

HB7339



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB7339

Introduced 10/22/2004, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

5 ILCS 375/3

from Ch. 127, par. 523

Amends the State Employees Group Insurance Act of 1971. Allows active duty military personnel to add time in active duty to the time they can be enrolled in school and still be considered a dependent. Effective immediately.

LRB093 23681 LJB 53692 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning insurance.

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

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by changing Section 3 as follows:

6 (5 ILCS 375/3) (from Ch. 127, par. 523)

7 Sec. 3. Definitions. Unless the context otherwise
8 requires, the following words and phrases as used in this Act
9 shall have the following meanings. The Department may define
10 these and other words and phrases separately for the purpose of
11 implementing specific programs providing benefits under this
12 Act.

13 (a) "Administrative service organization" means any
14 person, firm or corporation experienced in the handling of
15 claims which is fully qualified, financially sound and capable
16 of meeting the service requirements of a contract of
17 administration executed with the Department.

18 (b) "Annuitant" means (1) an employee who retires, or has
19 retired, on or after January 1, 1966 on an immediate annuity
20 under the provisions of Articles 2, 14 (including an employee
21 who has elected to receive an alternative retirement
22 cancellation payment under Section 14-108.5 of the Illinois
23 Pension Code in lieu of an annuity), 15 (including an employee
24 who has retired under the optional retirement program
25 established under Section 15-158.2), paragraphs (2), (3), or
26 (5) of Section 16-106, or Article 18 of the Illinois Pension
27 Code; (2) any person who was receiving group insurance coverage
28 under this Act as of March 31, 1978 by reason of his status as
29 an annuitant, even though the annuity in relation to which such
30 coverage was provided is a proportional annuity based on less
31 than the minimum period of service required for a retirement
32 annuity in the system involved; (3) any person not otherwise

1 covered by this Act who has retired as a participating member
2 under Article 2 of the Illinois Pension Code but is ineligible
3 for the retirement annuity under Section 2-119 of the Illinois
4 Pension Code; (4) the spouse of any person who is receiving a
5 retirement annuity under Article 18 of the Illinois Pension
6 Code and who is covered under a group health insurance program
7 sponsored by a governmental employer other than the State of
8 Illinois and who has irrevocably elected to waive his or her
9 coverage under this Act and to have his or her spouse
10 considered as the "annuitant" under this Act and not as a
11 "dependent"; or (5) an employee who retires, or has retired,
12 from a qualified position, as determined according to rules
13 promulgated by the Director, under a qualified local government
14 or a qualified rehabilitation facility or a qualified domestic
15 violence shelter or service. (For definition of "retired
16 employee", see (p) post).

17 (b-5) "New SERS annuitant" means a person who, on or after
18 January 1, 1998, becomes an annuitant, as defined in subsection
19 (b), by virtue of beginning to receive a retirement annuity
20 under Article 14 of the Illinois Pension Code (including an
21 employee who has elected to receive an alternative retirement
22 cancellation payment under Section 14-108.5 of that Code in
23 lieu of an annuity), and is eligible to participate in the
24 basic program of group health benefits provided for annuitants
25 under this Act.

26 (b-6) "New SURS annuitant" means a person who (1) on or
27 after January 1, 1998, becomes an annuitant, as defined in
28 subsection (b), by virtue of beginning to receive a retirement
29 annuity under Article 15 of the Illinois Pension Code, (2) has
30 not made the election authorized under Section 15-135.1 of the
31 Illinois Pension Code, and (3) is eligible to participate in
32 the basic program of group health benefits provided for
33 annuitants under this Act.

34 (b-7) "New TRS State annuitant" means a person who, on or
35 after July 1, 1998, becomes an annuitant, as defined in
36 subsection (b), by virtue of beginning to receive a retirement

1 annuity under Article 16 of the Illinois Pension Code based on
2 service as a teacher as defined in paragraph (2), (3), or (5)
3 of Section 16-106 of that Code, and is eligible to participate
4 in the basic program of group health benefits provided for
5 annuitants under this Act.

