



Sen. Robert F. Martwick

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10200SB1056sam001

LRB102 04871 RPS 25227 a

1 AMENDMENT TO SENATE BILL 1056

2 AMENDMENT NO. _____. Amend Senate Bill 1056 by replacing
3 everything after the enacting clause with the following:

4 "Article 5.

5 Section 5-5. The Illinois Pension Code is amended by
6 changing Sections 2-121.3, 7-141, 14-121.1, 15-135, 16-142.3,
7 and 18-128.3 as follows:

8 (40 ILCS 5/2-121.3) (from Ch. 108 1/2, par. 2-121.3)

9 Sec. 2-121.3. Required distributions.

10 (a) A person who would be eligible to receive a survivor's
11 annuity under this Article but for the fact that the person has
12 not yet attained age 50, shall be eligible for a monthly
13 distribution under this subsection (a), provided that the
14 payment of such distribution is required by federal law.

15 The distribution shall become payable on (i) July 1, 1987,

1 (ii) December 1 of the calendar year immediately following the
2 calendar year in which the deceased spouse died, or (iii)
3 December 1 of the calendar year in which the deceased spouse
4 would have attained age 72 ~~70-1/2~~, whichever occurs last, and
5 shall remain payable until the first of the following to
6 occur: (1) the person becomes eligible to receive a survivor's
7 annuity under this Article; (2) the end of the month in which
8 the person ceases to be eligible to receive a survivor's
9 annuity upon attainment of age 50, due to remarriage or death;
10 or (3) the end of the month in which such distribution ceases
11 to be required by federal law.

12 The amount of the distribution shall be fixed at the time
13 the distribution first becomes payable, and shall be
14 calculated in the same manner as a survivor's annuity under
15 Sections 2-121, 2-121.1 and 2-121.2, but excluding: (A) any
16 requirement for an application for the distribution; (B) any
17 automatic annual increases, supplemental increases, or
18 one-time increases that may be provided by law for survivor's
19 annuities; and (C) any lump-sum or death benefit.

20 (b) For the purpose of this Section, a distribution shall
21 be deemed to be required by federal law if: (1) directly
22 mandated by federal statute, rule, or administrative or court
23 decision; or (2) indirectly mandated through imposition of
24 substantial tax or other penalties for noncompliance.

25 (c) Notwithstanding Section 1-103.1 of this Code, a member
26 need not be in service on or after the effective date of this

1 amendatory Act of 1989 for the member's surviving spouse to be
2 eligible for a distribution under this Section.

3 (Source: P.A. 86-273.)

4 (40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

5 Sec. 7-141. Retirement annuities; conditions ~~annuities~~
6 ~~Conditions~~. Retirement annuities shall be payable as
7 hereinafter set forth:

8 (a) A participating employee who, regardless of cause, is
9 separated from the service of all participating municipalities
10 and instrumentalities thereof and participating
11 instrumentalities shall be entitled to a retirement annuity
12 provided:

13 1. He is at least age 55, or in the case of a person
14 who is eligible to have his annuity calculated under
15 Section 7-142.1, he is at least age 50;

16 2. He is not entitled to receive earnings for
17 employment in a position requiring him, or entitling him
18 to elect, to be a participating employee;

19 3. The amount of his annuity, before the application
20 of paragraph (b) of Section 7-142 is at least \$10 per
21 month;

22 4. If he first became a participating employee after
23 December 31, 1961, he has at least 8 years of service. This
24 service requirement shall not apply to any participating
25 employee, regardless of participation date, if the General

1 Assembly terminates the Fund.

2 (b) Retirement annuities shall be payable:

3 1. As provided in Section 7-119;

4 2. Except as provided in item 3, upon receipt by the
5 fund of a written application. The effective date may be
6 not more than one year prior to the date of the receipt by
7 the fund of the application;

8 3. Upon attainment of the required age of distribution
9 under Section 401(a)(9) of the Internal Revenue Code of
10 1986, as amended, age 70 1/2 if the member (i) is no longer
11 in service, and (ii) is otherwise entitled to an annuity
12 under this Article;

13 4. To the beneficiary of the deceased annuitant for
14 the unpaid amount accrued to date of death, if any.

15 (Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

16 (40 ILCS 5/14-121.1) (from Ch. 108 1/2, par. 14-121.1)

17 Sec. 14-121.1. Required distributions.

18 (a) A person who would be eligible to receive a widow's or
19 survivor's annuity under this Article but for the fact that
20 the person has not yet attained age 50, shall be eligible for a
21 monthly distribution under this subsection (a), provided that
22 the payment of such distribution is required by federal law.

23 The distribution shall become payable on (i) July 1, 1987,
24 (ii) December 1 of the calendar year immediately following the
25 calendar year in which the deceased spouse died, or (iii)

1 December 1 of the calendar year in which the deceased spouse
2 would have attained age 72 ~~70-1/2~~, whichever occurs last, and
3 shall remain payable until the first of the following to
4 occur: (1) the person becomes eligible to receive a widow's or
5 survivor's annuity under this Article; (2) the end of the
6 month in which the person ceases to be eligible to receive a
7 widow's or survivor's annuity upon attainment of age 50, due
8 to remarriage or death; or (3) the end of the month in which
9 such distribution ceases to be required by federal law.

10 The amount of the distribution shall be fixed at the time
11 the distribution first becomes payable, and shall be
12 calculated in the same manner as a survivor's annuity under
13 Sections 14-120, 14-121 and 14-122 (or, in the case of a person
14 who has elected to receive a widow's annuity instead of a
15 survivor's annuity, in the same manner as the widow's annuity
16 under Sections 14-118 and 14-119), but excluding: (A) any
17 requirement for an application for the distribution; (B) any
18 automatic annual increases, supplemental increases, or
19 one-time increases that may be provided by law for survivor's
20 or widow's annuities; and (C) any lump-sum or death benefit.

21 (b) For the purpose of this Section, a distribution shall
22 be deemed to be required by federal law if: (1) directly
23 mandated by federal statute, rule, or administrative or court
24 decision; or (2) indirectly mandated through imposition of
25 substantial tax or other penalties for noncompliance.

26 (c) Notwithstanding Section 1-103.1 of this Code, a member

1 need not be in service on or after the effective date of this
2 amendatory Act of 1989 for the member's surviving spouse to be
3 eligible for a distribution under this Section.

4 (Source: P.A. 86-273.)

5 (40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

6 Sec. 15-135. Retirement annuities; conditions ~~annuities~~
7 ~~Conditions.~~

8 (a) This subsection (a) applies only to a Tier 1 member. A
9 participant who retires in one of the following specified
10 years with the specified amount of service is entitled to a
11 retirement annuity at any age under the retirement program
12 applicable to the participant:

13 35 years if retirement is in 1997 or before;

14 34 years if retirement is in 1998;

15 33 years if retirement is in 1999;

16 32 years if retirement is in 2000;

17 31 years if retirement is in 2001;

18 30 years if retirement is in 2002 or later.

19 A participant with 8 or more years of service after
20 September 1, 1941, is entitled to a retirement annuity on or
21 after attainment of age 55.

22 A participant with at least 5 but less than 8 years of
23 service after September 1, 1941, is entitled to a retirement
24 annuity on or after attainment of age 62.

25 A participant who has at least 25 years of service in this

1 system as a police officer or firefighter is entitled to a
2 retirement annuity on or after the attainment of age 50, if
3 Rule 4 of Section 15-136 is applicable to the participant.

4 (a-5) A Tier 2 member is entitled to a retirement annuity
5 upon written application if he or she has attained age 67 and
6 has at least 10 years of service credit and is otherwise
7 eligible under the requirements of this Article. A Tier 2
8 member who has attained age 62 and has at least 10 years of
9 service credit and is otherwise eligible under the
10 requirements of this Article may elect to receive the lower
11 retirement annuity provided in subsection (b-5) of Section
12 15-136 of this Article.

13 (a-10) A Tier 2 member who has at least 20 years of service
14 in this system as a police officer or firefighter is entitled
15 to a retirement annuity upon written application on or after
16 the attainment of age 60 if Rule 4 of Section 15-136 is
17 applicable to the participant. The changes made to this
18 subsection by this amendatory Act of the 101st General
19 Assembly apply retroactively to January 1, 2011.

20 (b) The annuity payment period shall begin on the date
21 specified by the participant or the recipient of a disability
22 retirement annuity submitting a written application. For a
23 participant, the date on which the annuity payment period
24 begins shall not be prior to termination of employment or more
25 than one year before the application is received by the board;
26 however, if the participant is not an employee of an employer

1 participating in this System or in a participating system as
2 defined in Article 20 of this Code on April 1 of the calendar
3 year next following the calendar year in which the participant
4 attains the age specified under Section 401(a)(9) of the
5 Internal Revenue Code of 1986, as amended ~~70-1/2~~, the annuity
6 payment period shall begin on that date regardless of whether
7 an application has been filed. For a recipient of a disability
8 retirement annuity, the date on which the annuity payment
9 period begins shall not be prior to the discontinuation of the
10 disability retirement annuity under Section 15-153.2.

11 (c) An annuity is not payable if the amount provided under
12 Section 15-136 is less than \$10 per month.

13 (Source: P.A. 100-556, eff. 12-8-17; 101-610, eff. 1-1-20.)

14 (40 ILCS 5/16-142.3) (from Ch. 108 1/2, par. 16-142.3)

15 Sec. 16-142.3. Required distributions.

16 (a) A person who would be eligible to receive a monthly
17 survivor benefit under this Article but for the fact that the
18 person has not yet attained age 50, and who has not elected to
19 receive a lump sum distribution under subsection (a) of
20 Section 16-141, shall be eligible for a monthly distribution
21 under this subsection (a), provided that the payment of such
22 distribution is required by federal law.

23 The distribution shall become payable on (i) July 1, 1987,
24 (ii) December 1 of the calendar year immediately following the
25 calendar year in which the member or annuitant died, or (iii)

1 December 1 of the calendar year in which the deceased member or
2 annuitant would have attained age 72 ~~70-1/2~~, whichever occurs
3 latest, and shall remain payable until the first of the
4 following to occur: (1) the person becomes eligible to receive
5 a monthly survivor benefit under this Article; (2) the day
6 following the date on which the member ceases to be eligible to
7 receive a monthly survivor benefit upon attainment of age 50,
8 due to remarriage or death; or (3) the day on which such
9 distribution ceases to be required by federal law.

10 The amount of the distribution shall be fixed at the time
11 the distribution first becomes payable, and shall be
12 calculated in the same manner as the monthly survivor benefit
13 under Sections 16-141, 16-142, 16-142.1 and 16-142.2, but
14 excluding any automatic annual increases, supplemental
15 increases, or one-time increases that may be provided by law
16 for monthly survivor benefits.

17 (b) For the purpose of this Section, a distribution shall
18 be deemed to be required by federal law if: (1) directly
19 mandated by federal statute, rule, or administrative or court
20 decision; or (2) indirectly mandated through imposition of
21 substantial tax or other penalties for noncompliance.

22 (c) Notwithstanding Section 1-103.1 of this Code, a member
23 need not be in service on or after the effective date of this
24 amendatory Act of 1989 for the member's surviving spouse to be
25 eligible for a distribution under this Section.

26 (Source: P.A. 86-273.)

1 (40 ILCS 5/18-128.3) (from Ch. 108 1/2, par. 18-128.3)

2 Sec. 18-128.3. Required distributions.

3 (a) A person who would be eligible to receive a survivor's
4 annuity under this Article but for the fact that the person has
5 not yet attained age 50, shall be eligible for a monthly
6 distribution under this subsection (a), provided that the
7 payment of such distribution is required by federal law.

8 The distribution shall become payable on (i) July 1, 1987,
9 (ii) December 1 of the calendar year immediately following the
10 calendar year in which the deceased spouse died, or (iii)
11 December 1 of the calendar year in which the deceased spouse
12 would have attained age 72 ~~70-1/2~~, whichever occurs last, and
13 shall remain payable until the first of the following to
14 occur: (1) the person becomes eligible to receive a survivor's
15 annuity under this Article; (2) the end of the month in which
16 the person ceases to be eligible to receive a survivor's
17 annuity upon attainment of age 50, due to remarriage or death;
18 or (3) the end of the month in which such distribution ceases
19 to be required by federal law.

20 The amount of the distribution shall be fixed at the time
21 the distribution first becomes payable, and shall be
22 calculated in the same manner as a survivor's annuity under
23 Sections 18-128 through 18-128.2, but excluding: (A) any
24 requirement for an application for the distribution; (B) any
25 automatic annual increases, supplemental increases, or

1 one-time increases that may be provided by law for survivor's
2 annuities; and (C) any lump-sum or death benefit.

3 (b) For the purpose of this Section, a distribution shall
4 be deemed to be required by federal law if: (1) directly
5 mandated by federal statute, rule, or administrative or court
6 decision; or (2) indirectly mandated through imposition of
7 substantial tax or other penalties for noncompliance.

8 (c) Notwithstanding Section 1-103.1 of this Code, a member
9 need not be in service on or after the effective date of this
10 amendatory Act of 1989 for the member's surviving spouse to be
11 eligible for a distribution under this Section.

12 (Source: P.A. 86-273.)

