



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Chapin Rose

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/7-139.10 new  
40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the IMRF and State Employees Articles of the Illinois Pension Code. Provides that a person who is eligible for the alternative (State Police) retirement annuity under the State Employees Article by virtue of employment as an investigator for the Department of Revenue may transfer certain service credit as a state's attorney or assistant state's attorney and as a sheriff's law enforcement employee from the IMRF Article to the State Employees Article. Effective immediately.

LRB093 18633 LRD 44359 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT in relation to 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 adding  
5 Section 7-139.10 and changing Section 14-110 as follows:

6 (40 ILCS 5/7-139.10 new)

7 Sec. 7-139.10. Transfer to Article 14 System.

8 (a) Until January 1, 2005, any active member of the State  
9 Employees' Retirement System who is an investigator for the  
10 Department of Revenue may apply for transfer of his or her  
11 credits and creditable service accumulated in this Fund (1) for  
12 service as a sheriff's law enforcement employee and (2) for  
13 service as a state's attorney or assistant state's attorney to  
14 the State Employees' Retirement System in accordance with  
15 Section 14-110. The total amount of credits and creditable  
16 service transferred under this Section may not exceed 11 years.  
17 The creditable service shall be transferred only upon payment  
18 by this Fund to the State Employees' Retirement System of an  
19 amount equal to:

20 (1) the amounts accumulated to the credit of the  
21 applicant for service as a sheriff's law enforcement  
22 employee, including interest; and

23 (2) municipality credits based on such service,  
24 including interest; and

25 (3) any interest paid by the applicant to reinstate  
26 such service.

27 Participation in this Fund as to any credits transferred under  
28 this Section shall terminate on the date of transfer.

29 (b) Any such investigator may reinstate credits and  
30 creditable service terminated upon receipt of a separation  
31 benefit, by paying to the Fund the amount of the separation  
32 benefit plus interest thereon at the rate of 6% per year to the

1 date of payment.

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

3 Sec. 14-110. Alternative retirement annuity.

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

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

21 (ii) for periods of eligible creditable service as a  
22 covered employee: if retirement occurs on or after January  
23 1, 2001, 2.5% of final average compensation for each year  
24 of creditable service; if retirement occurs before January  
25 1, 2001, 1.67% of final average compensation for each of  
26 the first 10 years of such service, 1.90% for each of the  
27 next 10 years of such service, 2.10% for each year of such  
28 service in excess of 20 but not exceeding 30, and 2.30% for  
29 each year in excess of 30.

30 Such annuity shall be subject to a maximum of 75% of final  
31 average compensation if retirement occurs before January 1,  
32 2001 or to a maximum of 80% of final average compensation if  
33 retirement occurs on or after January 1, 2001.

34 These rates shall not be applicable to any service  
35 performed by a member as a covered employee which is not

1 eligible creditable service. Service as a covered employee  
2 which is not eligible creditable service shall be subject to  
3 the rates and provisions of Section 14-108.

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

7 (1) State policeman;

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

10 (3) air pilot;

11 (4) special agent;

12 (5) investigator for the Secretary of State;

13 (6) conservation police officer;

14 (7) investigator for the Department of Revenue;

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

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

19 (10) security employee of the Department of  
20 Corrections;

21 (11) dangerous drugs investigator;

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

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

25 (14) controlled substance inspector;

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

28 (16) Commerce Commission police officer;

29 (17) arson investigator;

30 (18) State highway maintenance worker.

31 A person employed in one of the positions specified in this  
32 subsection is entitled to eligible creditable service for  
33 service credit earned under this Article while undergoing the  
34 basic police training course approved by the Illinois Law  
35 Enforcement Training Standards Board, if completion of that  
36 training is required of persons serving in that position. For

1 the purposes of this Code, service during the required basic  
2 police training course shall be deemed performance of the  
3 duties of the specified position, even though the person is not  
4 a sworn peace officer at the time of the training.

5 (c) For the purposes of this Section:

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

9 (2) The term "fire fighter in the fire protection  
10 service of a department" includes all officers in such fire  
11 protection service including fire chiefs and assistant  
12 fire chiefs.

13 (3) The term "air pilot" includes any employee whose  
14 official job description on file in the Department of  
15 Central Management Services, or in the department by which  
16 he is employed if that department is not covered by the  
17 Personnel Code, states that his principal duty is the  
18 operation of aircraft, and who possesses a pilot's license;  
19 however, the change in this definition made by this  
20 amendatory Act of 1983 shall not operate to exclude any  
21 noncovered employee who was an "air pilot" for the purposes  
22 of this Section on January 1, 1984.

