



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/04/04, by Ralph C. Capparelli, Joseph M. Lyons

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-104

from Ch. 108 1/2, par. 14-104

Amends the State Employee Article of the Illinois Pension Code. Provides that an employee who was employed on a full-time basis at any time between January 1, 1970 and December 31, 1980 by a regional commission funded by the Illinois Law Enforcement Commission under an LEAA-ILEC grant project may establish creditable service for that employment. Requires an applicant to pay employee contributions plus interest. Effective immediately.

LRB093 17072 LRD 42738 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT in relation to public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 14-104 as follows:

6 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

7 Sec. 14-104. Service for which contributions permitted.  
8 Contributions provided for in this Section shall cover the  
9 period of service granted. Except as otherwise provided in this  
10 Section, the contributions shall be based upon the employee's  
11 compensation and contribution rate in effect on the date he  
12 last became a member of the System; provided that for all  
13 employment prior to January 1, 1969 the contribution rate shall  
14 be that in effect for a noncovered employee on the date he last  
15 became a member of the System. Except as otherwise provided in  
16 this Section, contributions permitted under this Section shall  
17 include regular interest from the date an employee last became  
18 a member of the System to the date of payment.

19 These contributions must be paid in full before retirement  
20 either in a lump sum or in installment payments in accordance  
21 with such rules as may be adopted by the board.

22 (a) Any member may make contributions as required in this  
23 Section for any period of service, subsequent to the date of  
24 establishment, but prior to the date of membership.

25 (b) Any employee who had been previously excluded from  
26 membership because of age at entry and subsequently became  
27 eligible may elect to make contributions as required in this  
28 Section for the period of service during which he was  
29 ineligible.

30 (c) An employee of the Department of Insurance who, after  
31 January 1, 1944 but prior to becoming eligible for membership,  
32 received salary from funds of insurance companies in the

1 process of rehabilitation, liquidation, conservation or  
2 dissolution, may elect to make contributions as required in  
3 this Section for such service.

4 (d) Any employee who rendered service in a State office to  
5 which he was elected, or rendered service in the elective  
6 office of Clerk of the Appellate Court prior to the date he  
7 became a member, may make contributions for such service as  
8 required in this Section. Any member who served by appointment  
9 of the Governor under the Civil Administrative Code of Illinois  
10 and did not participate in this System may make contributions  
11 as required in this Section for such service.

12 (e) Any person employed by the United States government or  
13 any instrumentality or agency thereof from January 1, 1942  
14 through November 15, 1946 as the result of a transfer from  
15 State service by executive order of the President of the United  
16 States shall be entitled to prior service credit covering the  
17 period from January 1, 1942 through December 31, 1943 as  
18 provided for in this Article and to membership service credit  
19 for the period from January 1, 1944 through November 15, 1946  
20 by making the contributions required in this Section. A person  
21 so employed on January 1, 1944 but whose employment began after  
22 January 1, 1942 may qualify for prior service and membership  
23 service credit under the same conditions.

24 (f) An employee of the Department of Labor of the State of  
25 Illinois who performed services for and under the supervision  
26 of that Department prior to January 1, 1944 but who was  
27 compensated for those services directly by federal funds and  
28 not by a warrant of the Auditor of Public Accounts paid by the  
29 State Treasurer may establish credit for such employment by  
30 making the contributions required in this Section. An employee  
31 of the Department of Agriculture of the State of Illinois, who  
32 performed services for and under the supervision of that  
33 Department prior to June 1, 1963, but was compensated for those  
34 services directly by federal funds and not paid by a warrant of  
35 the Auditor of Public Accounts paid by the State Treasurer, and  
36 who did not contribute to any other public employee retirement

1 system for such service, may establish credit for such  
2 employment by making the contributions required in this  
3 Section.

4 (g) Any employee who executed a waiver of membership within  
5 60 days prior to January 1, 1944 may, at any time while in the  
6 service of a department, file with the board a rescission of  
7 such waiver. Upon making the contributions required by this  
8 Section, the member shall be granted the creditable service  
9 that would have been received if the waiver had not been  
10 executed.