13 Article 10.

14 Section 10-5. The Illinois Pension Code is amended by
15 changing Sections 1-160, 7-114, 7-116, 7-141, 7-141.1, 7-142,
16 7-144, 7-156, and 7-191 and by adding Sections 7-109.4 and
17 7-109.5 as follows:

18 (40 ILCS 5/1-160)

19 Sec. 1-160. Provisions applicable to new hires.

20 (a) The provisions of this Section apply to a person who,
21 on or after January 1, 2011, first becomes a member or a
22 participant under any reciprocal retirement system or pension
23 fund established under this Code, other than a retirement

1 system or pension fund established under Article 2, 3, 4, 5, 6,
2 7, 15, or 18 of this Code, notwithstanding any other provision
3 of this Code to the contrary, but do not apply to any
4 self-managed plan established under this Code, ~~to any person~~
5 ~~with respect to service as a sheriff's law enforcement~~
6 ~~employee under Article 7,~~ or to any participant of the
7 retirement plan established under Section 22-101; except that
8 this Section applies to a person who elected to establish
9 alternative credits by electing in writing after January 1,
10 2011, but before August 8, 2011, under Section 7-145.1 of this
11 Code. Notwithstanding anything to the contrary in this
12 Section, for purposes of this Section, a person who is a Tier 1
13 regular employee as defined in Section 7-109.4 of this Code or
14 who participated in a retirement system under Article 15 prior
15 to January 1, 2011 shall be deemed a person who first became a
16 member or participant prior to January 1, 2011 under any
17 retirement system or pension fund subject to this Section. The
18 changes made to this Section by Public Act 98-596 are a
19 clarification of existing law and are intended to be
20 retroactive to January 1, 2011 (the effective date of Public
21 Act 96-889), notwithstanding the provisions of Section 1-103.1
22 of this Code.

23 This Section does not apply to a person who first becomes a
24 noncovered employee under Article 14 on or after the
25 implementation date of the plan created under Section 1-161
26 for that Article, unless that person elects under subsection

1 (b) of Section 1-161 to instead receive the benefits provided
2 under this Section and the applicable provisions of that
3 Article.

4 This Section does not apply to a person who first becomes a
5 member or participant under Article 16 on or after the
6 implementation date of the plan created under Section 1-161
7 for that Article, unless that person elects under subsection
8 (b) of Section 1-161 to instead receive the benefits provided
9 under this Section and the applicable provisions of that
10 Article.

11 This Section does not apply to a person who elects under
12 subsection (c-5) of Section 1-161 to receive the benefits
13 under Section 1-161.

14 This Section does not apply to a person who first becomes a
15 member or participant of an affected pension fund on or after 6
16 months after the resolution or ordinance date, as defined in
17 Section 1-162, unless that person elects under subsection (c)
18 of Section 1-162 to receive the benefits provided under this
19 Section and the applicable provisions of the Article under
20 which he or she is a member or participant.

21 (b) "Final average salary" means the average monthly (or
22 annual) salary obtained by dividing the total salary or
23 earnings calculated under the Article applicable to the member
24 or participant during the 96 consecutive months (or 8
25 consecutive years) of service within the last 120 months (or
26 10 years) of service in which the total salary or earnings

1 calculated under the applicable Article was the highest by the
2 number of months (or years) of service in that period. For the
3 purposes of a person who first becomes a member or participant
4 of any retirement system or pension fund to which this Section
5 applies on or after January 1, 2011, in this Code, "final
6 average salary" shall be substituted for the following:

7 (1) (Blank). ~~In Article 7 (except for service as~~
8 ~~sheriff's law enforcement employees), "final rate of~~
9 ~~earnings"~~.

10 (2) In Articles 8, 9, 10, 11, and 12, "highest average
11 annual salary for any 4 consecutive years within the last
12 10 years of service immediately preceding the date of
13 withdrawal".

14 (3) In Article 13, "average final salary".

15 (4) In Article 14, "final average compensation".

16 (5) In Article 17, "average salary".

17 (6) In Section 22-207, "wages or salary received by
18 him at the date of retirement or discharge".

19 (b-5) Beginning on January 1, 2011, for all purposes under
20 this Code (including without limitation the calculation of
21 benefits and employee contributions), the annual earnings,
22 salary, or wages (based on the plan year) of a member or
23 participant to whom this Section applies shall not exceed
24 \$106,800; however, that amount shall annually thereafter be
25 increased by the lesser of (i) 3% of that amount, including all
26 previous adjustments, or (ii) one-half the annual unadjusted

1 percentage increase (but not less than zero) in the consumer
2 price index-u for the 12 months ending with the September
3 preceding each November 1, including all previous adjustments.

4 For the purposes of this Section, "consumer price index-u"
5 means the index published by the Bureau of Labor Statistics of
6 the United States Department of Labor that measures the
7 average change in prices of goods and services purchased by
8 all urban consumers, United States city average, all items,
9 1982-84 = 100. The new amount resulting from each annual
10 adjustment shall be determined by the Public Pension Division
11 of the Department of Insurance and made available to the
12 boards of the retirement systems and pension funds by November
13 1 of each year.

14 (c) A member or participant is entitled to a retirement
15 annuity upon written application if he or she has attained age
16 67 (beginning January 1, 2015, age 65 with respect to service
17 under Article 12 of this Code that is subject to this Section)
18 and has at least 10 years of service credit and is otherwise
19 eligible under the requirements of the applicable Article.

20 A member or participant who has attained age 62 (beginning
21 January 1, 2015, age 60 with respect to service under Article
22 12 of this Code that is subject to this Section) and has at
23 least 10 years of service credit and is otherwise eligible
24 under the requirements of the applicable Article may elect to
25 receive the lower retirement annuity provided in subsection
26 (d) of this Section.

1 (c-5) A person who first becomes a member or a participant
2 subject to this Section on or after July 6, 2017 (the effective
3 date of Public Act 100-23), notwithstanding any other
4 provision of this Code to the contrary, is entitled to a
5 retirement annuity under Article 8 or Article 11 upon written
6 application if he or she has attained age 65 and has at least
7 10 years of service credit and is otherwise eligible under the
8 requirements of Article 8 or Article 11 of this Code,
9 whichever is applicable.

10 (d) The retirement annuity of a member or participant who
11 is retiring after attaining age 62 (beginning January 1, 2015,
12 age 60 with respect to service under Article 12 of this Code
13 that is subject to this Section) with at least 10 years of
14 service credit shall be reduced by one-half of 1% for each full
15 month that the member's age is under age 67 (beginning January
16 1, 2015, age 65 with respect to service under Article 12 of
17 this Code that is subject to this Section).

18 (d-5) The retirement annuity payable under Article 8 or
19 Article 11 to an eligible person subject to subsection (c-5)
20 of this Section who is retiring at age 60 with at least 10
21 years of service credit shall be reduced by one-half of 1% for
22 each full month that the member's age is under age 65.

23 (d-10) Each person who first became a member or
24 participant under Article 8 or Article 11 of this Code on or
25 after January 1, 2011 and prior to the effective date of this
26 amendatory Act of the 100th General Assembly shall make an

1 irrevocable election either:

2 (i) to be eligible for the reduced retirement age
3 provided in subsections (c-5) and (d-5) of this Section,
4 the eligibility for which is conditioned upon the member
5 or participant agreeing to the increases in employee
6 contributions for age and service annuities provided in
7 subsection (a-5) of Section 8-174 of this Code (for
8 service under Article 8) or subsection (a-5) of Section
9 11-170 of this Code (for service under Article 11); or

10 (ii) to not agree to item (i) of this subsection
11 (d-10), in which case the member or participant shall
12 continue to be subject to the retirement age provisions in
13 subsections (c) and (d) of this Section and the employee
14 contributions for age and service annuity as provided in
15 subsection (a) of Section 8-174 of this Code (for service
16 under Article 8) or subsection (a) of Section 11-170 of
17 this Code (for service under Article 11).

18 The election provided for in this subsection shall be made
19 between October 1, 2017 and November 15, 2017. A person
20 subject to this subsection who makes the required election
21 shall remain bound by that election. A person subject to this
22 subsection who fails for any reason to make the required
23 election within the time specified in this subsection shall be
24 deemed to have made the election under item (ii).

25 (e) Any retirement annuity or supplemental annuity shall
26 be subject to annual increases on the January 1 occurring

1 either on or after the attainment of age 67 (beginning January
2 1, 2015, age 65 with respect to service under Article 12 of
3 this Code that is subject to this Section and beginning on the
4 effective date of this amendatory Act of the 100th General
5 Assembly, age 65 with respect to service under Article 8 or
6 Article 11 for eligible persons who: (i) are subject to
7 subsection (c-5) of this Section; or (ii) made the election
8 under item (i) of subsection (d-10) of this Section) or the
9 first anniversary of the annuity start date, whichever is
10 later. Each annual increase shall be calculated at 3% or
11 one-half the annual unadjusted percentage increase (but not
12 less than zero) in the consumer price index-u for the 12 months
13 ending with the September preceding each November 1, whichever
14 is less, of the originally granted retirement annuity. If the
15 annual unadjusted percentage change in the consumer price
16 index-u for the 12 months ending with the September preceding
17 each November 1 is zero or there is a decrease, then the
18 annuity shall not be increased.

19 For the purposes of Section 1-103.1 of this Code, the
20 changes made to this Section by this amendatory Act of the
21 100th General Assembly are applicable without regard to
22 whether the employee was in active service on or after the
23 effective date of this amendatory Act of the 100th General
24 Assembly.

25 (f) The initial survivor's or widow's annuity of an
26 otherwise eligible survivor or widow of a retired member or

1 participant who first became a member or participant on or
2 after January 1, 2011 shall be in the amount of 66 2/3% of the
3 retired member's or participant's retirement annuity at the
4 date of death. In the case of the death of a member or
5 participant who has not retired and who first became a member
6 or participant on or after January 1, 2011, eligibility for a
7 survivor's or widow's annuity shall be determined by the
8 applicable Article of this Code. The initial benefit shall be
9 66 2/3% of the earned annuity without a reduction due to age. A
10 child's annuity of an otherwise eligible child shall be in the
11 amount prescribed under each Article if applicable. Any
12 survivor's or widow's annuity shall be increased (1) on each
13 January 1 occurring on or after the commencement of the
14 annuity if the deceased member died while receiving a
15 retirement annuity or (2) in other cases, on each January 1
16 occurring after the first anniversary of the commencement of
17 the annuity. Each annual increase shall be calculated at 3% or
18 one-half the annual unadjusted percentage increase (but not
19 less than zero) in the consumer price index-u for the 12 months
20 ending with the September preceding each November 1, whichever
21 is less, of the originally granted survivor's annuity. If the
22 annual unadjusted percentage change in the consumer price
23 index-u for the 12 months ending with the September preceding
24 each November 1 is zero or there is a decrease, then the
25 annuity shall not be increased.

26 (g) The benefits in Section 14-110 apply only if the

1 person is a State policeman, a fire fighter in the fire
2 protection service of a department, a conservation police
3 officer, an investigator for the Secretary of State, an arson
4 investigator, a Commerce Commission police officer,
5 investigator for the Department of Revenue or the Illinois
6 Gaming Board, a security employee of the Department of
7 Corrections or the Department of Juvenile Justice, or a
8 security employee of the Department of Innovation and
9 Technology, as those terms are defined in subsection (b) and
10 subsection (c) of Section 14-110. A person who meets the
11 requirements of this Section is entitled to an annuity
12 calculated under the provisions of Section 14-110, in lieu of
13 the regular or minimum retirement annuity, only if the person
14 has withdrawn from service with not less than 20 years of
15 eligible creditable service and has attained age 60,
16 regardless of whether the attainment of age 60 occurs while
17 the person is still in service.

18 (h) If a person who first becomes a member or a participant
19 of a retirement system or pension fund subject to this Section
20 on or after January 1, 2011 is receiving a retirement annuity
21 or retirement pension under that system or fund and becomes a
22 member or participant under any other system or fund created
23 by this Code and is employed on a full-time basis, except for
24 those members or participants exempted from the provisions of
25 this Section under subsection (a) of this Section, then the
26 person's retirement annuity or retirement pension under that

1 system or fund shall be suspended during that employment. Upon
2 termination of that employment, the person's retirement
3 annuity or retirement pension payments shall resume and be
4 recalculated if recalculation is provided for under the
5 applicable Article of this Code.

6 If a person who first becomes a member of a retirement
7 system or pension fund subject to this Section on or after
8 January 1, 2012 and is receiving a retirement annuity or
9 retirement pension under that system or fund and accepts on a
10 contractual basis a position to provide services to a
11 governmental entity from which he or she has retired, then
12 that person's annuity or retirement pension earned as an
13 active employee of the employer shall be suspended during that
14 contractual service. A person receiving an annuity or
15 retirement pension under this Code shall notify the pension
16 fund or retirement system from which he or she is receiving an
17 annuity or retirement pension, as well as his or her
18 contractual employer, of his or her retirement status before
19 accepting contractual employment. A person who fails to submit
20 such notification shall be guilty of a Class A misdemeanor and
21 required to pay a fine of \$1,000. Upon termination of that
22 contractual employment, the person's retirement annuity or
23 retirement pension payments shall resume and, if appropriate,
24 be recalculated under the applicable provisions of this Code.

25 (i) (Blank).

26 (j) In the case of a conflict between the provisions of

1 this Section and any other provision of this Code, the
2 provisions of this Section shall control.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
4 100-563, eff. 12-8-17; 100-611, eff. 7-20-18; 100-1166, eff.
5 1-4-19; 101-610, eff. 1-1-20.)

6 (40 ILCS 5/7-109.4 new)

7 Sec. 7-109.4. Tier 1 regular employee. "Tier 1 regular
8 employee" means a participant or an annuitant under this
9 Article who first became a participant or member before
10 January 1, 2011 under any retirement system or pension fund
11 under this Code, other than a retirement system or pension
12 fund established under Articles 2, 3, 4, 5, 6, or 18 or in any
13 self-managed plan established under this Code, or the
14 retirement plan established under Section 22-101.

15 "Tier 1 regular employee" includes a person who received a
16 separation benefit but is otherwise qualified under this
17 Section and subsequently becomes a participating employee on
18 or after January 1, 2011.

19 "Tier 1 regular employee" includes a former participating
20 employee who received a separation benefit under Section 7-167
21 for service earned prior to January 1, 2011 who returns to a
22 qualifying position after January 1, 2011.