6 (c) "Carrier" means (1) an insurance company, a corporation
7 organized under the Limited Health Service Organization Act or
8 the Voluntary Health Services Plan Act, a partnership, or other
9 nongovernmental organization, which is authorized to do group
10 life or group health insurance business in Illinois, or (2) the
11 State of Illinois as a self-insurer.

12 (d) "Compensation" means salary or wages payable on a
13 regular payroll by the State Treasurer on a warrant of the
14 State Comptroller out of any State, trust or federal fund, or
15 by the Governor of the State through a disbursing officer of
16 the State out of a trust or out of federal funds, or by any
17 Department out of State, trust, federal or other funds held by
18 the State Treasurer or the Department, to any person for
19 personal services currently performed, and ordinary or
20 accidental disability benefits under Articles 2, 14, 15
21 (including ordinary or accidental disability benefits under
22 the optional retirement program established under Section
23 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
24 Article 18 of the Illinois Pension Code, for disability
25 incurred after January 1, 1966, or benefits payable under the
26 Workers' Compensation or Occupational Diseases Act or benefits
27 payable under a sick pay plan established in accordance with
28 Section 36 of the State Finance Act. "Compensation" also means
29 salary or wages paid to an employee of any qualified local
30 government or qualified rehabilitation facility or a qualified
31 domestic violence shelter or service.

32 (e) "Commission" means the State Employees Group Insurance
33 Advisory Commission authorized by this Act. Commencing July 1,
34 1984, "Commission" as used in this Act means the Illinois
35 Economic and Fiscal Commission as established by the
36 Legislative Commission Reorganization Act of 1984.

1 (f) "Contributory", when referred to as contributory
2 coverage, shall mean optional coverages or benefits elected by
3 the member toward the cost of which such member makes
4 contribution, or which are funded in whole or in part through
5 the acceptance of a reduction in earnings or the foregoing of
6 an increase in earnings by an employee, as distinguished from
7 noncontributory coverage or benefits which are paid entirely by
8 the State of Illinois without reduction of the member's salary.

9 (g) "Department" means any department, institution, board,
10 commission, officer, court or any agency of the State
11 government receiving appropriations and having power to
12 certify payrolls to the Comptroller authorizing payments of
13 salary and wages against such appropriations as are made by the
14 General Assembly from any State fund, or against trust funds
15 held by the State Treasurer and includes boards of trustees of
16 the retirement systems created by Articles 2, 14, 15, 16 and 18
17 of the Illinois Pension Code. "Department" also includes the
18 Illinois Comprehensive Health Insurance Board, the Board of
19 Examiners established under the Illinois Public Accounting
20 Act, and the Illinois Finance Authority.

21 (h) "Dependent", when the term is used in the context of
22 the health and life plan, means a member's spouse and any
23 unmarried child (1) from birth to age 19 including an adopted
24 child, a child who lives with the member from the time of the
25 filing of a petition for adoption until entry of an order of
26 adoption, a stepchild or recognized child who lives with the
27 member in a parent-child relationship, or a child who lives
28 with the member if such member is a court appointed guardian of
29 the child, or (2) age 19 to 23 enrolled as a full-time student
30 in any accredited school, financially dependent upon the
31 member, and eligible to be claimed as a dependent for income
32 tax purposes, or (3) age 19 or over who is mentally or
33 physically handicapped. For the purposes of item (2), an
34 unmarried child age 19 to 23 who is a member of the United
35 States Armed Services, including the Illinois National Guard,
36 and is mobilized to active duty shall qualify as a dependent

1 beyond the age of 23 and until the age of 25 and while a
2 full-time student for the amount of time spent on active duty
3 between the ages of 19 and 23. The individual attempting to
4 qualify for this additional time must submit written
5 documentation of active duty service to the Director. The
6 changes made by this amendatory Act of the 93rd General
7 Assembly apply only to individuals mobilized to active duty in
8 the United States Armed Services, including the Illinois
9 National Guard, on or after January 1, 2002. For the health
10 plan only, the term "dependent" also includes any person
11 enrolled prior to the effective date of this Section who is
12 dependent upon the member to the extent that the member may
13 claim such person as a dependent for income tax deduction
14 purposes; no other such person may be enrolled. For the health
15 plan only, the term "dependent" also includes any person who
16 has received after June 30, 2000 an organ transplant and who is
17 financially dependent upon the member and eligible to be
18 claimed as a dependent for income tax purposes.

