



Rep. Careen M Gordon

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1 AMENDMENT TO HOUSE BILL 1812

2 AMENDMENT NO. _____. Amend House Bill 1812 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 2-101, 2-105, 2-117, and 14-103.05 as
6 follows:

7 (40 ILCS 5/2-101) (from Ch. 108 1/2, par. 2-101)

8 Sec. 2-101. Creation of system. A retirement system is
9 created to provide retirement annuities, survivor's annuities
10 and other benefits for certain members of the General Assembly,
11 certain elected state officials, and their beneficiaries.

12 The system shall be known as the "General Assembly
13 Retirement System". All its funds and property shall be a trust
14 separate from all other entities, maintained for the purpose of
15 securing payment of annuities and benefits under this Article.

16 Participation in the retirement system created under this
17 Article is restricted to persons who become participants before
18 the effective date of this amendatory Act of the 94th General
19 Assembly. Beginning on that date, the System shall not accept
20 any new participants.

21 (Source: P.A. 83-1440.)

22 (40 ILCS 5/2-105) (from Ch. 108 1/2, par. 2-105)

23 Sec. 2-105. Member. "Member": Members of the General

1 Assembly of this State, including persons who enter military
2 service while a member of the General Assembly, and any person
3 serving as Governor, Lieutenant Governor, Secretary of State,
4 Treasurer, Comptroller, or Attorney General for the period of
5 service in such office.

6 Any person who has served for 10 or more years as Clerk or
7 Assistant Clerk of the House of Representatives, Secretary or
8 Assistant Secretary of the Senate, or any combination thereof,
9 may elect to become a member of this system while thenceforth
10 engaged in such service by filing a written election with the
11 board. Any person so electing shall be deemed an active member
12 of the General Assembly for the purpose of validating and
13 transferring any service credits earned under any of the funds
14 and systems established under Articles 3 through 18 of this
15 Code.

16 Notwithstanding any other provision of this Article,
17 however, a person shall not be deemed a member for the purposes
18 of this Article unless he or she became a participant of the
19 System before the effective date of this amendatory Act of the
20 94th General Assembly.

21 (Source: P.A. 85-1008.)

22 (40 ILCS 5/2-117) (from Ch. 108 1/2, par. 2-117)

23 Sec. 2-117. Participants - Election not to participate.

24 (a) Every person who was a member on November 1, 1947, or
25 in military service on such date, is subject to the provisions
26 of this system beginning upon such date, unless prior to such
27 date he or she filed with the board a written notice of
28 election not to participate.

29 Every person who becomes a member after November 1, 1947,
30 and who is then not a participant becomes a participant
31 beginning upon the date of becoming a member unless, within 24
32 months from that date, he or she has filed with the board a
33 written notice of election not to participate.

1 (b) A member who has filed notice of an election not to
2 participate (and a former member who has not yet begun to
3 receive a retirement annuity under this Article) may become a
4 participant with respect to the period for which the member
5 elected not to participate upon filing with the board, before
6 April 1, 1993, a written rescission of the election not to
7 participate. Upon contributing an amount equal to the
8 contributions he or she would have made as a participant from
9 November 1, 1947, or the date of becoming a member, whichever
10 is later, to the date of becoming a participant, with interest
11 at the rate of 4% per annum until the contributions are paid,
12 the participant shall receive credit for service as a member
13 prior to the date of the rescission, both before and after
14 November 1, 1947. The required contributions shall be made
15 before commencement of the retirement annuity; otherwise no
16 credit for service prior to the date of participation shall be
17 granted.

18 (c) A participant in this System may at any time elect to
19 terminate his or her participation in this System and instead
20 participate in the Article 14 retirement system. This election
21 is irrevocable.

22 (Source: P.A. 86-273; 87-1265.)

23 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

24 Sec. 14-103.05. Employee.

25 (a) Any person employed by a Department who receives salary
26 for personal services rendered to the Department on a warrant
27 issued pursuant to a payroll voucher certified by a Department
28 and drawn by the State Comptroller upon the State Treasurer,
29 including an elected official described in subparagraph (d) of
30 Section 14-104, shall become an employee for purpose of
31 membership in the Retirement System on the first day of such
32 employment.

