

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 adding Section 7-139.10 and changing Section 14-110 as
6 follows:

7 (40 ILCS 5/7-139.10 new)

8 Sec. 7-139.10. Transfer to Article 14 System.

9 (a) Until January 1, 2004, any active member of the State
10 Employees' Retirement System who is an investigator for the
11 Department of Revenue may apply for transfer of his or her
12 credits and creditable service accumulated in this Fund (1)
13 for service as a sheriff's law enforcement employee and (2)
14 for service as a state's attorney or assistant state's
15 attorney to the State Employees' Retirement System in
16 accordance with Section 14-110. The total amount of credits
17 and creditable service transferred under this Section may not
18 exceed 11 years. The creditable service shall be transferred
19 only upon payment by this Fund to the State Employees'
20 Retirement System of an amount equal to:

21 (1) the amounts accumulated to the credit of the
22 applicant for service as a sheriff's law enforcement
23 employee, including interest; and

24 (2) municipality credits based on such service,
25 including interest; and

26 (3) any interest paid by the applicant to reinstate
27 such service.

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

30 (b) Any such investigator may reinstate credits and
31 creditable service terminated upon receipt of a separation

1 benefit, by paying to the Fund the amount of the separation
2 benefit plus interest thereon at the rate of 6% per year to
3 the date of payment.

4 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
5 Sec. 14-110. Alternative retirement annuity.

6 (a) Any member who has withdrawn from service with not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8 attained age 55, and any member who has withdrawn from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

16 (i) for periods of service as a noncovered
17 employee: if retirement occurs on or after January 1,
18 2001, 3% of final average compensation for each year of
19 creditable service; if retirement occurs before January
20 1, 2001, 2 1/4% of final average compensation for each of
21 the first 10 years of creditable service, 2 1/2% for each
22 year above 10 years to and including 20 years of
23 creditable service, and 2 3/4% for each year of
24 creditable service above 20 years; and

25 (ii) for periods of eligible creditable service as
26 a covered employee: if retirement occurs on or after
27 January 1, 2001, 2.5% of final average compensation for
28 each year of creditable service; if retirement occurs
29 before January 1, 2001, 1.67% of final average
30 compensation for each of the first 10 years of such
31 service, 1.90% for each of the next 10 years of such
32 service, 2.10% for each year of such service in excess of
33 20 but not exceeding 30, and 2.30% for each year in

1 excess of 30.

2 Such annuity shall be subject to a maximum of 75% of
3 final average compensation if retirement occurs before
4 January 1, 2001 or to a maximum of 80% of final average
5 compensation if retirement occurs on or after January 1,
6 2001.

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

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

- 15 (1) State policeman;
- 16 (2) fire fighter in the fire protection service of
17 a department;
- 18 (3) air pilot;
- 19 (4) special agent;
- 20 (5) investigator for the Secretary of State;
- 21 (6) conservation police officer;
- 22 (7) investigator for the Department of Revenue;
- 23 (8) security employee of the Department of Human
24 Services;
- 25 (9) Central Management Services security police
26 officer;
- 27 (10) security employee of the Department of
28 Corrections;
- 29 (11) dangerous drugs investigator;
- 30 (12) investigator for the Department of State
31 Police;
- 32 (13) investigator for the Office of the Attorney
33 General;
- 34 (14) controlled substance inspector;

- 1 (15) investigator for the Office of the State's
- 2 Attorneys Appellate Prosecutor;
- 3 (16) Commerce Commission police officer;
- 4 (17) arson investigator;
- 5 (18) State highway maintenance worker.

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

16 (c) For the purposes of this Section:

17 (1) The term "state policeman" includes any title
18 or position in the Department of State Police that is
19 held by an individual employed under the State Police
20 Act.

21 (2) The term "fire fighter in the fire protection
22 service of a department" includes all officers in such
23 fire protection service including fire chiefs and
24 assistant fire chiefs.

25 (3) The term "air pilot" includes any employee
26 whose official job description on file in the Department
27 of Central Management Services, or in the department by
28 which he is employed if that department is not covered by
29 the Personnel Code, states that his principal duty is the
30 operation of aircraft, and who possesses a pilot's
31 license; however, the change in this definition made by
32 this amendatory Act of 1983 shall not operate to exclude
33 any noncovered employee who was an "air pilot" for the
34 purposes of this Section on January 1, 1984.

1 (4) The term "special agent" means any person who
2 by reason of employment by the Division of Narcotic
3 Control, the Bureau of Investigation or, after July 1,
4 1977, the Division of Criminal Investigation, the
5 Division of Internal Investigation, the Division of
6 Operations, or any other Division or organizational
7 entity in the Department of State Police is vested by law
8 with duties to maintain public order, investigate
9 violations of the criminal law of this State, enforce the
10 laws of this State, make arrests and recover property.
11 The term "special agent" includes any title or position
12 in the Department of State Police that is held by an
13 individual employed under the State Police Act.

14 (5) The term "investigator for the Secretary of
15 State" means any person employed by the Office of the
16 Secretary of State and vested with such investigative
17 duties as render him ineligible for coverage under the
18 Social Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act.