19 (i) "Director" means the Director of the Illinois
20 Department of Central Management Services.

21 (j) "Eligibility period" means the period of time a member
22 has to elect enrollment in programs or to select benefits
23 without regard to age, sex or health.

24 (k) "Employee" means and includes each officer or employee
25 in the service of a department who (1) receives his
26 compensation for service rendered to the department on a
27 warrant issued pursuant to a payroll certified by a department
28 or on a warrant or check issued and drawn by a department upon
29 a trust, federal or other fund or on a warrant issued pursuant
30 to a payroll certified by an elected or duly appointed officer
31 of the State or who receives payment of the performance of
32 personal services on a warrant issued pursuant to a payroll
33 certified by a Department and drawn by the Comptroller upon the
34 State Treasurer against appropriations made by the General
35 Assembly from any fund or against trust funds held by the State
36 Treasurer, and (2) is employed full-time or part-time in a

1 position normally requiring actual performance of duty during
2 not less than 1/2 of a normal work period, as established by
3 the Director in cooperation with each department, except that
4 persons elected by popular vote will be considered employees
5 during the entire term for which they are elected regardless of
6 hours devoted to the service of the State, and (3) except that
7 "employee" does not include any person who is not eligible by
8 reason of such person's employment to participate in one of the
9 State retirement systems under Articles 2, 14, 15 (either the
10 regular Article 15 system or the optional retirement program
11 established under Section 15-158.2) or 18, or under paragraph
12 (2), (3), or (5) of Section 16-106, of the Illinois Pension
13 Code, but such term does include persons who are employed
14 during the 6 month qualifying period under Article 14 of the
15 Illinois Pension Code. Such term also includes any person who
16 (1) after January 1, 1966, is receiving ordinary or accidental
17 disability benefits under Articles 2, 14, 15 (including
18 ordinary or accidental disability benefits under the optional
19 retirement program established under Section 15-158.2),
20 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
21 the Illinois Pension Code, for disability incurred after
22 January 1, 1966, (2) receives total permanent or total
23 temporary disability under the Workers' Compensation Act or
24 Occupational Disease Act as a result of injuries sustained or
25 illness contracted in the course of employment with the State
26 of Illinois, or (3) is not otherwise covered under this Act and
27 has retired as a participating member under Article 2 of the
28 Illinois Pension Code but is ineligible for the retirement
29 annuity under Section 2-119 of the Illinois Pension Code.
30 However, a person who satisfies the criteria of the foregoing
31 definition of "employee" except that such person is made
32 ineligible to participate in the State Universities Retirement
33 System by clause (4) of subsection (a) of Section 15-107 of the
34 Illinois Pension Code is also an "employee" for the purposes of
35 this Act. "Employee" also includes any person receiving or
36 eligible for benefits under a sick pay plan established in

1 accordance with Section 36 of the State Finance Act. "Employee"
2 also includes each officer or employee in the service of a
3 qualified local government, including persons appointed as
4 trustees of sanitary districts regardless of hours devoted to
5 the service of the sanitary district, and each employee in the
6 service of a qualified rehabilitation facility and each
7 full-time employee in the service of a qualified domestic
8 violence shelter or service, as determined according to rules
9 promulgated by the Director.

10 (l) "Member" means an employee, annuitant, retired
11 employee or survivor.

12 (m) "Optional coverages or benefits" means those coverages
13 or benefits available to the member on his or her voluntary
14 election, and at his or her own expense.

15 (n) "Program" means the group life insurance, health
16 benefits and other employee benefits designed and contracted
17 for by the Director under this Act.

18 (o) "Health plan" means a health benefits program offered
19 by the State of Illinois for persons eligible for the plan.

20 (p) "Retired employee" means any person who would be an
21 annuitant as that term is defined herein but for the fact that
22 such person retired prior to January 1, 1966. Such term also
23 includes any person formerly employed by the University of
24 Illinois in the Cooperative Extension Service who would be an
25 annuitant but for the fact that such person was made ineligible
26 to participate in the State Universities Retirement System by
27 clause (4) of subsection (a) of Section 15-107 of the Illinois
28 Pension Code.

