



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 368

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 368 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing 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

1 prior to January 1, 1984 shall become a member as a condition  
2 of employment and shall begin making contributions as of the  
3 first day of employment.

4 A person entering service on or after January 1, 1984  
5 shall, upon completion of 6 months of continuous service which  
6 is not interrupted by a break of more than 2 months, become a  
7 member as a condition of employment. Contributions shall begin  
8 the first of the month after completion of the qualifying  
9 period.

10 A person employed by the Chicago Metropolitan Agency for  
11 Planning on the effective date of this amendatory Act of the  
12 95th General Assembly who was a member of this System as an  
13 employee of the Chicago Area Transportation Study and makes an  
14 election under Section 14-104.13 to participate in this System  
15 for his or her employment with the Chicago Metropolitan Agency  
16 for Planning.

17 The qualifying period of 6 months of service is not  
18 applicable to: (1) a person who has been granted credit for  
19 service in a position covered by the State Universities  
20 Retirement System, the Teachers' Retirement System of the State  
21 of Illinois, the General Assembly Retirement System, or the  
22 Judges Retirement System of Illinois unless that service has  
23 been forfeited under the laws of those systems; (2) a person  
24 entering service on or after July 1, 1991 in a noncovered  
25 position; (3) a person to whom Section 14-108.2a or 14-108.2b  
26 applies; or (4) a person to whom subsection (a-5) of this

1 Section applies.

2 (a-5) A person entering service on or after December 1,  
3 2010 shall become a member as a condition of employment and  
4 shall begin making contributions as of the first day of  
5 employment. A person serving in the qualifying period on  
6 December 1, 2010 will become a member on December 1, 2010 and  
7 shall begin making contributions as of December 1, 2010.

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

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

12 (2) incumbents of offices normally filled by vote of  
13 the people;

14 (3) except as otherwise provided in this Section, any  
15 person appointed by the Governor with the advice and  
16 consent of the Senate unless that person elects to  
17 participate in this system;

18 (3.1) any person serving as a commissioner of an ethics  
19 commission created under the State Officials and Employees  
20 Ethics Act unless that person elects to participate in this  
21 system with respect to that service as a commissioner;

22 (3.2) any person serving as a part-time employee in any  
23 of the following positions: Legislative Inspector General,  
24 Special Legislative Inspector General, employee of the  
25 Office of the Legislative Inspector General, Executive  
26 Director of the Legislative Ethics Commission, or staff of

1 the Legislative Ethics Commission, regardless of whether  
2 he or she is in active service on or after July 8, 2004  
3 (the effective date of Public Act 93-685), unless that  
4 person elects to participate in this System with respect to  
5 that service; in this item (3.2), a "part-time employee" is  
6 a person who is not required to work at least 35 hours per  
7 week;

8 (3.3) any person who has made an election under Section  
9 1-123 and who is serving either as legal counsel in the  
10 Office of the Governor or as Chief Deputy Attorney General;

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

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

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

23 (7) enrollees of the Illinois Young Adult Conservation  
24 Corps program, administered by the Department of Natural  
25 Resources, authorized grantee pursuant to Title VIII of the  
26 "Comprehensive Employment and Training Act of 1973", 29 USC

1 993, as now or hereafter amended;

2 (8) enrollees and temporary staff of programs  
3 administered by the Department of Natural Resources under  
4 the Youth Conservation Corps Act of 1970;

5 (9) any person who is a member of any professional  
6 licensing or disciplinary board created under an Act  
7 administered by the Department of Professional Regulation  
8 or a successor agency or created or re-created after the  
9 effective date of this amendatory Act of 1997, and who  
10 receives per diem compensation rather than a salary,  
11 notwithstanding that such per diem compensation is paid by  
12 warrant issued pursuant to a payroll voucher; such persons  
13 have never been included in the membership of this System,  
14 and this amendatory Act of 1987 (P.A. 84-1472) is not  
15 intended to effect any change in the status of such  
16 persons;