11 (h) Until May 1, 1990, an employee who was employed on a  
12 full-time basis by a regional planning commission for at least  
13 5 continuous years may establish creditable service for such  
14 employment by making the contributions required under this  
15 Section, provided that any credits earned by the employee in  
16 the commission's retirement plan have been terminated.

17 (i) Any person who rendered full time contractual services  
18 to the General Assembly as a member of a legislative staff may  
19 establish service credit for up to 8 years of such services by  
20 making the contributions required under this Section, provided  
21 that application therefor is made not later than July 1, 1991.

22 (j) By paying the contributions otherwise required under  
23 this Section, plus an amount determined by the Board to be  
24 equal to the employer's normal cost of the benefit plus  
25 interest, but with all of the interest calculated from the date  
26 the employee last became a member of the System or November 19,  
27 1991, whichever is later, to the date of payment, an employee  
28 may establish service credit for a period of up to 2 years  
29 spent in active military service for which he does not qualify  
30 for credit under Section 14-105, provided that (1) he was not  
31 dishonorably discharged from such military service, and (2) the  
32 amount of service credit established by a member under this  
33 subsection (j), when added to the amount of military service  
34 credit granted to the member under subsection (b) of Section  
35 14-105, shall not exceed 5 years. The change in the manner of  
36 calculating interest under this subsection (j) made by this

1 amendatory Act of the 92nd General Assembly applies to credit  
2 purchased by an employee on or after its effective date and  
3 does not entitle any person to a refund of contributions or  
4 interest already paid.

5 (k) An employee who was employed on a full-time basis by  
6 the Illinois State's Attorneys Association Statewide Appellate  
7 Assistance Service LEAA-ILEC grant project prior to the time  
8 that project became the State's Attorneys Appellate Service  
9 Commission, now the Office of the State's Attorneys Appellate  
10 Prosecutor, an agency of State government, may establish  
11 creditable service for not more than 60 months service for such  
12 employment by making contributions required under this  
13 Section.

14 (k-2) An employee who was employed on a full-time basis at  
15 any time between January 1, 1970 and December 31, 1980 by a  
16 regional commission funded by the Illinois Law Enforcement  
17 Commission under an LEAA-ILEC grant project may establish  
18 creditable service for all or any portion of that employment by  
19 making the contributions required under this Section.

20 (l) By paying the contributions otherwise required under  
21 this Section, plus an amount determined by the Board to be  
22 equal to the employer's normal cost of the benefit plus  
23 interest, a member may establish service credit for periods of  
24 less than one year spent on authorized leave of absence from  
25 service, provided that (1) the period of leave began on or  
26 after January 1, 1982 and (2) any credit established by the  
27 member for the period of leave in any other public employee  
28 retirement system has been terminated. A member may establish  
29 service credit under this subsection for more than one period  
30 of authorized leave, and in that case the total period of  
31 service credit established by the member under this subsection  
32 may exceed one year. In determining the contributions required  
33 for establishing service credit under this subsection, the  
34 interest shall be calculated from the beginning of the leave of  
35 absence to the date of payment.

36 (m) Any person who rendered contractual services to a

1 member of the General Assembly as a worker in the member's  
2 district office may establish creditable service for up to 3  
3 years of those contractual services by making the contributions  
4 required under this Section. The System shall determine a  
5 full-time salary equivalent for the purpose of calculating the  
6 required contribution. To establish credit under this  
7 subsection, the applicant must apply to the System by March 1,  
8 1998.

9 (n) Any person who rendered contractual services to a  
10 member of the General Assembly as a worker providing  
11 constituent services to persons in the member's district may  
12 establish creditable service for up to 8 years of those  
13 contractual services by making the contributions required  
14 under this Section. The System shall determine a full-time  
15 salary equivalent for the purpose of calculating the required  
16 contribution. To establish credit under this subsection, the  
17 applicant must apply to the System by March 1, 1998.

18 (o) A member who participated in the Illinois Legislative  
19 Staff Internship Program may establish creditable service for  
20 up to one year of that participation by making the contribution  
21 required under this Section. The System shall determine a  
22 full-time salary equivalent for the purpose of calculating the  
23 required contribution. Credit may not be established under this  
24 subsection for any period for which service credit is  
25 established under any other provision of this Code.

26 (Source: P.A. 92-54, eff. 7-12-01.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.