector General, Executive
12 Director of the Legislative Ethics Commission, or staff of
13 the Legislative Ethics Commission, regardless of whether
14 he or she is in active service on or after July 8, 2004
15 (the effective date of Public Act 93-685), unless that
16 person elects to participate in this System with respect to
17 that service; in this item (3.2), a "part-time employee" is
18 a person who is not required to work at least 35 hours per
19 week;

20 (3.3) any person who has made an election under Section
21 1-123 and who is serving either as legal counsel in the
22 Office of the Governor or as Chief Deputy Attorney General;

23 (4) except as provided in Section 14-108.2 or
24 14-108.2c, any person who is covered or eligible to be
25 covered by the Teachers' Retirement System of the State of
26 Illinois, the State Universities Retirement System, or the

1 Judges Retirement System of Illinois;

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

4 (6) any person who becomes an employee after June 30,
5 1979 as a public service employment program participant
6 under the Federal Comprehensive Employment and Training
7 Act and whose wages or fringe benefits are paid in whole or
8 in part by funds provided under such Act;

9 (7) enrollees of the Illinois Young Adult Conservation
10 Corps program, administered by the Department of Natural
11 Resources, authorized grantee pursuant to Title VIII of the
12 "Comprehensive Employment and Training Act of 1973", 29 USC
13 993, as now or hereafter amended;

14 (8) enrollees and temporary staff of programs
15 administered by the Department of Natural Resources under
16 the Youth Conservation Corps Act of 1970;

17 (9) any person who is a member of any professional
18 licensing or disciplinary board created under an Act
19 administered by the Department of Professional Regulation
20 or a successor agency or created or re-created after the
21 effective date of this amendatory Act of 1997, and who
22 receives per diem compensation rather than a salary,
23 notwithstanding that such per diem compensation is paid by
24 warrant issued pursuant to a payroll voucher; such persons
25 have never been included in the membership of this System,
26 and this amendatory Act of 1987 (P.A. 84-1472) is not

1 intended to effect any change in the status of such
2 persons;

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

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

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

23 (13) any person who becomes a director of the Illinois
24 State Toll Highway Authority on or after the effective date
25 of this amendatory Act of the 96th General Assembly.

26 (c) An individual who represents or is employed as an

1 officer or employee of a statewide labor organization that
2 represents members of this System may participate in the System
3 and shall be deemed an employee, provided that (1) the
4 individual has previously earned creditable service under this
5 Article, (2) the individual files with the System an
6 irrevocable election to become a participant within 6 months
7 after the effective date of this amendatory Act of the 94th
8 General Assembly, and (3) the individual does not receive
9 credit for that employment under any other provisions of this
10 Code. An employee under this subsection (c) is responsible for
11 paying to the System both (i) employee contributions based on
12 the actual compensation received for service with the labor
13 organization and (ii) employer contributions based on the
14 percentage of payroll certified by the board; all or any part
15 of these contributions may be paid on the employee's behalf or
16 picked up for tax purposes (if authorized under federal law) by
17 the labor organization.

18 A person who is an employee as defined in this subsection
19 (c) may establish service credit for similar employment prior
20 to becoming an employee under this subsection by paying to the
21 System for that employment the contributions specified in this
22 subsection, plus interest at the effective rate from the date
23 of service to the date of payment. However, credit shall not be
24 granted under this subsection (c) for any such prior employment
25 for which the applicant received credit under any other
26 provision of this Code or during which the applicant was on a

1 leave of absence.

2 (Source: P.A. 94-1111, eff. 2-27-07; 95-677, eff. 10-11-07.)

3 Section 10. The Toll Highway Act is amended by changing
4 Sections 4 and 5 as follows:

5 (605 ILCS 10/4) (from Ch. 121, par. 100-4)

6 Sec. 4. Of the directors appointed by the Governor, one
7 such director shall be appointed by the Governor as chairman
8 and shall hold office for 4 years from the date of his
9 appointment, and until his successor shall be duly appointed
10 and qualified, but shall be subject to removal by the Governor
11 for incompetency, neglect of duty or malfeasance.