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

30 (6) The term "Conservation Police Officer" means
31 any person employed by the Division of Law Enforcement of
32 the Department of Natural Resources and vested with such
33 law enforcement duties as render him ineligible for
34 coverage under the Social Security Act by reason of

1 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
2 that Act. The term "Conservation Police Officer"
3 includes the positions of Chief Conservation Police
4 Administrator and Assistant Conservation Police
5 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 (8) The term "security employee of the Department
13 of Human Services" means any person employed by the
14 Department of Human Services who (i) is employed at the
15 Chester Mental Health Center and has daily contact with
16 the residents thereof, (ii) is employed within a security
17 unit at a facility operated by the Department and has
18 daily contact with the residents of the security unit,
19 (iii) is employed at a facility operated by the
20 Department that includes a security unit and is regularly
21 scheduled to work at least 50% of his or her working
22 hours within that security unit, or (iv) is a mental
23 health police officer. "Mental health police officer"
24 means any person employed by the Department of Human
25 Services in a position pertaining to the Department's
26 mental health and developmental disabilities functions
27 who is vested with such law enforcement duties as render
28 the person ineligible for coverage under the Social
29 Security Act by reason of Sections 218(d)(5)(A),
30 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
31 means that portion of a facility that is devoted to the
32 care, containment, and treatment of persons committed to
33 the Department of Human Services as sexually violent
34 persons, persons unfit to stand trial, or persons not

1 guilty by reason of insanity. With respect to past
2 employment, references to the Department of Human
3 Services include its predecessor, the Department of
4 Mental Health and Developmental Disabilities.

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

8 (9) "Central Management Services security police
9 officer" means any person employed by the Department of
10 Central Management Services who is vested with such law
11 enforcement duties as render him ineligible for coverage
12 under the Social Security Act by reason of Sections
13 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

14 (10) The term "security employee of the Department
15 of Corrections" means any employee of the Department of
16 Corrections or the former Department of Personnel, and
17 any member or employee of the Prisoner Review Board, who
18 has daily contact with inmates by working within a
19 correctional facility or who is a parole officer or an
20 employee who has direct contact with committed persons in
21 the performance of his or her job duties.

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

25 (12) The term "investigator for the Department of
26 State Police" means a person employed by the Department
27 of State Police who is vested under Section 4 of the
28 Narcotic Control Division Abolition Act with such law
29 enforcement powers as render him ineligible for coverage
30 under the Social Security Act by reason of Sections
31 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

32 (13) "Investigator for the Office of the Attorney
33 General" means any person who is employed as such by the
34 Office of the Attorney General and is vested with such

1 investigative duties as render him ineligible for
2 coverage under the Social Security Act by reason of
3 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
4 Act. For the period before January 1, 1989, the term
5 includes all persons who were employed as investigators
6 by the Office of the Attorney General, without regard to
7 social security status.

8 (14) "Controlled substance inspector" means any
9 person who is employed as such by the Department of
10 Professional Regulation and is vested with such law
11 enforcement duties as render him ineligible for coverage
12 under the Social Security Act by reason of Sections
13 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
14 The term "controlled substance inspector" includes the
15 Program Executive of Enforcement and the Assistant
16 Program Executive of Enforcement.

17 (15) The term "investigator for the Office of the
18 State's Attorneys Appellate Prosecutor" means a person
19 employed in that capacity on a full time basis under the
20 authority of Section 7.06 of the State's Attorneys
21 Appellate Prosecutor's Act.

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

28 (17) "Arson investigator" means any person who is
29 employed as such by the Office of the State Fire Marshal
30 and is vested with such law enforcement duties as render
31 the person ineligible for coverage under the Social
32 Security Act by reason of Sections 218(d)(5)(A),
33 218(d)(8)(D), and 218(1)(1) of that Act. A person who
34 was employed as an arson investigator on January 1, 1995

1 and is no longer in service but not yet receiving a
2 retirement annuity may convert his or her creditable
3 service for employment as an arson investigator into
4 eligible creditable service by paying to the System the
5 difference between the employee contributions actually
6 paid for that service and the amounts that would have
7 been contributed if the applicant were contributing at
8 the rate applicable to persons with the same social
9 security status earning eligible creditable service on
10 the date of application.

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

13 (i) A person employed on a full-time basis by
14 the Illinois Department of Transportation in the
15 position of highway maintainer, highway maintenance
16 lead worker, highway maintenance lead/lead worker,
17 heavy construction equipment operator, power shovel
18 operator, or bridge mechanic; and whose principal
19 responsibility is to perform, on the roadway, the
20 actual maintenance necessary to keep the highways
21 that form a part of the State highway system in
22 serviceable condition for vehicular traffic.