23 "Tier 1 regular employee" includes a participating
24 employee who has omitted service as defined in Section 7-111.5
25 that includes any period prior to January 1, 2011 only if he or

1 she establishes sufficient service credit under item (12) of
2 subsection (a) of Section 7-139 to include service prior to
3 January 1, 2011.

4 Notwithstanding anything contrary in this Section, "Tier 1
5 regular employee" does not include a participant or annuitant
6 who is eligible to have his or her annuity calculated under
7 Section 7-142.1 or a person who elected to establish
8 alternative credits under Section 7-145.1.

9 (40 ILCS 5/7-109.5 new)

10 Sec. 7-109.5. Tier 2 regular employee. "Tier 2 regular
11 employee" means a person who first becomes a participant under
12 this Article on or after January 1, 2011 and is not a Tier 1
13 regular employee.

14 Notwithstanding anything contrary in this Section, "Tier 2
15 regular employee" does not include a participant or annuitant
16 who is eligible to have his or her annuity calculated under
17 Section 7-142.1 or a person who elected to establish
18 alternative credits by electing in writing after January 1,
19 2011, but before August 8, 2011, under Section 7-145.1 of this
20 Code.

21 (40 ILCS 5/7-114) (from Ch. 108 1/2, par. 7-114)

22 Sec. 7-114. Earnings. "Earnings":

23 (a) An amount to be determined by the board, equal to the
24 sum of:

1 1. The total amount of money paid to an employee for
2 personal services or official duties as an employee
3 (except those employed as independent contractors) paid
4 out of the general fund, or out of any special funds
5 controlled by the municipality, or by any instrumentality
6 thereof, or participating instrumentality, including
7 compensation, fees, allowances (but not including amounts
8 associated with a vehicle allowance payable to an employee
9 who first becomes a participating employee on or after the
10 effective date of this amendatory Act of the 100th General
11 Assembly), or other emolument paid for official duties
12 (but not including automobile maintenance, travel expense,
13 or reimbursements for expenditures incurred in the
14 performance of duties) and, for fee offices, the fees or
15 earnings of the offices to the extent such fees are paid
16 out of funds controlled by the municipality, or
17 instrumentality or participating instrumentality; and

18 2. The money value, as determined by rules prescribed
19 by the governing body of the municipality, or
20 instrumentality thereof, of any board, lodging, fuel,
21 laundry, and other allowances provided an employee in lieu
22 of money.

23 (b) For purposes of determining benefits payable under
24 this fund payments to a person who is engaged in an
25 independently established trade, occupation, profession or
26 business and who is paid for his service on a basis other than

1 a monthly or other regular salary, are not earnings.

2 (c) If a disabled participating employee is eligible to
3 receive Workers' Compensation for an accidental injury and the
4 participating municipality or instrumentality which employed
5 the participating employee when injured continues to pay the
6 participating employee regular salary or other compensation or
7 pays the employee an amount in excess of the Workers'
8 Compensation amount, then earnings shall be deemed to be the
9 total payments, including an amount equal to the Workers'
10 Compensation payments. These payments shall be subject to
11 employee contributions and allocated as if paid to the
12 participating employee when the regular payroll amounts would
13 have been paid if the participating employee had continued
14 working, and creditable service shall be awarded for this
15 period.

16 (d) If an elected official who is a participating employee
17 becomes disabled but does not resign and is not removed from
18 office, then earnings shall include all salary payments made
19 for the remainder of that term of office and the official shall
20 be awarded creditable service for the term of office.

21 (e) If a participating employee is paid pursuant to "An
22 Act to provide for the continuation of compensation for law
23 enforcement officers, correctional officers and firemen who
24 suffer disabling injury in the line of duty", approved
25 September 6, 1973, as amended, the payments shall be deemed
26 earnings, and the participating employee shall be awarded

1 creditable service for this period.

2 (f) Additional compensation received by a person while
3 serving as a supervisor of assessments, assessor, deputy
4 assessor or member of a board of review from the State of
5 Illinois pursuant to Section 4-10 or 4-15 of the Property Tax
6 Code shall not be earnings for purposes of this Article and
7 shall not be included in the contribution formula or
8 calculation of benefits for such person pursuant to this
9 Article.

10 (g) Notwithstanding any other provision of this Article,
11 calendar year earnings for Tier 2 regular employees to whom
12 this Section applies shall not exceed the amount determined by
13 the Public Pension Division of the Department of Insurance as
14 required in this subsection; however, that amount shall
15 annually thereafter be increased by the lesser of (i) 3% of
16 that amount, including all previous adjustments, or (ii)
17 one-half the annual unadjusted percentage increase (but not
18 less than zero) in the consumer price index-u for the 12 months
19 ending with the September preceding each November 1, including
20 all previous adjustments.

21 For the purposes of this Section, "consumer price index-u"
22 means the index published by the Bureau of Labor Statistics of
23 the United States Department of Labor that measures the
24 average change in prices of goods and services purchased by
25 all urban consumers, United States city average, all items,
26 1982-84 = 100. The new amount resulting from each annual

1 adjustment shall be determined by the Public Pension Division
2 of the Department of Insurance and made available to the Fund
3 by November 1 of each year.

4 (Source: P.A. 100-411, eff. 8-25-17.)

5 (40 ILCS 5/7-116) (from Ch. 108 1/2, par. 7-116)

6 (Text of Section WITHOUT the changes made by P.A. 98-599,
7 which has been held unconstitutional)

8 Sec. 7-116. "Final rate of earnings":

9 (a) For retirement and survivor annuities, the monthly
10 earnings obtained by dividing the total earnings received by
11 the employee during the period of either (1) for Tier 1 regular
12 employees, the 48 consecutive months of service within the
13 last 120 months of service in which his total earnings were the
14 highest, (2) for Tier 2 regular employees, the 96 consecutive
15 months of service within the last 120 months of service in
16 which his total earnings were the highest, or (3) ~~or (2)~~ the
17 employee's total period of service, by the number of months of
18 service in such period.

19 (b) For death benefits, the higher of the rate determined
20 under paragraph (a) of this Section or total earnings received
21 in the last 12 months of service divided by twelve. If the
22 deceased employee has less than 12 months of service, the
23 monthly final rate shall be the monthly rate of pay the
24 employee was receiving when he began service.

25 (c) For disability benefits, the total earnings of a

1 participating employee in the last 12 calendar months of
2 service prior to the date he becomes disabled divided by 12.

3 (d) In computing the final rate of earnings: (1) the
4 earnings rate for all periods of prior service shall be
5 considered equal to the average earnings rate for the last 3
6 calendar years of prior service for which creditable service
7 is received under Section 7-139 or, if there is less than 3
8 years of creditable prior service, the average for the total
9 prior service period for which creditable service is received
10 under Section 7-139; (2) for out of state service and
11 authorized leave, the earnings rate shall be the rate upon
12 which service credits are granted; (3) periods of military
13 leave shall not be considered; (4) the earnings rate for all
14 periods of disability shall be considered equal to the rate of
15 earnings upon which the employee's disability benefits are
16 computed for such periods; (5) the earnings to be considered
17 for each of the final three months of the final earnings period
18 for persons who first became participants before January 1,
19 2012 and the earnings to be considered for each of the final 24
20 months for participants who first become participants on or
21 after January 1, 2012 shall not exceed 125% of the highest
22 earnings of any other month in the final earnings period; and
23 (6) the annual amount of final rate of earnings shall be the
24 monthly amount multiplied by the number of months of service
25 normally required by the position in a year.

26 (Source: P.A. 97-609, eff. 1-1-12.)

1 (40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

2 Sec. 7-141. Retirement annuities - Conditions. Retirement
3 annuities shall be payable as hereinafter set forth:

4 (a) A participating employee who, regardless of cause, is
5 separated from the service of all participating municipalities
6 and instrumentalities thereof and participating
7 instrumentalities shall be entitled to a retirement annuity
8 provided:

9 1. He is at least age 55 if he is a Tier 1 regular
10 employee, he is age 62 if he is a Tier 2 regular employee,
11 or, in the case of a person who is eligible to have his
12 annuity calculated under Section 7-142.1, he is at least
13 age 50;

14 2. He is not entitled to receive earnings for
15 employment in a position requiring him, or entitling him
16 to elect, to be a participating employee;

17 3. The amount of his annuity, before the application
18 of paragraph (b) of Section 7-142 is at least \$10 per
19 month;

20 4. If he first became a participating employee after
21 December 31, 1961 and is a Tier 1 regular employee, he has
22 at least 8 years of service, or, if he is a Tier 2 regular
23 member, he has at least 10 years of service. This service
24 requirement shall not apply to any participating employee,
25 regardless of participation date, if the General Assembly

1 terminates the Fund.

2 (b) Retirement annuities shall be payable:

3 1. As provided in Section 7-119;

4 2. Except as provided in item 3, upon receipt by the
5 fund of a written application. The effective date may be
6 not more than one year prior to the date of the receipt by
7 the fund of the application;

8 3. Upon attainment of age 70 1/2 if the member (i) is
9 no longer in service, and (ii) is otherwise entitled to an
10 annuity under this Article;

11 4. To the beneficiary of the deceased annuitant for
12 the unpaid amount accrued to date of death, if any.

13 (Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

14 (40 ILCS 5/7-141.1)

15 Sec. 7-141.1. Early retirement incentive.

16 (a) The General Assembly finds and declares that:

17 (1) Units of local government across the State have
18 been functioning under a financial crisis.

19 (2) This financial crisis is expected to continue.

20 (3) Units of local government must depend on
21 additional sources of revenue and, when those sources are
22 not forthcoming, must establish cost-saving programs.

23 (4) An early retirement incentive designed
24 specifically to target highly-paid senior employees could
25 result in significant annual cost savings.

1 (5) The early retirement incentive should be made
2 available only to those units of local government that
3 determine that an early retirement incentive is in their
4 best interest.

5 (6) A unit of local government adopting a program of
6 early retirement incentives under this Section is
7 encouraged to implement personnel procedures to prohibit,
8 for at least 5 years, the rehiring (whether on payroll or
9 by independent contract) of employees who receive early
10 retirement incentives.

11 (7) A unit of local government adopting a program of
12 early retirement incentives under this Section is also
13 encouraged to replace as few of the participating
14 employees as possible and to hire replacement employees
15 for salaries totaling no more than 80% of the total
16 salaries formerly paid to the employees who participate in
17 the early retirement program.

18 It is the primary purpose of this Section to encourage
19 units of local government that can realize true cost savings,
20 or have determined that an early retirement program is in
21 their best interest, to implement an early retirement program.

22 (b) Until June 27, 1997 (the effective date of Public Act
23 90-32) ~~this amendatory Act of 1997~~, this Section does not
24 apply to any employer that is a city, village, or incorporated
25 town, nor to the employees of any such employer. Beginning on
26 June 27, 1997 (the effective date of Public Act 90-32) ~~this~~

1 ~~amendatory Act of 1997~~, any employer under this Article,
2 including an employer that is a city, village, or incorporated
3 town, may establish an early retirement incentive program for
4 its employees under this Section. The decision of a city,
5 village, or incorporated town to consider or establish an
6 early retirement program is at the sole discretion of that
7 city, village, or incorporated town, and nothing in Public Act
8 90-32 ~~this amendatory Act of 1997~~ limits or otherwise
9 diminishes this discretion. Nothing contained in this Section
10 shall be construed to require a city, village, or incorporated
11 town to establish an early retirement program and no city,
12 village, or incorporated town may be compelled to implement
13 such a program.

14 The benefits provided in this Section are available only
15 to members employed by a participating employer that has filed
16 with the Board of the Fund a resolution or ordinance expressly
17 providing for the creation of an early retirement incentive
18 program under this Section for its employees and specifying
19 the effective date of the early retirement incentive program.
20 Subject to the limitation in subsection (h), an employer may
21 adopt a resolution or ordinance providing a program of early
22 retirement incentives under this Section at any time.

23 The resolution or ordinance shall be in substantially the
24 following form:

25 RESOLUTION (ORDINANCE) NO.

1 A RESOLUTION (ORDINANCE) ADOPTING AN EARLY
2 RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES
3 IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

4 WHEREAS, Section 7-141.1 of the Illinois Pension Code
5 provides that a participating employer may elect to adopt an
6 early retirement incentive program offered by the Illinois
7 Municipal Retirement Fund by adopting a resolution or
8 ordinance; and

9 WHEREAS, The goal of adopting an early retirement program
10 is to realize a substantial savings in personnel costs by
11 offering early retirement incentives to employees who have
12 accumulated many years of service credit; and

13 WHEREAS, Implementation of the early retirement program
14 will provide a budgeting tool to aid in controlling payroll
15 costs; and

16 WHEREAS, The (name of governing body) has determined that
17 the adoption of an early retirement incentive program is in
18 the best interests of the (name of participating employer);
19 therefore be it

20 RESOLVED (ORDAINED) by the (name of governing body) of
21 (name of participating employer) that:

22 (1) The (name of participating employer) does hereby adopt
23 the Illinois Municipal Retirement Fund early retirement
24 incentive program as provided in Section 7-141.1 of the
25 Illinois Pension Code. The early retirement incentive program
26 shall take effect on (date).

1 (2) In order to help achieve a true cost savings, a person
2 who retires under the early retirement incentive program shall
3 lose those incentives if he or she later accepts employment
4 with any IMRF employer in a position for which participation
5 in IMRF is required or is elected by the employee.

6 (3) In order to utilize an early retirement incentive as a
7 budgeting tool, the (name of participating employer) will use
8 its best efforts either to limit the number of employees who
9 replace the employees who retire under the early retirement
10 program or to limit the salaries paid to the employees who
11 replace the employees who retire under the early retirement
12 program.

13 (4) The effective date of each employee's retirement under
14 this early retirement program shall be set by (name of
15 employer) and shall be no earlier than the effective date of
16 the program and no later than one year after that effective
17 date; except that the employee may require that the retirement
18 date set by the employer be no later than the June 30 next
19 occurring after the effective date of the program and no
20 earlier than the date upon which the employee qualifies for
21 retirement.