33 A person who becomes a constitutional officer or member of

1 the General Assembly on or after the effective date of this
2 amendatory Act of the 94th General Assembly and is not eligible
3 to participate in the General Assembly Retirement System shall
4 be deemed an employee for purposes of membership in this System
5 beginning on the first day of such service.

6 A person entering service on or after January 1, 1972 and
7 prior to January 1, 1984 shall become a member as a condition
8 of employment and shall begin making contributions as of the
9 first day of employment.

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

16 The qualifying period of 6 months of service is not
17 applicable to: (1) a person who has been granted credit for
18 service in a position covered by the State Universities
19 Retirement System, the Teachers' Retirement System of the State
20 of Illinois, the General Assembly Retirement System, or the
21 Judges Retirement System of Illinois unless that service has
22 been forfeited under the laws of those systems; (2) a person
23 entering service on or after July 1, 1991 in a noncovered
24 position; or (3) a person to whom Section 14-108.2a or
25 14-108.2b applies; or (4) a person who is serving as a
26 constitutional officer or member of the General Assembly.

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

28 (1) persons participating in ~~members of the State~~
29 ~~Legislature, and persons electing to become members of the~~
30 ~~General Assembly Retirement System pursuant to Section~~
31 ~~2-105;~~

32 (2) incumbents of offices normally filled by vote of
33 the people, other than constitutional officers and members
34 of the General Assembly;

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

5 (3.1) any person serving as a commissioner of an ethics
6 commission created under the State Officials and Employees
7 Ethics Act unless that person elects to participate in this
8 system with respect to that service as a commissioner;

9 (3.2) any person serving as a part-time employee in any
10 of the following positions: Legislative Inspector General,
11 Special Legislative Inspector General, employee of the
12 Office of the Legislative Inspector General, Executive
13 Director of the Legislative Ethics Commission, or staff of
14 the Legislative Ethics Commission, regardless of whether
15 he or she is in active service on or after July 8, 2004
16 (the effective date of Public Act 93-685), unless that
17 person elects to participate in this System with respect to
18 that service; in this item (3.2), a "part-time employee" is
19 a person who is not required to work at least 35 hours per
20 week;

21 (3.3) any person who has made an election under Section
22 1-123 and who is serving either as legal counsel in the
23 Office of the Governor or as Chief Deputy Attorney General;

24 (4) except as provided in Section 14-108.2 or
25 14-108.2c, any person who is covered or eligible to be
26 covered by the Teachers' Retirement System of the State of
27 Illinois, the State Universities Retirement System, or the
28 Judges Retirement System of Illinois;

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

31 (6) any person who becomes an employee after June 30,
32 1979 as a public service employment program participant
33 under the Federal Comprehensive Employment and Training
34 Act and whose wages or fringe benefits are paid in whole or

1 in part by funds provided under such Act;

2 (7) enrollees of the Illinois Young Adult Conservation
3 Corps program, administered by the Department of Natural
4 Resources, authorized grantee pursuant to Title VIII of the
5 "Comprehensive Employment and Training Act of 1973", 29 USC
6 993, as now or hereafter amended;

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

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

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

30 (11) any person who is a member of the Oil and Gas
31 Board created by Section 1.2 of the Illinois Oil and Gas
32 Act, and receives per diem compensation rather than a
33 salary, notwithstanding that such per diem compensation is
34 paid by warrant issued pursuant to a payroll voucher; or

1 (12) a person employed by the State Board of Higher
2 Education in a position with the Illinois Century Network
3 as of June 30, 2004, who remains continuously employed
4 after that date by the Department of Central Management
5 Services in a position with the Illinois Century Network
6 and participates in the Article 15 system with respect to
7 that employment.

8 (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,
9 eff. 7-30-04; 93-1069, eff. 1-15-05.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."