23 (4) The term "special agent" means any person who by  
24 reason of employment by the Division of Narcotic Control,  
25 the Bureau of Investigation or, after July 1, 1977, the  
26 Division of Criminal Investigation, the Division of  
27 Internal Investigation, the Division of Operations, or any  
28 other Division or organizational entity in the Department  
29 of State Police is vested by law with duties to maintain  
30 public order, investigate violations of the criminal law of  
31 this State, enforce the laws of this State, make arrests  
32 and recover property. The term "special agent" includes any  
33 title or position in the Department of State Police that is  
34 held by an individual employed under the State Police Act.

35 (5) The term "investigator for the Secretary of State"  
36 means any person employed by the Office of the Secretary of

1 State and vested with such investigative duties as render  
2 him ineligible for coverage under the Social Security Act  
3 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
4 218(1)(1) of that Act.

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

14 (6) The term "Conservation Police Officer" means any  
15 person employed by the Division of Law Enforcement of the  
16 Department of Natural Resources and vested with such law  
17 enforcement duties as render him ineligible for coverage  
18 under the Social Security Act by reason of Sections  
19 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
20 term "Conservation Police Officer" includes the positions  
21 of Chief Conservation Police Administrator and Assistant  
22 Conservation Police Administrator.

23 (7) The term "investigator for the Department of  
24 Revenue" means any person employed by the Department of  
25 Revenue and vested with such investigative duties as render  
26 him ineligible for coverage under the Social Security Act  
27 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
28 218(1)(1) of that Act.

29 (8) The term "security employee of the Department of  
30 Human Services" means any person employed by the Department  
31 of Human Services who (i) is employed at the Chester Mental  
32 Health Center and has daily contact with the residents  
33 thereof, (ii) is employed within a security unit at a  
34 facility operated by the Department and has daily contact  
35 with the residents of the security unit, (iii) is employed  
36 at a facility operated by the Department that includes a

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

19 The changes made to this subdivision (c)(8) by Public  
20 Act 92-14 apply to persons who retire on or after January  
21 1, 2001, notwithstanding Section 1-103.1.

22 (9) "Central Management Services security police  
23 officer" means any person employed by the Department of  
24 Central Management Services who is vested with such law  
25 enforcement duties as render him ineligible for coverage  
26 under the Social Security Act by reason of Sections  
27 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

28 (10) The term "security employee of the Department of  
29 Corrections" means any employee of the Department of  
30 Corrections or the former Department of Personnel, and any  
31 member or employee of the Prisoner Review Board, who has  
32 daily contact with inmates by working within a correctional  
33 facility or who is a parole officer or an employee who has  
34 direct contact with committed persons in the performance of  
35 his or her job duties.

36 (11) The term "dangerous drugs investigator" means any

1 person who is employed as such by the Department of Human  
2 Services.

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

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

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

29 (15) The term "investigator for the Office of the  
30 State's Attorneys Appellate Prosecutor" means a person  
31 employed in that capacity on a full time basis under the  
32 authority of Section 7.06 of the State's Attorneys  
33 Appellate Prosecutor's Act.

34 (16) "Commerce Commission police officer" means any  
35 person employed by the Illinois Commerce Commission who is  
36 vested with such law enforcement duties as render him



1 ineligible for coverage under the Social Security Act by  
2 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
3 218(1)(1) of that Act.

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

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

22 (i) A person employed on a full-time basis by the  
23 Illinois Department of Transportation in the position  
24 of highway maintainer, highway maintenance lead  
25 worker, highway maintenance lead/lead worker, heavy  
26 construction equipment operator, power shovel  
27 operator, or bridge mechanic; and whose principal  
28 responsibility is to perform, on the roadway, the  
29 actual maintenance necessary to keep the highways that  
30 form a part of the State highway system in serviceable  
31 condition for vehicular traffic.

32 (ii) A person employed on a full-time basis by the  
33 Illinois State Toll Highway Authority in the position  
34 of equipment operator/laborer H-4, equipment  
35 operator/laborer H-6, welder H-4, welder H-6,  
36 mechanical/electrical H-4, mechanical/electrical H-6,

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

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

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

16 or

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

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

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

26 (v) beginning January 1, 1990, 25 years of eligible  
27 creditable service and age 51, or 21 years of eligible  
28 creditable service and age 55; or

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

32 Persons who have service credit under Article 16 of this  
33 Code for service as a security employee of the Department of  
34 Corrections or the Department of Human Services in a position  
35 requiring certification as a teacher may count such service  
36 toward establishing their eligibility under the service

1 requirements of this Section; but such service may be used only  
2 for establishing such eligibility, and not for the purpose of  
3 increasing or calculating any benefit.