22 (5) To be eligible for the early retirement incentive
23 under this Section, the employee must have attained age 50 and
24 have at least 20 years of creditable service by his or her
25 retirement date.

26 (6) The (clerk or secretary) shall promptly file a

1 certified copy of this resolution (ordinance) with the Board
2 of Trustees of the Illinois Municipal Retirement Fund.

3 CERTIFICATION

4 I, (name), the (clerk or secretary) of the (name of
5 participating employer) of the County of (name), State of
6 Illinois, do hereby certify that I am the keeper of the books
7 and records of the (name of employer) and that the foregoing is
8 a true and correct copy of a resolution (ordinance) duly
9 adopted by the (governing body) at a meeting duly convened and
10 held on (date).

11 SEAL

12 (Signature of clerk or secretary)

13 (c) To be eligible for the benefits provided under an
14 early retirement incentive program adopted under this Section,
15 a member must:

16 (1) be a participating employee of this Fund who, on
17 the effective date of the program, (i) is in active
18 payroll status as an employee of a participating employer
19 that has filed the required ordinance or resolution with
20 the Board, (ii) is on layoff status from such a position
21 with a right of re-employment or recall to service, (iii)
22 is on a leave of absence from such a position, or (iv) is
23 on disability but has not been receiving benefits under
24 Section 7-146 or 7-150 for a period of more than 2 years
25 from the date of application;

1 (2) have never previously received a retirement
2 annuity under this Article or under the Retirement Systems
3 Reciprocal Act using service credit established under this
4 Article;

5 (3) (blank);

6 (4) have at least 20 years of creditable service in
7 the Fund by the date of retirement, without the use of any
8 creditable service established under this Section;

9 (5) have attained age 50 by the date of retirement if
10 he or she is a Tier 1 regular employee or age 57 if he or
11 she is a Tier 2 regular employee, without the use of any
12 age enhancement received under this Section; and

13 (6) be eligible to receive a retirement annuity under
14 this Article by the date of retirement, for which purpose
15 the age enhancement and creditable service established
16 under this Section may be considered.

17 (d) The employer shall determine the retirement date for
18 each employee participating in the early retirement program
19 adopted under this Section. The retirement date shall be no
20 earlier than the effective date of the program and no later
21 than one year after that effective date, except that the
22 employee may require that the retirement date set by the
23 employer be no later than the June 30 next occurring after the
24 effective date of the program and no earlier than the date upon
25 which the employee qualifies for retirement. The employer
26 shall give each employee participating in the early retirement

1 program at least 30 days written notice of the employee's
2 designated retirement date, unless the employee waives this
3 notice requirement.

4 (e) An eligible person may establish up to 5 years of
5 creditable service under this Section. In addition, for each
6 period of creditable service established under this Section, a
7 person shall have his or her age at retirement deemed enhanced
8 by an equivalent period.

9 The creditable service established under this Section may
10 be used for all purposes under this Article and the Retirement
11 Systems Reciprocal Act, except for the computation of final
12 rate of earnings and the determination of earnings, salary, or
13 compensation under this or any other Article of the Code.

14 The age enhancement established under this Section may be
15 used for all purposes under this Article (including
16 calculation of the reduction imposed under subdivision
17 (a)1b(iv) of Section 7-142), except for purposes of a
18 reversionary annuity under Section 7-145 and any distributions
19 required because of age. The age enhancement established under
20 this Section may be used in calculating a proportionate
21 annuity payable by this Fund under the Retirement Systems
22 Reciprocal Act, but shall not be used in determining benefits
23 payable under other Articles of this Code under the Retirement
24 Systems Reciprocal Act.

25 (f) For all creditable service established under this
26 Section, the member must pay to the Fund an employee

1 contribution consisting of the total employee contribution
2 rate in effect at the time the member purchases the service for
3 the plan in which the member was participating with the
4 employer at that time multiplied by the member's highest
5 annual salary rate used in the determination of the final rate
6 of earnings for retirement annuity purposes for each year of
7 creditable service granted under this Section. Contributions
8 for fractions of a year of service shall be prorated. Any
9 amounts that are disregarded in determining the final rate of
10 earnings under subdivision (d) (5) of Section 7-116 (the 125%
11 rule) shall also be disregarded in determining the required
12 contribution under this subsection (f).

13 The employee contribution shall be paid to the Fund as
14 follows: If the member is entitled to a lump sum payment for
15 accumulated vacation, sick leave, or personal leave upon
16 withdrawal from service, the employer shall deduct the
17 employee contribution from that lump sum and pay the deducted
18 amount directly to the Fund. If there is no such lump sum
19 payment or the required employee contribution exceeds the net
20 amount of the lump sum payment, then the remaining amount due,
21 at the option of the employee, may either be paid to the Fund
22 before the annuity commences or deducted from the retirement
23 annuity in 24 equal monthly installments.

24 (g) An annuitant who has received any age enhancement or
25 creditable service under this Section and thereafter accepts
26 employment with or enters into a personal services contract

1 with an employer under this Article thereby forfeits that age
2 enhancement and creditable service; except that this
3 restriction does not apply to (1) service in an elective
4 office, so long as the annuitant does not participate in this
5 Fund with respect to that office, (2) a person appointed as an
6 officer under subsection (f) of Section 3-109 of this Code,
7 and (3) a person appointed as an auxiliary police officer
8 pursuant to Section 3.1-30-5 of the Illinois Municipal Code. A
9 person forfeiting early retirement incentives under this
10 subsection (i) must repay to the Fund that portion of the
11 retirement annuity already received which is attributable to
12 the early retirement incentives that are being forfeited, (ii)
13 shall not be eligible to participate in any future early
14 retirement program adopted under this Section, and (iii) is
15 entitled to a refund of the employee contribution paid under
16 subsection (f). The Board shall deduct the required repayment
17 from the refund and may impose a reasonable payment schedule
18 for repaying the amount, if any, by which the required
19 repayment exceeds the refund amount.

20 (h) The additional unfunded liability accruing as a result
21 of the adoption of a program of early retirement incentives
22 under this Section by an employer shall be amortized over a
23 period of 10 years beginning on January 1 of the second
24 calendar year following the calendar year in which the latest
25 date for beginning to receive a retirement annuity under the
26 program (as determined by the employer under subsection (d) of

1 this Section) occurs; except that the employer may provide for
2 a shorter amortization period (of no less than 5 years) by
3 adopting an ordinance or resolution specifying the length of
4 the amortization period and submitting a certified copy of the
5 ordinance or resolution to the Fund no later than 6 months
6 after the effective date of the program. An employer, at its
7 discretion, may accelerate payments to the Fund.

8 An employer may provide more than one early retirement
9 incentive program for its employees under this Section.
10 However, an employer that has provided an early retirement
11 incentive program for its employees under this Section may not
12 provide another early retirement incentive program under this
13 Section until the liability arising from the earlier program
14 has been fully paid to the Fund.

15 (Source: P.A. 99-382, eff. 8-17-15.)

16 (40 ILCS 5/7-142) (from Ch. 108 1/2, par. 7-142)

17 Sec. 7-142. Retirement annuities - Amount.

18 (a) The amount of a retirement annuity shall be the sum of
19 the following, determined in accordance with the actuarial
20 tables in effect at the time of the grant of the annuity:

21 1. For Tier 1 regular employees with 8 or more years of
22 service or for Tier 2 regular employees, an annuity
23 computed pursuant to subparagraphs a or b of this
24 subparagraph 1, whichever is the higher, and for employees
25 with less than 8 or 10 years of service, respectively, the

1 annuity computed pursuant to subparagraph a:

2 a. The monthly annuity which can be provided from
3 the total accumulated normal, municipality and prior
4 service credits, as of the attained age of the
5 employee on the date the annuity begins provided that
6 such annuity shall not exceed 75% of the final rate of
7 earnings of the employee.

8 b. (i) The monthly annuity amount determined as
9 follows by multiplying (a) $1\frac{2}{3}\%$ for annuitants with
10 not more than 15 years or (b) $1\frac{2}{3}\%$ for the first 15
11 years and 2% for each year in excess of 15 years for
12 annuitants with more than 15 years by the number of
13 years plus fractional years, prorated on a basis of
14 months, of creditable service and multiply the product
15 thereof by the employee's final rate of earnings.

16 (ii) For the sole purpose of computing the formula
17 (and not for the purposes of the limitations
18 hereinafter stated) \$125 shall be considered the final
19 rate of earnings in all cases where the final rate of
20 earnings is less than such amount.

21 (iii) The monthly annuity computed in accordance
22 with this subparagraph b, shall not exceed an amount
23 equal to 75% of the final rate of earnings.

24 (iv) For employees who have less than 35 years of
25 service, the annuity computed in accordance with this
26 subparagraph b (as reduced by application of

1 subparagraph (iii) above) shall be reduced by 0.25%
2 thereof (0.5% if service was terminated before January
3 1, 1988 or if the employee is a Tier 2 regular
4 employee) for each month or fraction thereof (1) that
5 the employee's age is less than 60 years for Tier 1
6 regular employees, or (2) that the employee's age is
7 less than 67 years for Tier 2 regular employees, or (3)
8 if the employee has at least 30 years of service
9 credit, that the employee's service credit is less
10 than 35 years, whichever is less, on the date the
11 annuity begins.

12 2. The annuity which can be provided from the total
13 accumulated additional credits as of the attained age of
14 the employee on the date the annuity begins.

15 (b) If payment of an annuity begins prior to the earliest
16 age at which the employee will become eligible for an old age
17 insurance benefit under the Federal Social Security Act, he
18 may elect that the annuity payments from this fund shall
19 exceed those payable after his attaining such age by an
20 amount, computed as determined by rules of the Board, but not
21 in excess of his estimated Social Security Benefit, determined
22 as of the effective date of the annuity, provided that in no
23 case shall the total annuity payments made by this fund exceed
24 in actuarial value the annuity which would have been payable
25 had no such election been made.

26 (c) ~~The retirement annuity shall be increased each year by~~

1 ~~2%, not compounded, of the monthly amount of annuity, taking~~
2 ~~into consideration any adjustment under paragraph (b) of this~~
3 ~~Section. This increase shall be effective each January 1 and~~
4 ~~computed from the effective date of the retirement annuity,~~
5 ~~the first increase being .167% of the monthly amount times the~~
6 ~~number of months from the effective date to January 1.~~
7 Beginning January 1, 1984 and each January 1 thereafter, the
8 retirement annuity of a Tier 1 regular employee shall be
9 increased by 3% each year, not compounded. This increase shall
10 be computed from the effective date of the retirement annuity,
11 the first increase being 0.25% of the monthly amount times the
12 number of months from the effective date to January 1. This
13 increase shall not be applicable to annuitants who are not in
14 service on or after September 8, 1971.

15 A retirement annuity of a Tier 2 regular employee shall
16 receive annual increases on the January 1 occurring either on
17 or after the attainment of age 67 or the first anniversary of
18 the annuity start date, whichever is later. Each annual
19 increase shall be calculated at the lesser of 3% or one-half
20 the annual unadjusted percentage increase (but not less than
21 zero) in the consumer price index-u for the 12 months ending
22 with the September preceding each November 1 of the originally
23 granted retirement annuity. If the annual unadjusted
24 percentage change in the consumer price index-u for the 12
25 months ending with the September preceding each November 1 is
26 zero or there is a decrease, then the annuity shall not be

1 increased.

2 (d) Any elected county officer who was entitled to receive
3 a stipend from the State on or after July 1, 2009 and on or
4 before June 30, 2010 may establish earnings credit for the
5 amount of stipend not received, if the elected county official
6 applies in writing to the fund within 6 months after the
7 effective date of this amendatory Act of the 96th General
8 Assembly and pays to the fund an amount equal to (i) employee
9 contributions on the amount of stipend not received, (ii)
10 employer contributions determined by the Board equal to the
11 employer's normal cost of the benefit on the amount of stipend
12 not received, plus (iii) interest on items (i) and (ii) at the
13 actuarially assumed rate.

14 (Source: P.A. 96-961, eff. 7-2-10.)

15 (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

16 Sec. 7-144. Retirement annuities - suspended during
17 employment.

18 (a) If any person receiving any annuity again becomes an
19 employee and receives earnings from employment in a position
20 requiring him, or entitling him to elect, to become a
21 participating employee, then the annuity payable to such
22 employee shall be suspended as of the 1st day of the month
23 coincidental with or next following the date upon which such
24 person becomes such an employee, unless the person is
25 authorized under subsection (b) of Section 7-137.1 of this

1 Code to continue receiving a retirement annuity during that
2 period. Upon proper qualification of the participating
3 employee payment of such annuity may be resumed on the 1st day
4 of the month following such qualification and upon proper
5 application therefor. The participating employee in such case
6 shall be entitled to a supplemental annuity arising from
7 service and credits earned subsequent to such re-entry as a
8 participating employee.

9 Notwithstanding any other provision of this Article, an
10 annuitant shall be considered a participating employee if he
11 or she returns to work as an employee with a participating
12 employer and works more than 599 hours annually (or 999 hours
13 annually with a participating employer that has adopted a
14 resolution pursuant to subsection (e) of Section 7-137 of this
15 Code). Each of these annual periods shall commence on the
16 month and day upon which the annuitant is first employed with
17 the participating employer following the effective date of the
18 annuity.

19 (a-5) If any annuitant under this Article must be
20 considered a participating employee per the provisions of
21 subsection (a) of this Section, and the participating
22 municipality or participating instrumentality that employs or
23 re-employs that annuitant knowingly fails to notify the Board
24 to suspend the annuity, the participating municipality or
25 participating instrumentality may be required to reimburse the
26 Fund for an amount up to one-half of the total of any annuity

1 payments made to the annuitant after the date the annuity
2 should have been suspended, as determined by the Board. In no
3 case shall the total amount repaid by the annuitant plus any
4 amount reimbursed by the employer to the Fund be more than the
5 total of all annuity payments made to the annuitant after the
6 date the annuity should have been suspended. This subsection
7 shall not apply if the annuitant returned to work for the
8 employer for less than 12 months.

