

1 AMENDMENT TO SENATE BILL 111

2 AMENDMENT NO. _____. Amend Senate Bill 111 by replacing
3 the title with the following:

4 "AN ACT in relation to public employee benefits."; and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Pension Code is amended by
8 changing Section 14-103.05 as follows:

9 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
10 Sec. 14-103.05. Employee.

11 (a) Any person employed by a Department who receives
12 salary for personal services rendered to the Department on a
13 warrant issued pursuant to a payroll voucher certified by a
14 Department and drawn by the State Comptroller upon the State
15 Treasurer, including an elected official described in
16 subparagraph (d) of Section 14-104, shall become an employee
17 for purpose of membership in the Retirement System on the
18 first day of such employment.

19 A person entering service on or after January 1, 1972 and
20 prior to January 1, 1984 shall become a member as a condition
21 of employment and shall begin making contributions as of the

1 first day of employment.

2 A person entering service on or after January 1, 1984
3 shall, upon completion of 6 months of continuous service
4 which is not interrupted by a break of more than 2 months,
5 become a member as a condition of employment. Contributions
6 shall begin the first of the month after completion of the
7 qualifying period.

8 The qualifying period of 6 months of service is not
9 applicable to: (1) a person who has been granted credit for
10 service in a position covered by the State Universities
11 Retirement System, the Teachers' Retirement System of the
12 State of Illinois, the General Assembly Retirement System, or
13 the Judges Retirement System of Illinois unless that service
14 has been forfeited under the laws of those systems; (2) a
15 person entering service on or after July 1, 1991 in a
16 noncovered position; or (3) a person to whom Section
17 14-108.2a or 14-108.2b applies.

18 (b) The term "employee" does not include the following:

19 (1) members of the State Legislature, and persons
20 electing to become members of the General Assembly
21 Retirement System pursuant to Section 2-105;

22 (2) incumbents of offices normally filled by vote
23 of the people;

24 (3) except as otherwise provided in this Section,
25 any person appointed by the Governor with the advice and
26 consent of the Senate unless that person elects to
27 participate in this system;

28 (4) except as provided in Section 14-108.2 or
29 14-108.2c, any person who is covered or eligible to be
30 covered by the Teachers' Retirement System of the State
31 of Illinois, the State Universities Retirement System, or
32 the Judges Retirement System of Illinois;

33 (5) an employee of a municipality or any other
34 political subdivision of the State;

1 (6) any person who becomes an employee after June
2 30, 1979 as a public service employment program
3 participant under the Federal Comprehensive Employment
4 and Training Act and whose wages or fringe benefits are
5 paid in whole or in part by funds provided under such
6 Act;

7 (7) enrollees of the Illinois Young Adult
8 Conservation Corps program, administered by the
9 Department of Natural Resources, authorized grantee
10 pursuant to Title VIII of the "Comprehensive Employment
11 and Training Act of 1973", 29 USC 993, as now or
12 hereafter amended;

13 (8) enrollees and temporary staff of programs
14 administered by the Department of Natural Resources under
15 the Youth Conservation Corps Act of 1970;

16 (9) any person who is a member of any professional
17 licensing or disciplinary board created under an Act
18 administered by the Department of Professional Regulation
19 or a successor agency or created or re-created after the
20 effective date of this amendatory Act of 1997, and who
21 receives per diem compensation rather than a salary,
22 notwithstanding that such per diem compensation is paid
23 by warrant issued pursuant to a payroll voucher; such
24 persons have never been included in the membership of
25 this System, and this amendatory Act of 1987 (P.A.
26 84-1472) is not intended to effect any change in the
27 status of such persons;

28 (10) any person who is a member of the Illinois
29 Health Care Cost Containment Council, and receives per
30 diem compensation rather than a salary, notwithstanding
31 that such per diem compensation is paid by warrant issued
32 pursuant to a payroll voucher; such persons have never
33 been included in the membership of this System, and this
34 amendatory Act of 1987 is not intended to effect any

1 change in the status of such persons; or

2 (11) any person who is a member of the Oil and Gas
3 Board created by Section 1.2 of the Illinois Oil and Gas
4 Act, and receives per diem compensation rather than a
5 salary, notwithstanding that such per diem compensation
6 is paid by warrant issued pursuant to a payroll voucher.

7 (c) An individual who is employed on a full-time basis
8 as an officer or employee of a statewide labor organization
9 that represents members of this System may participate in the
10 System and shall be deemed an employee, provided that (1) the
11 individual has previously earned creditable service under
12 this Article, (2) the individual files with the System an
13 irrevocable election to become a participant, and (3) the
14 individual does not receive credit for that employment under
15 any other provision of this Code. An employee under this
16 subsection (c) is responsible for paying to the System both
17 (i) employee contributions based on the actual compensation
18 received for service with the labor organization and (ii)
19 employer contributions based on the percentage of payroll
20 certified by the board; all or any part of these
21 contributions may be paid on the employee's behalf or picked
22 up for tax purposes (if authorized under federal law) by the
23 labor organization.

24 A person who is an employee as defined in this subsection
25 may establish service credit for similar employment prior to
26 becoming an employee under this subsection by paying to the
27 System for that employment the contributions specified in
28 this subsection, plus interest at the effective rate from the
29 date of service to the date of payment. However, credit
30 shall not be granted under this subsection for any such prior
31 employment for which the applicant received credit under any
32 other provision of this Code, or during which the applicant
33 was on a leave of absence.

34 (Source: P.A. 92-14, eff. 6-28-01.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".