29 (q) "Survivor" means a person receiving an annuity as a
30 survivor of an employee or of an annuitant. "Survivor" also
31 includes: (1) the surviving dependent of a person who satisfies
32 the definition of "employee" except that such person is made
33 ineligible to participate in the State Universities Retirement
34 System by clause (4) of subsection (a) of Section 15-107 of the
35 Illinois Pension Code; (2) the surviving dependent of any
36 person formerly employed by the University of Illinois in the

1 Cooperative Extension Service who would be an annuitant except
2 for the fact that such person was made ineligible to
3 participate in the State Universities Retirement System by
4 clause (4) of subsection (a) of Section 15-107 of the Illinois
5 Pension Code; and (3) the surviving dependent of a person who
6 was an annuitant under this Act by virtue of receiving an
7 alternative retirement cancellation payment under Section
8 14-108.5 of the Illinois Pension Code.

9 (q-2) "SERS" means the State Employees' Retirement System
10 of Illinois, created under Article 14 of the Illinois Pension
11 Code.

12 (q-3) "SURS" means the State Universities Retirement
13 System, created under Article 15 of the Illinois Pension Code.

14 (q-4) "TRS" means the Teachers' Retirement System of the
15 State of Illinois, created under Article 16 of the Illinois
16 Pension Code.

17 (q-5) "New SERS survivor" means a survivor, as defined in
18 subsection (q), whose annuity is paid under Article 14 of the
19 Illinois Pension Code and is based on the death of (i) an
20 employee whose death occurs on or after January 1, 1998, or
21 (ii) a new SERS annuitant as defined in subsection (b-5). "New
22 SERS survivor" includes the surviving dependent of a person who
23 was an annuitant under this Act by virtue of receiving an
24 alternative retirement cancellation payment under Section
25 14-108.5 of the Illinois Pension Code.

26 (q-6) "New SURS survivor" means a survivor, as defined in
27 subsection (q), whose annuity is paid under Article 15 of the
28 Illinois Pension Code and is based on the death of (i) an
29 employee whose death occurs on or after January 1, 1998, or
30 (ii) a new SURS annuitant as defined in subsection (b-6).

31 (q-7) "New TRS State survivor" means a survivor, as defined
32 in subsection (q), whose annuity is paid under Article 16 of
33 the Illinois Pension Code and is based on the death of (i) an
34 employee who is a teacher as defined in paragraph (2), (3), or
35 (5) of Section 16-106 of that Code and whose death occurs on or
36 after July 1, 1998, or (ii) a new TRS State annuitant as

1 defined in subsection (b-7).

2 (r) "Medical services" means the services provided within
3 the scope of their licenses by practitioners in all categories
4 licensed under the Medical Practice Act of 1987.

5 (s) "Unit of local government" means any county,
6 municipality, township, school district (including a
7 combination of school districts under the Intergovernmental
8 Cooperation Act), special district or other unit, designated as
9 a unit of local government by law, which exercises limited
10 governmental powers or powers in respect to limited
11 governmental subjects, any not-for-profit association with a
12 membership that primarily includes townships and township
13 officials, that has duties that include provision of research
14 service, dissemination of information, and other acts for the
15 purpose of improving township government, and that is funded
16 wholly or partly in accordance with Section 85-15 of the
17 Township Code; any not-for-profit corporation or association,
18 with a membership consisting primarily of municipalities, that
19 operates its own utility system, and provides research,
20 training, dissemination of information, or other acts to
21 promote cooperation between and among municipalities that
22 provide utility services and for the advancement of the goals
23 and purposes of its membership; the Southern Illinois
24 Collegiate Common Market, which is a consortium of higher
25 education institutions in Southern Illinois; and the Illinois
26 Association of Park Districts. "Qualified local government"
27 means a unit of local government approved by the Director and
28 participating in a program created under subsection (i) of
29 Section 10 of this Act.