12 The chairman shall preside at all meetings of the Board of
13 Directors of the Authority; shall exercise general supervision
14 over all powers, duties, obligations and functions of the
15 Authority; and shall approve or disapprove all resolutions,
16 by-laws, rules, rates and regulations made and established by
17 the Board of Directors, and if he shall approve thereof, he
18 shall sign the same, and such as he shall not approve he shall
19 return to the Board of Directors with his objections thereto in
20 writing at the next regular meeting of the Board of Directors
21 occurring after the passage thereof. Such veto may extend to
22 any one or more items contained in such resolution, by-law,
23 rule, rate or regulation, or to its entirety; and in case the
24 veto extends to a part of such resolution, by-law, rule, rate

1 or regulation, the residue thereof shall take effect and be in
2 force, but in case the chairman shall fail to return any
3 resolution, by-law, rule, rate or regulation with his
4 objections thereto by the time aforesaid, he shall be deemed to
5 have approved the same, and the same shall take effect
6 accordingly. Upon the return of any resolution, by-law, rule,
7 rate or regulation by the chairman, the vote by which the same
8 was passed shall be reconsidered by the Board of Directors, and
9 if upon such reconsideration two-thirds of all the Directors
10 agree by yeas and nays to pass the same, it shall go into
11 effect notwithstanding the chairman's refusal to approve
12 thereof.

13 Until the effective date of this amendatory Act of the 96th
14 General Assembly, the ~~The~~ chairman shall receive a salary of
15 \$18,000 per annum, or as set by the Compensation Review Board,
16 whichever is greater, payable in monthly installments,
17 together with reimbursement for necessary expenses incurred in
18 the performance of his duties. Beginning on the effective date
19 of this amendatory Act of the 96th General Assembly, the
20 chairman of the Illinois State Toll Highway Authority shall
21 receive no annual salary or other compensation for his or her
22 service in office, except that the chairman shall be reimbursed
23 for actual expenses incurred in the performance of his or her
24 duties.

25 No service or contribution shall be credited in any
26 retirement system or pension fund, under the Illinois Pension

1 Code or otherwise, to the chairman for service in that office
2 beginning on or after the effective date of this amendatory Act
3 of the 96th General Assembly, and no public funds shall be
4 appropriated, expended, or otherwise obligated for such a
5 retirement system or pension fund credit. Except as otherwise
6 provided in this Act, beginning on the effective date of this
7 amendatory Act of the 96th General Assembly, the chairman shall
8 receive no financial benefit or perquisite for his or her
9 service in that office, including without limitation
10 participation in a program of life or health insurance.

11 The chairman shall be eligible for reappointment.

12 (Source: P.A. 83-1177.)

13 (605 ILCS 10/5) (from Ch. 121, par. 100-5)

14 Sec. 5. Of the original directors, other than the chairman,
15 so appointed by the Governor, 3 shall hold office for 2 years
16 and 3 shall hold office for 4 years, from the date of their
17 appointment and until their respective successors shall be duly
18 appointed and qualified, but shall be subject to removal by the
19 Governor for incompetency, neglect of duty or malfeasance. In
20 case of vacancies in such offices during the recess of the
21 Senate, the Governor shall make a temporary appointment until
22 the next meeting of the Senate when he shall nominate some
23 person to fill such office and any person so nominated, who is
24 confirmed by the Senate, shall hold office during the remainder
25 of the term and until his successor shall be appointed and

1 qualified. The respective term of the first directors appointed
2 shall be designated by the Governor at the time of appointment,
3 but their successors shall each be appointed for a term of four
4 years, except that any person appointed to fill a vacancy shall
5 serve only for the unexpired term. Directors shall be eligible
6 for reappointment.

7 In making the initial appointments of the 2 additional
8 directors provided for by this amendatory Act of 1980, the
9 respective terms of the 2 additional directors first appointed
10 shall be designated by the Governor at the time of appointment
11 in such manner that the term of one such additional director
12 shall expire at the same time as the terms of 4 of the other
13 directors and the term of the other additional director shall
14 expire at the same time as the terms of 3 of the other
15 directors; thereafter the terms shall be 4 years.

16 Until the effective date of this amendatory Act of the 96th
17 General Assembly, each ~~Each~~ such director, other than ex
18 officio members shall receive an annual salary of \$15,000, or
19 as set by the Compensation Review Board, whichever is greater,
20 payable in monthly installments, and shall be reimbursed for
21 necessary expenses incurred in the performance of his duties.
22 Beginning on the effective date of this amendatory Act of the
23 96th General Assembly, directors of the Illinois State Toll
24 Highway Authority shall receive no annual salary or other
25 compensation for their service in office, except that each
26 director shall be reimbursed for actual expenses incurred in

1 the performance of his or her duties.

2 No service or contribution shall be credited in any
3 retirement system or pension fund, under the Illinois Pension
4 Code or otherwise, to a director for service in that office
5 beginning on or after the effective date of this amendatory Act
6 of the 96th General Assembly, and no public funds shall be
7 appropriated, expended, or otherwise obligated for such a
8 retirement system or pension fund credit. Except as otherwise
9 provided in this Act, beginning on the effective date of this
10 amendatory Act of the 96th General Assembly, a Director shall
11 receive no financial benefit or perquisite for his or her
12 service in such office, including without limitation
13 participation in a program of life or health insurance.

14 (Source: P.A. 86-1164.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.