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

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

25 For purposes of calculating retirement annuities under  
26 this Section, periods of service rendered after December 31,  
27 1968 and before January 1, 1982 as a covered employee in the  
28 position of investigator for the Department of Revenue shall be  
29 deemed to have been service as a noncovered employee, provided  
30 that the employee pays to the System prior to retirement an  
31 amount equal to (1) the difference between the employee  
32 contributions that would have been required for such service as  
33 a noncovered employee, and the amount of employee contributions  
34 actually paid, plus (2) if payment is made after January 1,  
35 1990, regular interest on the amount specified in item (1) from  
36 the date of service to the date of payment.

1 (g) A State policeman may elect, not later than January 1,  
2 1990, to establish eligible creditable service for up to 10  
3 years of his service as a policeman under Article 3, by filing  
4 a written election with the Board, accompanied by payment of an  
5 amount to be determined by the Board, equal to (i) the  
6 difference between the amount of employee and employer  
7 contributions transferred to the System under Section 3-110.5,  
8 and the amounts that would have been contributed had such  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the effective rate for  
11 each year, compounded annually, from the date of service to the  
12 date of payment.

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

26 (h) Subject to the limitation in subsection (i), a State  
27 policeman or investigator for the Secretary of State may elect  
28 to establish eligible creditable service for up to 12 years of  
29 his service as a policeman under Article 5, by filing a written  
30 election with the Board on or before January 31, 1992, and  
31 paying to the System by January 31, 1994 an amount to be  
32 determined by the Board, equal to (i) the difference between  
33 the amount of employee and employer contributions transferred  
34 to the System under Section 5-236, and the amounts that would  
35 have been contributed had such contributions been made at the  
36 rates applicable to State policemen, plus (ii) interest thereon

1 at the effective rate for each year, compounded annually, from  
2 the date of service to the date of payment.

3 Subject to the limitation in subsection (i), a State  
4 policeman, conservation police officer, or investigator for  
5 the Secretary of State may elect to establish eligible  
6 creditable service for up to 10 years of service as a sheriff's  
7 law enforcement employee under Article 7, by filing a written  
8 election with the Board on or before January 31, 1993, 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 7-139.7, 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 (i) The total amount of eligible creditable service  
18 established by any person under subsections (g), (h), (j), (k),  
19 ~~and~~ (l), and (m) of this Section shall not exceed 12 years.

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

35 (k) Subject to the limitation in subsection (i) of this  
36 Section, an alternative formula employee may elect to establish

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

20 (1) Subject to the limitation in subsection (i), a security  
21 employee of the Department of Corrections may elect, not later  
22 than July 1, 1998, to establish eligible creditable service for  
23 up to 10 years of his or her service as a policeman under  
24 Article 3, by filing a written election with the Board,  
25 accompanied by payment of an amount to be determined by the  
26 Board, equal to (i) the difference between the amount of  
27 employee and employer contributions transferred to the System  
28 under Section 3-110.5, and the amounts that would have been  
29 contributed had such contributions been made at the rates  
30 applicable to security employees of the Department of  
31 Corrections, plus (ii) interest thereon at the effective rate  
32 for each year, compounded annually, from the date of service to  
33 the date of payment.

34 (m) Subject to the limitation in subsection (i), an  
35 investigator for the Department of Revenue may elect, not later  
36 than January 1, 2005, to establish eligible creditable service

1 for his or her service as a sheriff's law enforcement employee  
2 under Article 7 and for his or her service as a state's  
3 attorney or assistant state's attorney under Article 7, by  
4 filing a written election with the Board, accompanied by  
5 payment of an amount to be determined by the Board, equal to  
6 (i) the difference between the amount of employee and employer  
7 contributions transferred to the System under Section  
8 7-139.10, and the amounts that would have been contributed had  
9 such contributions been made at the rates applicable to  
10 investigators for the Department of Revenue, plus (ii) interest  
11 thereon at the effective rate for each year, compounded  
12 annually, from the date of service to the date of payment. The  
13 total amount of creditable service established under this  
14 subsection (m) may not exceed 11 years.

15 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14,  
16 eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff. 7-11-02.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.