30 (t) "Qualified rehabilitation facility" means any
31 not-for-profit organization that is accredited by the
32 Commission on Accreditation of Rehabilitation Facilities or
33 certified by the Department of Human Services (as successor to
34 the Department of Mental Health and Developmental
35 Disabilities) to provide services to persons with disabilities
36 and which receives funds from the State of Illinois for

1 providing those services, approved by the Director and
2 participating in a program created under subsection (j) of
3 Section 10 of this Act.

4 (u) "Qualified domestic violence shelter or service" means
5 any Illinois domestic violence shelter or service and its
6 administrative offices funded by the Department of Human
7 Services (as successor to the Illinois Department of Public
8 Aid), approved by the Director and participating in a program
9 created under subsection (k) of Section 10.

10 (v) "TRS benefit recipient" means a person who:

11 (1) is not a "member" as defined in this Section; and

12 (2) is receiving a monthly benefit or retirement
13 annuity under Article 16 of the Illinois Pension Code; and

14 (3) either (i) has at least 8 years of creditable
15 service under Article 16 of the Illinois Pension Code, or
16 (ii) was enrolled in the health insurance program offered
17 under that Article on January 1, 1996, or (iii) is the
18 survivor of a benefit recipient who had at least 8 years of
19 creditable service under Article 16 of the Illinois Pension
20 Code or was enrolled in the health insurance program
21 offered under that Article on the effective date of this
22 amendatory Act of 1995, or (iv) is a recipient or survivor
23 of a recipient of a disability benefit under Article 16 of
24 the Illinois Pension Code.

25 (w) "TRS dependent beneficiary" means a person who:

26 (1) is not a "member" or "dependent" as defined in this
27 Section; and

28 (2) is a TRS benefit recipient's: (A) spouse, (B)
29 dependent parent who is receiving at least half of his or
30 her support from the TRS benefit recipient, or (C)
31 unmarried natural or adopted child who is (i) under age 19,
32 or (ii) enrolled as a full-time student in an accredited
33 school, financially dependent upon the TRS benefit
34 recipient, eligible to be claimed as a dependent for income
35 tax purposes, and either is under age 24 or was, on January
36 1, 1996, participating as a dependent beneficiary in the

1 health insurance program offered under Article 16 of the
2 Illinois Pension Code, or (iii) age 19 or over who is
3 mentally or physically handicapped.

4 (x) "Military leave with pay and benefits" refers to
5 individuals in basic training for reserves, special/advanced
6 training, annual training, emergency call up, or activation by
7 the President of the United States with approved pay and
8 benefits.

9 (y) "Military leave without pay and benefits" refers to
10 individuals who enlist for active duty in a regular component
11 of the U.S. Armed Forces or other duty not specified or
12 authorized under military leave with pay and benefits.

13 (z) "Community college benefit recipient" means a person
14 who:

15 (1) is not a "member" as defined in this Section; and

16 (2) is receiving a monthly survivor's annuity or
17 retirement annuity under Article 15 of the Illinois Pension
18 Code; and

19 (3) either (i) was a full-time employee of a community
20 college district or an association of community college
21 boards created under the Public Community College Act
22 (other than an employee whose last employer under Article
23 15 of the Illinois Pension Code was a community college
24 district subject to Article VII of the Public Community
25 College Act) and was eligible to participate in a group
26 health benefit plan as an employee during the time of
27 employment with a community college district (other than a
28 community college district subject to Article VII of the
29 Public Community College Act) or an association of
30 community college boards, or (ii) is the survivor of a
31 person described in item (i).

32 (aa) "Community college dependent beneficiary" means a
33 person who:

34 (1) is not a "member" or "dependent" as defined in this
35 Section; and

36 (2) is a community college benefit recipient's: (A)

1 spouse, (B) dependent parent who is receiving at least half
2 of his or her support from the community college benefit
3 recipient, or (C) unmarried natural or adopted child who is
4 (i) under age 19, or (ii) enrolled as a full-time student
5 in an accredited school, financially dependent upon the
6 community college benefit recipient, eligible to be
7 claimed as a dependent for income tax purposes and under
8 age 23, or (iii) age 19 or over and mentally or physically
9 handicapped.

10 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
11 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839,
12 eff. 7-30-04.)

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