23 (ii) A person employed on a full-time basis by
24 the Illinois State Toll Highway Authority in the
25 position of equipment operator/laborer H-4,
26 equipment operator/laborer H-6, welder H-4,
27 welder H-6, mechanical/electrical H-4,
28 mechanical/electrical H-6, water/sewer H-4,
29 water/sewer H-6, sign maker/hanger H-4, sign
30 maker/hanger H-6, roadway lighting H-4, roadway
31 lighting H-6, structural H-4, structural H-6,
32 painter H-4, or painter H-6; and whose principal
33 responsibility is to perform, on the roadway, the
34 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of
4 Corrections, and a security employee of the Department of
5 Human Services who is not a mental health police officer,
6 shall not be eligible for the alternative retirement annuity
7 provided by this Section unless he or she meets the following
8 minimum age and service requirements at the time of
9 retirement:

10 (i) 25 years of eligible creditable service and age
11 55; or

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

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

18 (iv) beginning January 1, 1989, 25 years of
19 eligible creditable service and age 52, or 22 years of
20 eligible creditable service and age 55; or

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

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

27 Persons who have service credit under Article 16 of this
28 Code for service as a security employee of the Department of
29 Corrections or the Department of Human Services in a position
30 requiring certification as a teacher may count such service
31 toward establishing their eligibility under the service
32 requirements of this Section; but such service may be used
33 only for establishing such eligibility, and not for the
34 purpose of increasing or calculating any benefit.

1 (e) If a member enters military service while working in
2 a position in which eligible creditable service may be
3 earned, and returns to State service in the same or another
4 such position, and fulfills in all other respects the
5 conditions prescribed in this Article for credit for military
6 service, such military service shall be credited as eligible
7 creditable service for the purposes of the retirement annuity
8 prescribed in this Section.

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

23 For purposes of calculating retirement annuities under
24 this Section, periods of service rendered after December 31,
25 1968 and before January 1, 1982 as a covered employee in the
26 position of investigator for the Department of Revenue shall
27 be deemed to have been service as a noncovered employee,
28 provided that the employee pays to the System prior to
29 retirement an amount equal to (1) the difference between the
30 employee contributions that would have been required for such
31 service as a noncovered employee, and the amount of employee
32 contributions actually paid, plus (2) if payment is made
33 after January 1, 1990, regular interest on the amount
34 specified in item (1) from the date of service to the date of

1 payment.

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

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

27 (h) Subject to the limitation in subsection (i), a State
28 policeman or investigator for the Secretary of State may
29 elect to establish eligible creditable service for up to 12
30 years of his service as a policeman under Article 5, by
31 filing a written election with the Board on or before January
32 31, 1992, and paying to the System by January 31, 1994 an
33 amount to be determined by the Board, equal to (i) the
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 5-236,
2 and the 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 Subject to the limitation in subsection (i), a State
8 policeman, conservation police officer, or investigator for
9 the Secretary of State may elect to establish eligible
10 creditable service for up to 10 years of service as a
11 sheriff's law enforcement employee under Article 7, by filing
12 a written election with the Board on or before January 31,
13 1993, and paying to the System by January 31, 1994 an amount
14 to be determined by the Board, equal to (i) the difference
15 between the amount of employee and employer contributions
16 transferred to the System under Section 7-139.7, and the
17 amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 (i) The total amount of eligible creditable service
23 established by any person under subsections (g), (h), (j),
24 (k), and (l), and (m) of this Section shall not exceed 12
25 years.

26 (j) Subject to the limitation in subsection (i), an
27 investigator for the Office of the State's Attorneys
28 Appellate Prosecutor or a controlled substance inspector may
29 elect to establish eligible creditable service for up to 10
30 years of his service as a policeman under Article 3 or a
31 sheriff's law enforcement employee under Article 7, by filing
32 a written election with the Board, accompanied by payment of
33 an amount to be determined by the Board, equal to (1) the
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.6
2 or 7-139.8, and the amounts that would have been contributed
3 had such contributions been made at the rates applicable to
4 State policemen, plus (2) interest thereon at the effective
5 rate for each year, compounded annually, from the date of
6 service to the date of payment.

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

29 (l) Subject to the limitation in subsection (i), a
30 security employee of the Department of Corrections may elect,
31 not later than July 1, 1998, to establish eligible creditable
32 service for up to 10 years of his or her service as a
33 policeman under Article 3, by filing a written election with
34 the Board, accompanied by payment of an amount to be

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

9 (m) Subject to the limitation in subsection (i), an
10 investigator for the Department of Revenue may elect, not
11 later than January 1, 2004, to establish eligible creditable
12 service for his or her service as a sheriff's law enforcement
13 employee under Article 7 and for his or her service as a
14 state's attorney or assistant state's attorney under Article
15 7, by filing a written election with the Board, accompanied
16 by payment of an amount to be determined by the Board, equal
17 to (i) the difference between the amount of employee and
18 employer contributions transferred to the System under
19 Section 7-139.10, and the amounts that would have been
20 contributed had such contributions been made at the rates
21 applicable to investigators for the Department of Revenue,
22 plus (ii) interest thereon at the effective rate for each
23 year, compounded annually, from the date of service to the
24 date of payment. The total amount of creditable service
25 established under this subsection (m) may not exceed 11
26 years.

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.