9 The Fund shall notify all annuitants that they must notify
10 the Fund immediately if they return to work for any
11 participating employer. The notification by the Fund shall
12 occur upon retirement and no less than annually thereafter in
13 a format determined by the Fund. The Fund shall also develop
14 and maintain a system to track annuitants who have returned to
15 work and notify the participating employer and annuitant at
16 least annually of the limitations on returning to work under
17 this Section.

18 (b) Supplemental annuities to persons who return to
19 service for less than 48 months shall be computed under the
20 provisions of Sections 7-141, 7-142 and 7-143. In determining
21 whether an employee is eligible for an annuity which requires
22 a minimum period of service, his entire period of service
23 shall be taken into consideration but the supplemental annuity
24 shall be based on earnings and service in the supplemental
25 period only. The effective date of the suspended and
26 supplemental annuity for the purpose of increases after

1 retirement shall be considered to be the effective date of the
2 suspended annuity.

3 (c) Supplemental annuities to persons who return to
4 service for 48 months or more shall be a monthly amount
5 determined as follows:

6 (1) An amount shall be computed under subparagraph b
7 of paragraph (1) of subsection (a) of Section 7-142,
8 considering all of the service credits of the employee;

9 (2) The actuarial value in monthly payments for life
10 of the annuity payments made before suspension shall be
11 determined and subtracted from the amount determined in
12 (1) above;

13 (3) The monthly amount of the suspended annuity, with
14 any applicable increases after retirement computed from
15 the effective date to the date of reinstatement, shall be
16 subtracted from the amount determined in (2) above and the
17 remainder shall be the amount of the supplemental annuity
18 provided that this amount shall not be less than the
19 amount computed under subsection (b) of this Section.

20 (4) The suspended annuity shall be reinstated at an
21 amount including any increases after retirement from the
22 effective date to date of reinstatement.

23 (5) The effective date of the combined suspended and
24 supplemental annuities for the purposes of increases after
25 retirement shall be considered to be the effective date of
26 the supplemental annuity.

1 (d) If a Tier 2 regular employee becomes a member or
2 participant under any other system or fund created by this
3 Code and is employed on a full-time basis, except for those
4 members or participants exempted from the provisions of
5 subsection (a) of Section 1-160 of this Code (other than a
6 participating employee under this Article), then the person's
7 retirement annuity shall be suspended during that employment.
8 Upon termination of that employment, the person's retirement
9 annuity shall resume and be recalculated as required by this
10 Section.

11 (e) If a Tier 2 regular employee first began participation
12 on or after January 1, 2012 and is receiving a retirement
13 annuity and accepts on a contractual basis a position to
14 provide services to a governmental entity from which he or she
15 has retired, then that person's annuity or retirement pension
16 shall be suspended during that contractual service,
17 notwithstanding the provisions of any other Section in this
18 Article. Such annuitant shall notify the Fund, as well as his
19 or her contractual employer, of his or her retirement status
20 before accepting contractual employment. A person who fails to
21 submit such notification shall be guilty of a Class A
22 misdemeanor and required to pay a fine of \$1,000. Upon
23 termination of that contractual employment, the person's
24 retirement annuity shall resume and be recalculated as
25 required by this Section.

26 (Source: P.A. 98-389, eff. 8-16-13; 99-745, eff. 8-5-16.)

1 (40 ILCS 5/7-156) (from Ch. 108 1/2, par. 7-156)

2 Sec. 7-156. Surviving spouse annuities - amount.

3 (a) The amount of surviving spouse annuity shall be:

4 1. Upon the death of an employee annuitant or such person
5 entitled, upon application, to a retirement annuity at date of
6 death, (i) an amount equal to ~~1/2~~ 50% for a Tier 1 regular
7 employee or 66 2/3% for a Tier 2 regular employee of the
8 retirement annuity which was or would have been payable
9 exclusive of the amount so payable which was provided from
10 additional credits, and disregarding any election made under
11 paragraph (b) of Section 7-142, plus (ii) an annuity which
12 could be provided at the then attained age of the surviving
13 spouse and under actuarial tables then in effect, from the
14 excess of the additional credits, (excluding any such credits
15 used to create a reversionary annuity) used to provide the
16 annuity granted pursuant to paragraph (a) (2) of Section 7-142
17 of this article over the total annuity payments made pursuant
18 thereto.

19 2. Upon the death of a participating employee on or after
20 attainment of age 55, an amount equal to ~~1/2~~ 50% for a Tier 1
21 regular employee or 66 2/3% for a Tier 2 regular employee of
22 the retirement annuity which he could have had as of the date
23 of death had he then retired and applied for annuity,
24 exclusive of the portion thereof which could have been
25 provided from additional credits, and disregarding paragraph

1 (b) of Section 7-142, plus an amount equal to the annuity which
2 could be provided from the total of his accumulated additional
3 credits at date of death, on the basis of the attained age of
4 the surviving spouse on such date.

5 3. Upon the death of a participating employee before age
6 55, an amount equal to ~~1/2~~ 50% for a Tier 1 regular employee or
7 66 2/3% for a Tier 2 regular employee of the retirement annuity
8 which he could have had as of his attained age on the date of
9 death, had he then retired and applied for annuity, and the
10 provisions of this Article that no such annuity shall begin
11 until the employee has attained at least age 55 were not
12 applicable, exclusive of the portion thereof which could have
13 been provided from additional credits and disregarding
14 paragraph (b) of Section 7-142, plus an amount equal to the
15 annuity which could be provided from the total of his
16 accumulated additional credits at date of death, on the basis
17 of the attained age of the surviving spouse on such date.

18 In the case of the surviving spouse of a person who dies
19 before June 1, 2006 (the effective date of Public Act 94-712)
20 ~~this amendatory Act of the 94th General Assembly~~, if the
21 surviving spouse is more than 5 years younger than the
22 deceased, that portion of the annuity which is not based on
23 additional credits shall be reduced in the ratio of the value
24 of a life annuity of \$1 per year at an age of 5 years less than
25 the attained age of the deceased, at the earlier of the date of
26 the death or the date his retirement annuity begins, to the

1 value of a life annuity of \$1 per year at the attained age of
2 the surviving spouse on such date, according to actuarial
3 tables approved by the Board. This reduction does not apply to
4 the surviving spouse of a person who dies on or after June 1,
5 2006 (the effective date of Public Act 94-712) ~~this amendatory~~
6 ~~Act of the 94th General Assembly.~~

7 In computing the amount of a surviving spouse annuity,
8 incremental increases of retirement annuities to the date of
9 death of the employee annuitant shall be considered.

10 (b) If the employee was a Tier 1 regular employee, each
11 ~~Each~~ surviving spouse annuity payable on January 1, 1988 shall
12 be increased on that date by 3% of the original amount of the
13 annuity. Each surviving spouse annuity that begins after
14 January 1, 1988 shall be increased on the January 1 next
15 occurring after the annuity begins, by an amount equal to (i)
16 3% of the original amount thereof if the deceased employee was
17 receiving a retirement annuity at the time of his death;
18 otherwise (ii) 0.25% ~~0.167%~~ of the original amount thereof for
19 each complete month which has elapsed since the date the
20 annuity began.

21 On each January 1 after the date of the initial increase
22 under this subsection, each surviving spouse annuity shall be
23 increased by 3% of the originally granted amount of the
24 annuity.

25 (c) If the participating employee was a Tier 2 regular
26 employee, each surviving spouse annuity shall be increased (1)

1 on each January 1 occurring on or after the commencement of the
2 annuity if the deceased member died while receiving a
3 retirement annuity or (2) in other cases, on each January 1
4 occurring after the first anniversary of the commencement of
5 the annuity. Such annual increase shall be calculated at 3% or
6 one-half the annual unadjusted percentage increase (but not
7 less than zero) in the consumer price index-u for the 12 months
8 ending with the September preceding each November 1, whichever
9 is less, of the originally granted surviving spouse annuity.
10 If the annual unadjusted percentage change in the consumer
11 price index-u for the 12 months ending with the September
12 preceding each November 1 is zero or there is a decrease, then
13 the annuity shall not be increased.

14 (Source: P.A. 94-712, eff. 6-1-06.)

15 (40 ILCS 5/7-191) (from Ch. 108 1/2, par. 7-191)

16 Sec. 7-191. To have accounts audited.

17 To have the accounts of the fund audited annually by a
18 certified public accountant ~~approved by the Auditor General.~~

19 (Source: Laws 1963, p. 161.)

20 Article 15.

21 Section 15-5. The Illinois Pension Code is amended by
22 changing Section 13-310 as follows:

1 (40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

2 Sec. 13-310. Ordinary disability benefit.

3 (a) Any employee who becomes disabled as the result of any
4 cause other than injury or illness incurred in the performance
5 of duty for the employer or any other employer, or while
6 engaged in self-employment activities, shall be entitled to an
7 ordinary disability benefit. The eligible period for this
8 benefit shall be 25% of the employee's total actual service
9 prior to the date of disability with a cumulative maximum
10 period of 5 years.

11 (b) The benefit shall be allowed only if the employee
12 files an application in writing with the Board, and a medical
13 report is submitted by at least one licensed and practicing
14 physician as part of the employee's application.

15 The benefit is not payable for any disability which begins
16 during any period of unpaid leave of absence. No benefit shall
17 be allowed for any period of disability prior to 30 days before
18 application is made, unless the Board finds good cause for the
19 delay in filing the application. The benefit shall not be paid
20 during any period for which the employee receives or is
21 entitled to receive any part of salary.

22 The benefit is not payable for any disability which begins
23 during any period of absence from duty other than allowable
24 vacation time in any calendar year. An employee whose
25 disability begins during any such ineligible period of absence
26 from service may not receive benefits until the employee

1 recovers from the disability and is in service for at least 15
2 consecutive working days after such recovery.

3 In the case of an employee who first enters service on or
4 after June 13, 1997, an ordinary disability benefit is not
5 payable for the first 3 days of disability that would
6 otherwise be payable under this Section if the disability does
7 not continue for at least 11 additional days.

8 Beginning on the effective date of this amendatory Act of
9 the 94th General Assembly, an employee who first entered
10 service on or after June 13, 1997 is also eligible for ordinary
11 disability benefits on the 31st day after the last day worked,
12 provided all sick leave is exhausted.

13 (c) The benefit shall be 50% of the employee's salary at
14 the date of disability, and shall terminate when the earliest
15 of the following occurs:

16 (1) The employee returns to work or receives a
17 retirement annuity paid wholly or in part under this
18 Article;

19 (2) The disability ceases;

20 (3) The employee willfully and continuously refuses to
21 follow medical advice and treatment to enable the employee
22 to return to work. However this provision does not apply
23 to an employee who relies in good faith on treatment by
24 prayer through spiritual means alone in accordance with
25 the tenets and practice of a recognized church or
26 religious denomination, by a duly accredited practitioner

1 thereof;

2 (4) The employee (i) refuses to submit to a reasonable
3 physical examination within 30 days of application by a
4 physician appointed by the Board, (ii) in the case of
5 chronic alcoholism, the employee refuses to join a
6 rehabilitation program licensed by the Department of
7 Public Health of the State of Illinois and certified by
8 the Joint Commission on the Accreditation of Hospitals,
9 (iii) fails or refuses to consent to and sign an
10 authorization allowing the Board to receive copies of or
11 to examine the employee's medical and hospital records, or
12 (iv) fails or refuses to provide complete information
13 regarding any other employment for compensation he or she
14 has received since becoming disabled; or

15 (5) The eligible period for this benefit has been
16 exhausted.

17 The first payment of the benefit shall be made not later
18 than one month after the same has been granted, and subsequent
19 payments shall be made at least monthly ~~intervals of not more~~
20 ~~than 30 days.~~

21 (Source: P.A. 94-621, eff. 8-18-05.)

22 Article 20.

23 Section 20-5. The Illinois Pension Code is amended by
24 changing Sections 17-140 and 17-151.1 as follows:

1 (40 ILCS 5/17-140) (from Ch. 108 1/2, par. 17-140)

2 Sec. 17-140. Board officers. The president, recording
3 secretary and other officers of the Board shall be elected by
4 and from the members of the Board ~~board~~ at the first meeting of
5 the Board after the election of trustees.

6 In case any officer whose signature appears upon any check
7 or draft, issued pursuant to this Article, ceases ~~(after~~
8 ~~attaching his signature)~~ to hold his office, the ~~before the~~
9 ~~delivery thereof to the payee,~~ his signature nevertheless
10 shall be valid and sufficient for all purposes ~~with the same~~
11 ~~effect as if he had remained in office until delivery thereof.~~

12 (Source: P.A. 90-566, eff. 1-2-98.)

13 (40 ILCS 5/17-151.1)

14 Sec. 17-151.1. Recovery of amount paid in error.

15 (a) The Board may retain out of any annuity or benefit
16 payable to any person any amount that the Board determines is
17 owing to the Fund because (i) required employee contributions
18 were not made in whole or in part, (ii) employee or member
19 obligations to return refunds were not met, or (iii) money was
20 paid to any employee, member, or annuitant through
21 misrepresentation, fraud, or error.

22 If the Fund mistakenly sets any benefit at an incorrect
23 amount, the Fund shall recalculate the benefit as soon as may
24 be practicable after the mistake is discovered. The Fund shall

1 provide the recipient, or the survivor or beneficiary of the
2 recipient, as the case may be, with at least 60 days' notice of
3 the corrected amount.