17 (10) any person who is a member of the Illinois Health  
18 Care Cost Containment Council, and receives per diem  
19 compensation rather than a salary, notwithstanding that  
20 such per diem compensation is paid by warrant issued  
21 pursuant to a payroll voucher; such persons have never been  
22 included in the membership of this System, and this  
23 amendatory Act of 1987 is not intended to effect any change  
24 in the status of such persons;

25 (11) any person who is a member of the Oil and Gas  
26 Board created by Section 1.2 of the Illinois Oil and Gas

1 Act, and receives per diem compensation rather than a  
2 salary, notwithstanding that such per diem compensation is  
3 paid by warrant issued pursuant to a payroll voucher;

4 (12) a person employed by the State Board of Higher  
5 Education in a position with the Illinois Century Network  
6 as of June 30, 2004, who remains continuously employed  
7 after that date by the Department of Central Management  
8 Services in a position with the Illinois Century Network  
9 and participates in the Article 15 system with respect to  
10 that employment;

11 (13) any person who first becomes a member of the Civil  
12 Service Commission on or after January 1, 2012;

13 (14) any person, other than the Director of Employment  
14 Security, who first becomes a member of the Board of Review  
15 of the Department of Employment Security on or after  
16 January 1, 2012;

17 (15) any person who first becomes a member of the Civil  
18 Service Commission on or after January 1, 2012;

19 (16) any person who first becomes a member of the  
20 Illinois Liquor Control Commission on or after January 1,  
21 2012;

22 (17) any person who first becomes a member of the  
23 Secretary of State Merit Commission on or after January 1,  
24 2012;

25 (18) any person who first becomes a member of the Human  
26 Rights Commission on or after January 1, 2012;

1 (19) any person who first becomes a member of the State  
2 Mining Board on or after January 1, 2012;

3 (20) any person who first becomes a member of the  
4 Property Tax Appeal Board on or after January 1, 2012;

5 (21) any person who first becomes a member of the  
6 Illinois Racing Board on or after January 1, 2012;

7 (22) any person who first becomes a member of the  
8 Department of State Police Merit Board on or after January  
9 1, 2012;

10 (23) any person who first becomes a member of the  
11 Illinois State Toll Highway Authority on or after January  
12 1, 2012; ~~or~~

13 (24) any person who first becomes a member of the  
14 Illinois State Board of Elections on or after January 1,  
15 2012; ~~or~~

16 (25) any person who first becomes a member of the Court  
17 of Claims on or after the effective date of this amendatory  
18 Act of the 100th General Assembly;

19 (26) any person who first becomes a member of the  
20 Illinois Educational Labor Relations Board on or after the  
21 effective date of this amendatory Act of the 100th General  
22 Assembly;

23 (27) any person who first becomes a member of the  
24 Illinois Labor Relations Board on or after the effective  
25 date of this amendatory Act of the 100th General Assembly;

26 (28) any person who first becomes a member of the

1       Pollution Control Board on or after the effective date of  
2       this amendatory Act of the 100th General Assembly;

3       (29) any person who first becomes a member of the  
4       Prisoner Review Board on or after the effective date of  
5       this amendatory Act of the 100th General Assembly; or

6       (30) any person who first becomes a member of the  
7       Illinois Workers' Compensation Commission on or after the  
8       effective date of this amendatory Act of the 100th General  
9       Assembly.

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



1 the labor organization.

2 A person who is an employee as defined in this subsection  
3 (c) may establish service credit for similar employment prior  
4 to becoming an employee under this subsection by paying to the  
5 System for that employment the contributions specified in this  
6 subsection, plus interest at the effective rate from the date  
7 of service to the date of payment. However, credit shall not be  
8 granted under this subsection (c) for any such prior employment  
9 for which the applicant received credit under any other  
10 provision of this Code or during which the applicant was on a  
11 leave of absence.

12 (Source: P.A. 96-1490, eff. 1-1-11; 97-609, eff. 1-1-12.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."