

1 AMENDMENT TO HOUSE BILL 610

2 AMENDMENT NO. _____. Amend House Bill 610 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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

18 (i) for periods of service as a noncovered
19 employee: if retirement occurs on or after January 1,
20 2001, 3% of final average compensation for each year of
21 creditable service; if retirement occurs before January
22 1, 2001, 2 1/4% of final average compensation for each of

1 the first 10 years of creditable service, 2 1/2% for each
2 year above 10 years to and including 20 years of
3 creditable service, and 2 3/4% for each year of
4 creditable service above 20 years; and

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

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

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

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

- 28 (1) State policeman;
- 29 (2) fire fighter in the fire protection service of
30 a department;
- 31 (3) air pilot;
- 32 (4) special agent;
- 33 (5) investigator for the Secretary of State;
- 34 (6) conservation police officer;

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

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

30 (c) For the purposes of this Section:

- 31 (1) The term "state policeman" includes any title
- 32 or position in the Department of State Police that is
- 33 held by an individual employed under the State Police
- 34 Act.

1 (2) The term "fire fighter in the fire protection
2 service of a department" includes all officers in such
3 fire protection service including fire chiefs and
4 assistant fire chiefs.

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

15 (4) The term "special agent" means any person who
16 by reason of employment by the Division of Narcotic
17 Control, the Bureau of Investigation or, after July 1,
18 1977, the Division of Criminal Investigation, the
19 Division of Internal Investigation, the Division of
20 Operations, or any other Division or organizational
21 entity in the Department of State Police is vested by law
22 with duties to maintain public order, investigate
23 violations of the criminal law of this State, enforce the
24 laws of this State, make arrests and recover property.
25 The term "special agent" includes any title or position
26 in the Department of State Police that is held by an
27 individual employed under the State Police Act.

28 (5) The term "investigator for the Secretary of
29 State" means any person employed by the Office of the
30 Secretary of State and vested with such investigative
31 duties as render him ineligible for coverage under the
32 Social Security Act by reason of Sections 218(d)(5)(A),
33 218(d)(8)(D) and 218(1)(1) of that Act.

34 A person who became employed as an investigator for

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

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

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

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

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

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

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

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

1 the performance of his or her job duties.

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

5 (12) The term "investigator for the Department of
6 State Police" means a person employed by the Department
7 of State Police who is vested under Section 4 of the
8 Narcotic Control Division Abolition Act with such law
9 enforcement powers as render him ineligible for coverage
10 under the Social Security Act by reason of Sections
11 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

1 Appellate Prosecutor's Act.

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

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

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

27 (i) A person employed on a full-time basis by
28 the Illinois Department of Transportation in the
29 position of highway maintainer, highway maintenance
30 lead worker, highway maintenance lead/lead worker,
31 heavy construction equipment operator, power shovel
32 operator, or bridge mechanic; and whose principal
33 responsibility is to perform, on the roadway, the
34 actual maintenance necessary to keep the highways

1 that form a part of the State highway system in
2 serviceable condition for vehicular traffic.

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

17 (19) The term "tollway employee" means a person
18 employed by the Illinois Toll Highway Authority as a lane
19 walker, senior lane walker, toll collector, senior toll
20 collector, clerk, money room truck driver, money room
21 cash handler, custodian II, or custodian III.

22 (d) A security employee of the Department of
23 Corrections, and a security employee of the Department of
24 Human Services who is not a mental health police officer,
25 shall not be eligible for the alternative retirement annuity
26 provided by this Section unless he or she meets the following
27 minimum age and service requirements at the time of
28 retirement:

29 (i) 25 years of eligible creditable service and age
30 55; or

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

34 (iii) beginning January 1, 1988, 25 years of

1 eligible creditable service and age 53, or 23 years of
2 eligible creditable service and age 55; or

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

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

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

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

20 (e) If a member enters military service while working in
21 a position in which eligible creditable service may be
22 earned, and returns to State service in the same or another
23 such position, and fulfills in all other respects the
24 conditions prescribed in this Article for credit for military
25 service, such military service shall be credited as eligible
26 creditable service for the purposes of the retirement annuity
27 prescribed in this Section.

28 (f) For purposes of calculating retirement annuities
29 under this Section, periods of service rendered after
30 December 31, 1968 and before October 1, 1975 as a covered
31 employee in the position of special agent, conservation
32 police officer, mental health police officer, or investigator
33 for the Secretary of State, shall be deemed to have been
34 service as a noncovered employee, provided that the employee

1 pays to the System prior to retirement an amount equal to (1)
2 the difference between the employee contributions that would
3 have been required for such service as a noncovered employee,
4 and the amount of employee contributions actually paid, plus
5 (2) if payment is made after July 31, 1987, regular interest
6 on the amount specified in item (1) from the date of service
7 to the date of payment.

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

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

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

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

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

26 Subject to the limitation in subsection (i), a State
27 policeman, conservation police officer, or investigator for
28 the Secretary of State may elect to establish eligible
29 creditable service for up to 10 years of service as a
30 sheriff's law enforcement employee under Article 7, by filing
31 a written election with the Board on or before January 31,
32 1993, and paying to the System by January 31, 1994 an amount
33 to be determined by the Board, equal to (i) the difference
34 between the amount of employee and employer contributions

1 transferred to the System under Section 7-139.7, and the
2 amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate
5 for each year, compounded annually, from the date of service
6 to the date of payment.

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

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

25 (k) Subject to the limitation in subsection (i) of this
26 Section, an alternative formula employee may elect to
27 establish eligible creditable service for periods spent as a
28 full-time law enforcement officer or full-time corrections
29 officer employed by the federal government or by a state or
30 local government located outside of Illinois, for which
31 credit is not held in any other public employee pension fund
32 or retirement system. To obtain this credit, the applicant
33 must file a written application with the Board by March 31,
34 1998, accompanied by evidence of eligibility acceptable to

1 the Board and payment of an amount to be determined by the
2 Board, equal to (1) employee contributions for the credit
3 being established, based upon the applicant's salary on the
4 first day as an alternative formula employee after the
5 employment for which credit is being established and the
6 rates then applicable to alternative formula employees, plus
7 (2) an amount determined by the Board to be the employer's
8 normal cost of the benefits accrued for the credit being
9 established, plus (3) regular interest on the amounts in
10 items (1) and (2) from the first day as an alternative
11 formula employee after the employment for which credit is
12 being established to the date of payment.

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

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

30 Section 99. Effective date. This Act takes effect upon
31 becoming law."