4 If the benefit was mistakenly set too low, the Fund shall
5 make a lump sum payment to the recipient, or the survivor or
6 beneficiary of the recipient, as the case may be, of an amount
7 equal to the difference between the benefits that should have
8 been paid and those actually paid, plus interest at the rate of
9 3% from the date the unpaid amounts accrued to the date of
10 payment.

11 If the benefit was mistakenly set too high, the Fund may
12 recover the amount overpaid from the recipient, or the
13 survivor or beneficiary of the recipient, as the case may be,
14 plus interest at 3% from the date of overpayment to the date of
15 recovery. The recipient, or the survivor or beneficiary of the
16 recipient, as the case may be, may elect to repay the sum owed
17 either directly by a lump sum payment, in agreed-upon monthly
18 payments over a period not to exceed 5 years, or through an
19 actuarial equivalent reduction of the corrected benefit.
20 However, if (1) the amount of the benefit was mistakenly set
21 too high, (2) the error was undiscovered for 3 years or longer
22 from the date of the first mistaken benefit payment, and (3)
23 the error was not the result of incorrect information supplied
24 by the affected member, then upon discovery of the mistake the
25 benefit shall be adjusted to the correct level, but the
26 recipient of the benefit shall not be required to repay to the

1 Fund the excess amounts received in error.

2 (b) The Board and the Fund shall be held free from any
3 liability for any money retained or paid in accordance with
4 this Section, and the employee, member, or pensioner shall be
5 assumed to have assented and agreed to the disposition of
6 money due.

7 (c) The changes made by this amendatory Act of the 94th
8 General Assembly are not limited to persons in service on or
9 after the effective date of this amendatory Act.

10 (Source: P.A. 94-425, eff. 8-2-05.)

11 Article 25.

12 Section 25-5. The Illinois Pension Code is amended by
13 changing Section 17-106.1 as follows:

14 (40 ILCS 5/17-106.1)

15 Sec. 17-106.1. Administrator. Administrator means a member
16 who (i) is employed in a position that requires him or her to
17 hold a professional educator license with an administrative
18 endorsement ~~Type 75 Certificate~~ issued by the State Board of
19 Education ~~State Teacher Certification Board~~, (ii) is not on
20 the Chicago teachers' or the Chicago charter school teachers'
21 salary schedule, or (iii) is paid on an administrative
22 payroll.

23 (Source: P.A. 94-514, eff. 8-10-05; 94-912, eff. 6-23-06.)

1 Article 30.

2 Section 30-5. The Illinois Pension Code is amended by
3 changing Section 17-131 as follows:

4 (40 ILCS 5/17-131) (from Ch. 108 1/2, par. 17-131)

5 Sec. 17-131. Administration of payroll deductions.

6 (a) An Employer or the Board shall make pension deductions
7 in each pay period on the basis of the salary earned in that
8 period, exclusive of salaries for overtime, extracurricular
9 activities, or any employment on an optional basis, such as in
10 summer school.

11 (b) If a salary paid in a pay period includes adjustments
12 on account of errors or omissions in prior pay periods, then
13 salary amounts and related pension deductions shall be
14 separately identified as to the adjusted pay period and
15 deductions by the Employer or the Board shall be at rates in
16 force during the applicable adjusted pay period.

17 (c) If members earn salaries for the school year, as
18 established by an Employer, or if they earn annual salaries
19 over more than a 10-calendar month period, or if they earn
20 annual salaries over more than 170 calendar days, the required
21 contribution amount shall be deducted by the Employer in
22 installments on the basis of salary earned in each pay period.
23 The total amounts for each pay period shall be deducted

1 whenever salary payments represent a partial or whole day's
2 pay.

3 (d) If an Employer or the Board pays a salary to a member
4 for vacation periods, then the salary shall be considered part
5 of the member's pensionable salary, shall be subject to the
6 standard deductions for pension contributions, and shall be
7 considered to represent pay for the number of whole days of
8 vacation.

9 (e) If deductions from salaries result in amounts of less
10 than one cent, the fractional sums shall be increased to the
11 next higher cent. Any excess of these fractional increases
12 over the prescribed annual contributions shall be credited to
13 the members' accounts.

14 (f) In the event that, pursuant to Section 17-130.1,
15 employee contributions are picked up or made by the Employer
16 or the Board of Education on behalf of its employees, then the
17 amount of the employee contributions which are picked up or
18 made in that manner shall not be deducted from the salaries of
19 such employees.

20 (Source: P.A. 101-261, eff. 8-9-19.)

21 Article 35.

22 Section 35-5. The Illinois Pension Code is amended by
23 changing Sections 15-159 and 15-202 as follows:

1 (40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

2 Sec. 15-159. Board created.

3 (a) A board of trustees constituted as provided in this
4 Section shall administer this System. The board shall be known
5 as the Board of Trustees of the State Universities Retirement
6 System.

7 (b) (Blank).

8 (c) (Blank).

9 (d) Beginning on the 90th day after April 3, 2009 (the
10 effective date of Public Act 96-6), the Board of Trustees
11 shall be constituted as follows:

12 (1) The Chairperson of the Board of Higher Education.

13 (2) Four trustees appointed by the Governor with the
14 advice and consent of the Senate who may not be members of
15 the system or hold an elective State office and who shall
16 serve for a term of 6 years, except that the terms of the
17 initial appointees under this subsection (d) shall be as
18 follows: 2 for a term of 3 years and 2 for a term of 6
19 years. The term of an appointed trustee shall terminate
20 immediately upon becoming a member of the system or being
21 sworn into an elective State office, and the position
22 shall be considered to be vacant and shall be filled
23 pursuant to subsection (f) of this Section.

24 (3) Four participating employees ~~active participants~~
25 of the system to be elected from the contributing
26 membership of the system by the contributing members, no

1 more than 2 of which may be from any of the University of
2 Illinois campuses, who shall serve for a term of 6 years,
3 except that the terms of the initial electees shall be as
4 follows: 2 for a term of 3 years and 2 for a term of 6
5 years.

6 (4) Two annuitants of the system who have been
7 annuitants for at least one full year, to be elected from
8 and by the annuitants of the system, no more than one of
9 which may be from any of the University of Illinois
10 campuses, who shall serve for a term of 6 years, except
11 that the terms of the initial electees shall be as
12 follows: one for a term of 3 years and one for a term of 6
13 years.

14 The chairperson of the Board shall be appointed by the
15 Governor from among the trustees.

16 For the purposes of this Section, the Governor may make a
17 nomination and the Senate may confirm the nominee in advance
18 of the commencement of the nominee's term of office.

19 (e) The 6 elected trustees shall be elected within 90 days
20 after April 3, 2009 (the effective date of Public Act 96-6) for
21 a term beginning on the 90th day after that effective date.
22 Trustees shall be elected thereafter as terms expire for a
23 6-year term beginning July 15 next following their election,
24 and such election shall be held on May 1, or on May 2 when May
25 1 falls on a Sunday. The board may establish rules for the
26 election of trustees to implement the provisions of Public Act

1 96-6 and for future elections. Candidates for the
2 participating trustee shall be nominated by petitions in
3 writing, signed by not less than 400 participants with their
4 addresses shown opposite their names. Candidates for the
5 annuitant trustee shall be nominated by petitions in writing,
6 signed by not less than 100 annuitants with their addresses
7 shown opposite their names. If there is more than one
8 qualified nominee for each elected trustee, then the board
9 shall conduct a secret ballot election by mail for that
10 trustee, in accordance with rules as established by the board.
11 If there is only one qualified person nominated by petition
12 for each elected trustee, then the election as required by
13 this Section shall not be conducted for that trustee and the
14 board shall declare such nominee duly elected. A vacancy
15 occurring in the elective membership of the board shall be
16 filled for the unexpired term by the elected trustees serving
17 on the board for the remainder of the term. Nothing in this
18 subsection shall preclude the adoption of rules providing for
19 internet or phone balloting in addition, or as an alternative,
20 to election by mail.

21 (f) A vacancy in the appointed membership on the board of
22 trustees caused by resignation, death, expiration of term of
23 office, or other reason shall be filled by a qualified person
24 appointed by the Governor for the remainder of the unexpired
25 term.

26 (g) Trustees ~~(other than the trustees incumbent on June~~

1 ~~30, 1995 or as provided in subsection (c) of this Section)~~
2 shall continue in office until their respective successors are
3 appointed and have qualified, except that a trustee elected
4 ~~appointed~~ to one of the participating employee participant
5 positions after the effective date of this amendatory Act of
6 the 102nd General Assembly shall be disqualified immediately
7 upon the termination of his or her status as a participating
8 employee participant and a trustee elected ~~appointed~~ to one of
9 the annuitant positions after the effective date of this
10 amendatory Act of the 102nd General Assembly shall be
11 disqualified immediately upon the termination of his or her
12 status as an annuitant receiving a retirement annuity.

13 An elected trustee who is incumbent on the effective date
14 of this amendatory Act of the 102nd General Assembly whose
15 status as a participating employee or annuitant has terminated
16 after having been elected shall continue to serve in the
17 participating employee or annuitant position to which he or
18 she was elected for the remainder of the term.

19 (h) Each trustee must take an oath of office before a
20 notary public of this State and shall qualify as a trustee upon
21 the presentation to the board of a certified copy of the oath.
22 The oath must state that the person will diligently and
23 honestly administer the affairs of the retirement system, and
24 will not knowingly violate or willfully permit to be violated
25 any provisions of this Article.

26 Each trustee shall serve without compensation but shall be

1 reimbursed for expenses necessarily incurred in attending
2 board meetings and carrying out his or her duties as a trustee
3 or officer of the system.

4 (Source: P.A. 101-610, eff. 1-1-20.)

5 (40 ILCS 5/15-202)

6 Sec. 15-202. Optional defined contribution plan benefit.
7 As soon as practicable after August 10, 2018 (the effective
8 date of Public Act 100-769) ~~this amendatory Act of the 100th~~
9 ~~General Assembly~~, the System shall offer a defined
10 contribution plan benefit to participating employees active
11 ~~members~~ of the System employed by eligible employers described
12 under Section 457(e)(1)(A) of the Internal Revenue Code of
13 1986, as amended. The defined contribution plan benefit shall
14 be an optional plan benefit to any such participating employee
15 ~~member~~ who chooses to participate. The defined contribution
16 plan benefit shall collect optional employee and optional
17 employer contributions into an account and shall offer
18 investment options to the participant. The plan benefit under
19 this Section shall be operated in full compliance with any
20 applicable State and federal laws, and the System shall
21 utilize generally accepted practices in creating and
22 maintaining the plan benefit for the best interest of the
23 participants. The System may use funds from the employee and
24 employer contributions to defray any and all costs of creating
25 and maintaining the plan benefit. The System shall produce an

1 annual report on the participation in the plan benefit and
2 shall make the report public. The changes made to this Section
3 by this amendatory Act of the 102nd General Assembly are
4 corrections of existing law and are intended to be retroactive
5 to August 10, 2018 (the effective date of Public Act 100-769),
6 notwithstanding Section 1-103.1 of this Code.

7 (Source: P.A. 100-769, eff. 8-10-18.)

8 Article 40.

9 Section 40-5. The Illinois Pension Code is amended by
10 changing Section 10-107 as follows:

11 (40 ILCS 5/10-107) (from Ch. 108 1/2, par. 10-107)

12 Sec. 10-107. Financing - Tax levy. The forest preserve
13 district may levy an annual tax on the value, as equalized or
14 assessed by the Department of Revenue, of all taxable property
15 in the district for the purpose of providing revenue for the
16 fund. The rate of such tax in any year may not exceed the rate
17 herein specified for that year or the rate which will produce,
18 when extended, the sum herein stated for that year, whichever
19 is higher: for any year prior to 1970, .00103% or \$195,000; for
20 the year 1970, .00111% or \$210,000; for the year 1971, .00116%
21 or \$220,000. For the year 1972 and each year thereafter, the
22 Forest Preserve District shall levy a tax annually at a rate on
23 the dollar of the value, as equalized or assessed by the

1 Department of Revenue upon all taxable property in the county,
2 when extended, not to exceed an amount equal to the total
3 amount of contributions by the employees to the fund made in
4 the calendar year 2 years prior to the year for which the
5 annual applicable tax is levied, multiplied by 1.25 for the
6 year 1972; and by 1.30 for the year 1973 and for each year
7 thereafter.

8 The tax shall be levied and collected in like manner with
9 the general taxes of the district and shall be in addition to
10 the maximum of all other tax rates which the district may levy
11 upon the aggregate valuation of all taxable property and shall
12 be exclusive of and in addition to the maximum amount and rate
13 of taxes the district may levy for general purposes or under
14 and by virtue of any laws which limit the amount of tax which
15 the district may levy for general purposes. The county clerk
16 of the county in which the forest preserve district is located
17 in reducing tax levies under the provisions of "An Act
18 concerning the levy and extension of taxes", approved May 9,
19 1901, as amended, shall not consider any such tax as a part of
20 the general tax levy for forest preserve purposes, and shall
21 not include the same in the limitation of 1% of the assessed
22 valuation upon which taxes are required to be extended, and
23 shall not reduce the same under the provisions of that Act. The
24 proceeds of the tax herein authorized shall be kept as a
25 separate fund.

26 The forest preserve district may use other lawfully

1 available funds in lieu of all or part of the levy.

2 The Board may establish a manpower program reserve, or a
3 special forest preserve district contribution rate, with
4 respect to employees whose wages are funded as program
5 participants under the Comprehensive Employment and Training
6 Act of 1973 in the manner provided in subsection (d) or (e),
7 respectively, of Section 9-169.

8 (Source: P.A. 81-1509.)

9 Article 45.

10 Section 45-5. The Illinois Pension Code is amended by
11 changing Section 9-158 as follows:

12 (40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

13 Sec. 9-158. Proof of disability, duty and ordinary. Proof
14 of duty or ordinary disability shall be furnished to the board
15 by at least one licensed and practicing physician appointed by
16 or acceptable to the board, except that this requirement may
17 be waived by the board for proof of duty disability if the
18 employee has been compensated by the county for such
19 disability or specific loss under the Workers' Compensation
20 Act or Workers' Occupational Diseases Act. The physician
21 requirement may also be waived by the board for ordinary
22 disability maternity claims of up to 8 weeks. With respect to
23 duty disability, satisfactory proof must be provided to the

1 board that the final adjudication of the claim required under
2 subsection (d) of Section 9-159 established that the
3 disability or death resulted from an injury incurred in the
4 performance of an act or acts of duty. The board may require
5 other evidence of disability. Each disabled employee who
6 receives duty or ordinary disability benefit shall be examined
7 at least once a year or a longer period of time as determined
8 by the board, by one or more licensed and practicing
9 physicians appointed by the board. When the disability ceases,
10 the board shall discontinue payment of the benefit.

11 (Source: P.A. 99-578, eff. 7-15-16.)

12 Article 50.

13 Section 50-5. The Illinois Pension Code is amended by
14 adding Section 14-148.5 as follows:

15 (40 ILCS 5/14-148.5 new)

16 Sec. 14-148.5. Indemnification of financial institution
17 for recovery of overpayment. The System may indemnify a bank,
18 savings and loan association, or other financial institution
19 insured by an agency of the federal government as necessary to
20 recover for the System any benefit overpayment that the System
21 has made to the financial institution on behalf of a member.

22 (40 ILCS 5/21-120 rep.)

1 Section 50-10. The Illinois Pension Code is amended by
2 repealing Section 21-120.

3 Article 55.

4 Section 55-5. The Illinois Pension Code is amended by
5 adding Section 4-108.8 and by changing Sections 7-139.8,
6 14-110, and 14-152.1 as follows:

7 (40 ILCS 5/4-108.8 new)

8 Sec. 4-108.8. Transfer of creditable service to the State
9 Employees' Retirement System.

10 (a) Any active member of the State Employees' Retirement
11 System who is an arson investigator may apply for transfer of
12 some or all of his or her credits and creditable service
13 accumulated in any firefighters' pension fund under this
14 Article to the State Employees' Retirement System in
15 accordance with Section 14-110. The creditable service shall
16 be transferred only upon payment by the firefighters' pension
17 fund to the State Employees' Retirement System of an amount
18 equal to:

19 (1) the amounts accumulated to the credit of the
20 applicant for the service to be transferred on file with
21 the fund on the date of transfer;

22 (2) employer contributions in an amount equal to the
23 amount determined under paragraph (1); and

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

3 Participation in the firefighters' pension fund with
4 respect to the service to be transferred shall terminate on
5 the date of transfer.

6 (b) Any person applying to transfer service under this
7 Section may reinstate service that was terminated by receipt
8 of a refund, by paying to the firefighters' pension fund the
9 amount of the refund with interest thereon at the actuarially
10 assumed rate of interest, compounded annually, from the date
11 of refund to the date of payment.

12 (40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

13 Sec. 7-139.8. Transfer to Article 14 System.

14 (a) Any active member of the State Employees' Retirement
15 System who is a State policeman, an investigator for the
16 Secretary of State, a conservation police officer, an
17 investigator for the Office of the Attorney General, an
18 investigator for the Department of Revenue, a Commerce
19 Commission police officer, an investigator for the Office of
20 the State's Attorneys Appellate Prosecutor, or a controlled
21 substance inspector may apply for transfer of some or all of
22 his or her credits and creditable service accumulated in this
23 Fund for service as a sheriff's law enforcement employee,
24 person employed by a participating municipality to perform
25 police duties, or law enforcement officer employed on a

1 full-time basis by a forest preserve district to the State
2 Employees' Retirement System in accordance with Section
3 14-110. The creditable service shall be transferred only upon
4 payment by this Fund to the State Employees' Retirement System
5 of an amount equal to:

6 (1) the amounts accumulated to the credit of the
7 applicant for the service to be transferred, including
8 interest; and

9 (2) municipality credits based on such service,
10 including interest; and

11 (3) any interest paid by the applicant to reinstate
12 such service.

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

15 (b) Any person applying to transfer service under this
16 Section may reinstate credits and creditable service
17 terminated upon receipt of a separation benefit, by paying to
18 the Fund the amount of the separation benefit plus interest
19 thereon at the actuarially assumed rate of interest to the
20 date of payment.

21 (Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

22 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

23 Sec. 14-110. Alternative retirement annuity.

24 (a) Any member who has withdrawn from service with not
25 less than 20 years of eligible creditable service and has

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

8 (i) for periods of service as a noncovered employee:
9 if retirement occurs on or after January 1, 2001, 3% of
10 final average compensation for each year of creditable
11 service; if retirement occurs before January 1, 2001, 2
12 1/4% of final average compensation for each of the first
13 10 years of creditable service, 2 1/2% for each year above
14 10 years to and including 20 years of creditable service,
15 and 2 3/4% for each year of creditable service above 20
16 years; and

17 (ii) for periods of eligible creditable service as a
18 covered employee: if retirement occurs on or after January
19 1, 2001, 2.5% of final average compensation for each year
20 of creditable service; if retirement occurs before January
21 1, 2001, 1.67% of final average compensation for each of
22 the first 10 years of such service, 1.90% for each of the
23 next 10 years of such service, 2.10% for each year of such
24 service in excess of 20 but not exceeding 30, and 2.30% for
25 each year in excess of 30.

26 Such annuity shall be subject to a maximum of 75% of final

1 average compensation if retirement occurs before January 1,
2 2001 or to a maximum of 80% of final average compensation if
3 retirement occurs on or after January 1, 2001.

4 These rates shall not be applicable to any service
5 performed by a member as a covered employee which is not
6 eligible creditable service. Service as a covered employee
7 which is not eligible creditable service shall be subject to
8 the rates and provisions of Section 14-108.

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

12 (1) State policeman;

13 (2) fire fighter in the fire protection service of a
14 department;

15 (3) air pilot;

16 (4) special agent;

17 (5) investigator for the Secretary of State;

18 (6) conservation police officer;

19 (7) investigator for the Department of Revenue or the
20 Illinois Gaming Board;

21 (8) security employee of the Department of Human
22 Services;

23 (9) Central Management Services security police
24 officer;

25 (10) security employee of the Department of
26 Corrections or the Department of Juvenile Justice;

- 1 (11) dangerous drugs investigator;
- 2 (12) investigator for the Department of State Police;
- 3 (13) investigator for the Office of the Attorney
4 General;
- 5 (14) controlled substance inspector;
- 6 (15) investigator for the Office of the State's
7 Attorneys Appellate Prosecutor;
- 8 (16) Commerce Commission police officer;
- 9 (17) arson investigator;
- 10 (18) State highway maintenance worker;
- 11 (19) security employee of the Department of Innovation
12 and Technology; or
- 13 (20) transferred employee.

14 A person employed in one of the positions specified in
15 this subsection is entitled to eligible creditable service for
16 service credit earned under this Article while undergoing the
17 basic police training course approved by the Illinois Law
18 Enforcement Training Standards Board, if completion of that
19 training is required of persons serving in that position. For
20 the purposes of this Code, service during the required basic
21 police training course shall be deemed performance of the
22 duties of the specified position, even though the person is
23 not a sworn peace officer at the time of the training.

24 A person under paragraph (20) is entitled to eligible
25 creditable service for service credit earned under this
26 Article on and after his or her transfer by Executive Order No.

1 2003-10, Executive Order No. 2004-2, or Executive Order No.
2 2016-1.

3 (c) For the purposes of this Section:

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

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

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

21 (4) The term "special agent" means any person who by
22 reason of employment by the Division of Narcotic Control,
23 the Bureau of Investigation or, after July 1, 1977, the
24 Division of Criminal Investigation, the Division of
25 Internal Investigation, the Division of Operations, or any
26 other Division or organizational entity in the Department

1 of State Police is vested by law with duties to maintain
2 public order, investigate violations of the criminal law
3 of this State, enforce the laws of this State, make
4 arrests and recover property. The term "special agent"
5 includes any title or position in the Department of State
6 Police that is held by an individual employed under the
7 State Police Act.

8 (5) The term "investigator for the Secretary of State"
9 means any person employed by the Office of the Secretary
10 of State and vested with such investigative duties as
11 render him ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D) and 218(1)(1) of that Act.

14 A person who became employed as an investigator for
15 the Secretary of State between January 1, 1967 and
16 December 31, 1975, and who has served as such until
17 attainment of age 60, either continuously or with a single
18 break in service of not more than 3 years duration, which
19 break terminated before January 1, 1976, shall be entitled
20 to have his retirement annuity calculated in accordance
21 with subsection (a), notwithstanding that he has less than
22 20 years of credit for such service.

23 (6) The term "Conservation Police Officer" means any
24 person employed by the Division of Law Enforcement of the
25 Department of Natural Resources and vested with such law
26 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
3 term "Conservation Police Officer" includes the positions
4 of Chief Conservation Police Administrator and Assistant
5 Conservation Police Administrator.

6 (7) The term "investigator for the Department of
7 Revenue" means any person employed by the Department of
8 Revenue and vested with such investigative duties as
9 render him ineligible for coverage under the Social
10 Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that Act.

12 The term "investigator for the Illinois Gaming Board"
13 means any person employed as such by the Illinois Gaming
14 Board and vested with such peace officer duties as render
15 the person ineligible for coverage under the Social
16 Security Act by reason of Sections 218(d)(5)(A),
17 218(d)(8)(D), and 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
20 Department of Human Services who (i) is employed at the
21 Chester Mental Health Center and has daily contact with
22 the residents thereof, (ii) is employed within a security
23 unit at a facility operated by the Department and has
24 daily contact with the residents of the security unit,
25 (iii) is employed at a facility operated by the Department
26 that includes a security unit and is regularly scheduled

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

1 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act.

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

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

26 (12) The term "investigator for the Department of

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

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

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

26 (15) The term "investigator for the Office of the

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

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

11 (17) "Arson investigator" means any person who is
12 employed as such by the Office of the State Fire Marshal
13 and is vested with such law enforcement duties as render
14 the person ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
17 employed as an arson investigator on January 1, 1995 and
18 is no longer in service but not yet receiving a retirement
19 annuity may convert his or her creditable service for
20 employment as an arson investigator into eligible
21 creditable service by paying to the System the difference
22 between the employee contributions actually paid for that
23 service and the amounts that would have been contributed
24 if the applicant were contributing at the rate applicable
25 to persons with the same social security status earning
26 eligible creditable service on the date of application.

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

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

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

26 (19) The term "security employee of the Department of

1 Innovation and Technology" means a person who was a
2 security employee of the Department of Corrections or the
3 Department of Juvenile Justice, was transferred to the
4 Department of Innovation and Technology pursuant to
5 Executive Order 2016-01, and continues to perform similar
6 job functions under that Department.

7 (20) "Transferred employee" means an employee who was
8 transferred to the Department of Central Management
9 Services by Executive Order No. 2003-10 or Executive Order
10 No. 2004-2 or transferred to the Department of Innovation
11 and Technology by Executive Order No. 2016-1, or both, and
12 was entitled to eligible creditable service for services
13 immediately preceding the transfer.

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

22 (i) 25 years of eligible creditable service and age
23 55; or

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

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

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

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

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

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

22 (e) If a member enters military service while working in a
23 position in which eligible creditable service may be earned,
24 and returns to State service in the same or another such
25 position, and fulfills in all other respects the conditions
26 prescribed in this Article for credit for military service,

1 such military service shall be credited as eligible creditable
2 service for the purposes of the retirement annuity prescribed
3 in this Section.

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

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

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

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

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

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

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

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

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

4 Subject to the limitation in subsection (i), a State
5 policeman, conservation police officer, or investigator for
6 the Secretary of State may elect to establish eligible
7 creditable service for up to 5 years of service as a police
8 officer under Article 3, a policeman under Article 5, a
9 sheriff's law enforcement employee under Article 7, a member
10 of the county police department under Article 9, or a police
11 officer under Article 15 by filing a written election with the
12 Board and paying to the System an amount to be determined by
13 the Board, equal to (i) the difference between the amount of
14 employee and employer contributions transferred to the System
15 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
16 and the amounts that would have been contributed had such
17 contributions been made at the rates applicable to State
18 policemen, plus (ii) interest thereon at the effective rate
19 for each year, compounded annually, from the date of service
20 to the date of payment.

21 Subject to the limitation in subsection (i), an
22 investigator for the Office of the Attorney General, or an
23 investigator for the Department of Revenue, may elect to
24 establish eligible creditable service for up to 5 years of
25 service as a police officer under Article 3, a policeman under
26 Article 5, a sheriff's law enforcement employee under Article

1 7, or a member of the county police department under Article 9
2 by filing a written election with the Board within 6 months
3 after August 25, 2009 (the effective date of Public Act
4 96-745) and paying to the System an amount to be determined by
5 the Board, equal to (i) the difference between the amount of
6 employee and employer contributions transferred to the System
7 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
8 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 actuarially
11 assumed rate for each year, compounded annually, from the date
12 of service to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman, conservation police officer, investigator for the
15 Office of the Attorney General, an investigator for the
16 Department of Revenue, or investigator for the Secretary of
17 State may elect to establish eligible creditable service for
18 up to 5 years of service as a person employed by a
19 participating municipality to perform police duties, or law
20 enforcement officer employed on a full-time basis by a forest
21 preserve district under Article 7, a county corrections
22 officer, or a court services officer under Article 9, by
23 filing a written election with the Board within 6 months after
24 August 25, 2009 (the effective date of Public Act 96-745) and
25 paying to the System an amount to be determined by the Board,
26 equal to (i) the difference between the amount of employee and

1 employer contributions transferred to the System under
2 Sections 7-139.8 and 9-121.10 and the amounts that would have
3 been contributed had such contributions been made at the rates
4 applicable to State policemen, plus (ii) interest thereon at
5 the actuarially assumed rate for each year, compounded
6 annually, from the date of service to the date of payment.

7 Subject to the limitation in subsection (i), a State
8 policeman, arson investigator, or Commerce Commission police
9 officer may elect to establish eligible creditable service for
10 up to 5 years of service as a person employed by a
11 participating municipality to perform police duties under
12 Article 7, a county corrections officer, a court services
13 officer under Article 9, or a firefighter under Article 4 by
14 filing a written election with the Board within 6 months after
15 the effective date of this amendatory Act of the 102nd General
16 Assembly and paying to the System an amount to be determined by
17 the Board equal to (i) the difference between the amount of
18 employee and employer contributions transferred to the System
19 under Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts
20 that would have been contributed had such contributions been
21 made at the rates applicable to State policemen, plus (ii)
22 interest thereon at the actuarially assumed rate for each
23 year, compounded annually, from the date of service to the
24 date of payment.

25 Subject to the limitation in subsection (i), a
26 conservation police officer may elect to establish eligible

1 creditable service for up to 5 years of service as a person
2 employed by a participating municipality to perform police
3 duties under Article 7, a county corrections officer, or a
4 court services officer under Article 9 by filing a written
5 election with the Board within 6 months after the effective
6 date of this amendatory Act of the 102nd General Assembly and
7 paying to the System an amount to be determined by the Board
8 equal to (i) the difference between the amount of employee and
9 employer contributions transferred to the System under
10 Sections 7-139.8 and 9-121.10 and the amounts that would have
11 been contributed had such contributions been made at the rates
12 applicable to State policemen, plus (ii) interest thereon at
13 the actuarially assumed rate for each year, compounded
14 annually, from the date of service to the date of payment.

15 Notwithstanding the limitation in subsection (i), a State
16 policeman or conservation police officer may elect to convert
17 service credit earned under this Article to eligible
18 creditable service, as defined by this Section, by filing a
19 written election with the board within 6 months after the
20 effective date of this amendatory Act of the 102nd General
21 Assembly 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 contributions originally paid for that service and
24 the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) the difference between the employer's

1 normal cost of the credit prior to the conversion authorized
2 by this amendatory Act of the 102nd General Assembly and the
3 employer's normal cost of the credit converted in accordance
4 with this amendatory Act of the 102nd General Assembly, plus
5 (iii) interest thereon at the actuarially assumed rate for
6 each year, compounded annually, from the date of service to
7 the date of payment.

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

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

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

23 (1) Subject to the limitation in subsection (i), a
24 security employee of the Department of Corrections may elect,
25 not later than July 1, 1998, to establish eligible creditable
26 service for up to 10 years of his or her service as a policeman

1 under Article 3, by filing a written election with the Board,
2 accompanied by payment of an amount to be determined by the
3 Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.5, and the amounts that would have been
6 contributed had such contributions been made at the rates
7 applicable to security employees of the Department of
8 Corrections, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

11 (1-5) Subject to the limitation in subsection (i) of this
12 Section, a State policeman may elect to establish eligible
13 creditable service for up to 5 years of service as a full-time
14 law enforcement officer employed by the federal government or
15 by a state or local government located outside of Illinois for
16 which credit is not held in any other public employee pension
17 fund or retirement system. To obtain this credit, the
18 applicant must file a written application with the Board no
19 later than 3 years after the effective date of this amendatory
20 Act of the 101st General Assembly, accompanied by evidence of
21 eligibility acceptable to the Board and payment of an amount
22 to be determined by the Board, equal to (1) employee
23 contributions for the credit being established, based upon the
24 applicant's salary on the first day as an alternative formula
25 employee after the employment for which credit is being
26 established and the rates then applicable to alternative

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

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

22 (n) A person employed in a position under subsection (b)
23 of this Section who has purchased service credit under
24 subsection (j) of Section 14-104 or subsection (b) of Section
25 14-105 in any other capacity under this Article may convert up
26 to 5 years of that service credit into service credit covered

1 under this Section by paying to the Fund an amount equal to (1)
2 the additional employee contribution required under Section
3 14-133, plus (2) the additional employer contribution required
4 under Section 14-131, plus (3) interest on items (1) and (2) at
5 the actuarially assumed rate from the date of the service to
6 the date of payment.

7 (o) Subject to the limitation in subsection (i), a
8 conservation police officer, investigator for the Secretary of
9 State, Commerce Commission police officer, investigator for
10 the Department of Revenue or the Illinois Gaming Board, or
11 arson investigator subject to subsection (g) of Section 1-160
12 may elect to convert up to 8 years of service credit
13 established before the effective date of this amendatory Act
14 of the 101st General Assembly as a conservation police
15 officer, investigator for the Secretary of State, Commerce
16 Commission police officer, investigator for the Department of
17 Revenue or the Illinois Gaming Board, or arson investigator
18 under this Article into eligible creditable service by filing
19 a written election with the Board no later than one year after
20 the effective date of this amendatory Act of the 101st General
21 Assembly, accompanied by payment of an amount to be determined
22 by the Board equal to (i) the difference between the amount of
23 the employee contributions actually paid for that service and
24 the amount of the employee contributions that would have been
25 paid had the employee contributions been made as a noncovered
26 employee serving in a position in which eligible creditable

1 service, as defined in this Section, may be earned, plus (ii)
2 interest thereon at the effective rate for each year,
3 compounded annually, from the date of service to the date of
4 payment.

5 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
6 101-610, eff. 1-1-20.)

7 (40 ILCS 5/14-152.1)

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

10 (a) As used in this Section, "new benefit increase" means
11 an increase in the amount of any benefit provided under this
12 Article, or an expansion of the conditions of eligibility for
13 any benefit under this Article, that results from an amendment
14 to this Code that takes effect after June 1, 2005 (the
15 effective date of Public Act 94-4). "New benefit increase",
16 however, does not include any benefit increase resulting from
17 the changes made to Article 1 or this Article by Public Act
18 96-37, Public Act 100-23, Public Act 100-587, Public Act
19 100-611, Public Act 101-10, Public Act 101-610, or this
20 amendatory Act of the 102nd General Assembly ~~or this~~
21 ~~amendatory Act of the 101st General Assembly.~~

22 (b) Notwithstanding any other provision of this Code or
23 any subsequent amendment to this Code, every new benefit
24 increase is subject to this Section and shall be deemed to be
25 granted only in conformance with and contingent upon

1 compliance with the provisions of this Section.

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

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

22 (d) Every new benefit increase shall expire 5 years after
23 its effective date or on such earlier date as may be specified
24 in the language enacting the new benefit increase or provided
25 under subsection (c). This does not prevent the General
26 Assembly from extending or re-creating a new benefit increase

1 by law.

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

12 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
13 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.
14 7-12-19; 101-610, eff. 1-1-20.)

15 Article 65.

16 Section 65-5. The Illinois Pension Code is amended by
17 changing Section 17-147 as follows:

18 (40 ILCS 5/17-147) (from Ch. 108 1/2, par. 17-147)

19 Sec. 17-147. Custody of Fund; bonds; legal ~~Fund — Bonds~~
20 ~~Legal~~ proceedings. The city treasurer, ex officio ~~ex officio~~,
21 shall be the custodian of the Fund, and shall secure and safely
22 keep it, subject to the control and direction of the Board. The
23 city treasurer ~~He~~ shall keep the ~~his~~ books and accounts

1 concerning the Fund in the manner prescribed by the Board. The
2 books and accounts shall always be subject to the inspection
3 of the Board or any member thereof. The city treasurer shall be
4 liable on the city treasurer's ~~his~~ official bond for the
5 proper performance of ~~his~~ duties and the conservation of the
6 Fund.

7 Payments from the Fund shall be made upon checks or
8 through direct deposit transmittals authorized ~~warrants signed~~
9 ~~by the president and the secretary of the Board of Education,~~
10 ~~the president of the Board, and countersigned~~ by the executive
11 director or by such person as the Board may designate from time
12 to time by appropriate resolution.

13 Neither the treasurer nor any other officer having the
14 custody of the Fund is entitled to retain any interest
15 accruing thereon, but such interest shall accrue and inure to
16 the benefit of such Fund, become a part thereof, subject to the
17 purposes of this Article.

18 Any legal proceedings necessary for the enforcement of the
19 provisions of this Article shall be brought by and in the name
20 of the Board of the Fund.

21 (Source: P.A. 90-566, eff. 1-2-98.)

22 Article 70.

23 Section 70-5. The Illinois Pension Code is amended by
24 changing Section 16-106 as follows:

1 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

2 Sec. 16-106. Teacher. "Teacher": The following
3 individuals, provided that, for employment prior to July 1,
4 1990, they are employed on a full-time basis, or if not
5 full-time, on a permanent and continuous basis in a position
6 in which services are expected to be rendered for at least one
7 school term:

8 (1) Any educational, administrative, professional or
9 other staff employed in the public common schools included
10 within this system in a position requiring certification
11 under the law governing the certification of teachers;

12 (2) Any educational, administrative, professional or
13 other staff employed in any facility of the Department of
14 Children and Family Services or the Department of Human
15 Services, in a position requiring certification under the
16 law governing the certification of teachers, and any
17 person who (i) works in such a position for the Department
18 of Corrections, (ii) was a member of this System on May 31,
19 1987, and (iii) did not elect to become a member of the
20 State Employees' Retirement System pursuant to Section
21 14-108.2 of this Code; except that "teacher" does not
22 include any person who (A) becomes a security employee of
23 the Department of Human Services, as defined in Section
24 14-110, after June 28, 2001 (the effective date of Public
25 Act 92-14), or (B) becomes a member of the State

1 Employees' Retirement System pursuant to Section 14-108.2c
2 of this Code;

3 (3) Any regional superintendent of schools, assistant
4 regional superintendent of schools, State Superintendent
5 of Education; any person employed by the State Board of
6 Education as an executive; any executive of the boards
7 engaged in the service of public common school education
8 in school districts covered under this system of which the
9 State Superintendent of Education is an ex-officio member;

10 (4) Any employee of a school board association
11 operating in compliance with Article 23 of the School Code
12 who is certificated under the law governing the
13 certification of teachers, provided that he or she becomes
14 such an employee before the effective date of this
15 amendatory Act of the 99th General Assembly;

16 (5) Any person employed by the retirement system who:

17 (i) was an employee of and a participant in the
18 system on August 17, 2001 (the effective date of
19 Public Act 92-416), or

20 (ii) becomes an employee of the system on or after
21 August 17, 2001;

22 (6) Any educational, administrative, professional or
23 other staff employed by and under the supervision and
24 control of a regional superintendent of schools or the
25 chief administrative officer of the education service
26 centers established under Section 2-3.62 of the School

1 Code and serving that portion of a Class II county outside
2 a city of 500,000 or more inhabitants, provided such
3 employment position requires the person to be certificated
4 under the law governing the certification of teachers and
5 is in an educational program serving 2 or more districts
6 in accordance with a joint agreement authorized by the
7 School Code or by federal legislation;

8 (7) Any educational, administrative, professional or
9 other staff employed in an educational program serving 2
10 or more school districts in accordance with a joint
11 agreement authorized by the School Code or by federal
12 legislation and in a position requiring certification
13 under the laws governing the certification of teachers;

14 (8) Any officer or employee of a statewide teacher
15 organization or officer of a national teacher organization
16 who is certified under the law governing certification of
17 teachers, provided: (i) the individual had previously
18 established creditable service under this Article, (ii)
19 the individual files with the system an irrevocable
20 election to become a member before the effective date of
21 this amendatory Act of the 97th General Assembly, (iii)
22 the individual does not receive credit for such service
23 under any other Article of this Code, and (iv) the
24 individual first became an officer or employee of the
25 teacher organization and becomes a member before the
26 effective date of this amendatory Act of the 97th General

1 Assembly;

2 (9) Any educational, administrative, professional, or
3 other staff employed in a charter school operating in
4 compliance with the Charter Schools Law who is
5 certificated under the law governing the certification of
6 teachers;

7 (10) Any person employed, on the effective date of
8 this amendatory Act of the 94th General Assembly, by the
9 Macon-Piatt Regional Office of Education in a
10 birth-through-age-three pilot program receiving funds
11 under Section 2-389 of the School Code who is required by
12 the Macon-Piatt Regional Office of Education to hold a
13 teaching certificate, provided that the Macon-Piatt
14 Regional Office of Education makes an election, within 6
15 months after the effective date of this amendatory Act of
16 the 94th General Assembly, to have the person participate
17 in the system. Any service established prior to the
18 effective date of this amendatory Act of the 94th General
19 Assembly for service as an employee of the Macon-Piatt
20 Regional Office of Education in a birth-through-age-three
21 pilot program receiving funds under Section 2-389 of the
22 School Code shall be considered service as a teacher if
23 employee and employer contributions have been received by
24 the system and the system has not refunded those
25 contributions.

26 An annuitant receiving a retirement annuity under this

1 Article who is employed by a board of education or other
2 employer as permitted under Section 16-118 or 16-150.1 is not
3 a "teacher" for purposes of this Article. A person who has
4 received a single-sum retirement benefit under Section
5 16-136.4 of this Article is not a "teacher" for purposes of
6 this Article. For purposes of this Article, "teacher" does not
7 include a person employed by an entity that provides
8 substitute teaching services under Section 2-3.173 of the
9 School Code and is not a school district.

10 (Source: P.A. 100-813, eff. 8-13-18; 101-502, eff. 8-23-19.)

11 Article 99.

12 Section 99-90. The State Mandates Act is amended by adding
13 Section 8.45 as follows:

14 (30 ILCS 805/8.45 new)

15 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
16 8 of this Act, no reimbursement by the State is required for
17 the implementation of any mandate created by this amendatory
18 Act of the 102nd General Assembly.

19 Section 99-99. Effective date. This Article and Articles
20 5, 15, 35, 50, and 55 take effect upon becoming law."