



Sen. Dale A. Righter

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09500HB2035sam004

LRB095 08248 AMC 38592 a

1 AMENDMENT TO HOUSE BILL 2035

2 AMENDMENT NO. _____. Amend House Bill 2035, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 40, immediately below line 4, by inserting the
5 following:

6 "Section 902. The Executive Reorganization Implementation
7 Act is amended by changing Section 3.1 as follows:

8 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

9 Sec. 3.1. "Agency directly responsible to the Governor" or
10 "agency" means any office, officer, division, or part thereof,
11 and any other office, nonelective officer, department,
12 division, bureau, board, or commission in the executive branch
13 of State government, except that it does not apply to any
14 agency whose primary function is service to the General
15 Assembly or the Judicial Branch of State government, or to any
16 agency administered by the Attorney General, Secretary of

1 State, State Comptroller or State Treasurer. In addition the
2 term does not apply to the following agencies created by law
3 with the primary responsibility of exercising regulatory or
4 adjudicatory functions independently of the Governor:

5 (1) the State Board of Elections;

6 (2) the State Board of Education;

7 (3) the Illinois Commerce Commission;

8 (4) the Illinois Workers' Compensation Commission;

9 (5) the Civil Service Commission;

10 (6) the Fair Employment Practices Commission;

11 (7) the Pollution Control Board;

12 (8) the Department of State Police Merit Board;

13 (9) The Illinois Gaming Board.

14 (Source: P.A. 93-721, eff. 1-1-05.); and

15 on page 44, lines 19 and 23, by replacing "or the Illinois
16 Gaming Board" each time it appears with "~~or the Illinois Gaming~~
17 ~~Board~~"; and

18 on page 45, by replacing lines 7 through 13 with the following:

19 "(c) The Department may enter into agreements with the
20 Illinois Gaming Board providing that investigators appointed
21 under this Section shall exercise the peace officer powers set
22 forth in paragraph (20.6) of subsection (c) of Section 5 of the
23 Riverboat and Casino Gambling Act. ~~Investigators appointed~~
24 ~~under this Section who are assigned to the Illinois Gaming~~

1 ~~Board have and may exercise all the rights and powers of peace~~
2 ~~officers, provided that these powers shall be limited to~~
3 ~~offenses or violations occurring or committed on a riverboat or~~
4 ~~dock, as defined in subsections (d) and (f) of Section 4 of the~~
5 ~~Riverboat Gambling Act."; and~~

6 on page 57, immediately below line line 6, by inserting the
7 following:

8 "Section 927. The Illinois Pension Code is amended by
9 changing Sections 14-110, 14-152.1, 18-127, and 18-169 as
10 follows:

11 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

12 Sec. 14-110. Alternative retirement annuity.

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

22 (i) for periods of service as a noncovered employee: if
23 retirement occurs on or after January 1, 2001, 3% of final

1 average compensation for each year of creditable service;
2 if retirement occurs before January 1, 2001, 2 1/4% of
3 final average compensation for each of the first 10 years
4 of creditable service, 2 1/2% for each year above 10 years
5 to and including 20 years of creditable service, and 2 3/4%
6 for each year of creditable service above 20 years; and

7 (ii) for periods of eligible creditable service as a
8 covered employee: if retirement occurs on or after January
9 1, 2001, 2.5% of final average compensation for each year
10 of creditable service; if retirement occurs before January
11 1, 2001, 1.67% of final average compensation for each of
12 the first 10 years of such service, 1.90% for each of the
13 next 10 years of such service, 2.10% for each year of such
14 service in excess of 20 but not exceeding 30, and 2.30% for
15 each year in excess of 30.

16 Such annuity shall be subject to a maximum of 75% of final
17 average compensation if retirement occurs before January 1,
18 2001 or to a maximum of 80% of final average compensation if
19 retirement occurs on or after January 1, 2001.

20 These rates shall not be applicable to any service
21 performed by a member as a covered employee which is not
22 eligible creditable service. Service as a covered employee
23 which is not eligible creditable service shall be subject to
24 the rates and provisions of Section 14-108.

25 (b) For the purpose of this Section, "eligible creditable
26 service" means creditable service resulting from service in one

1 or more of the following positions:

2 (1) State policeman;

3 (2) fire fighter in the fire protection service of a
4 department;

5 (3) air pilot;

6 (4) special agent;

7 (5) investigator for the Secretary of State;

8 (6) conservation police officer;

9 (7) investigator for the Department of Revenue or the
10 Illinois Gaming Board;

11 (8) security employee of the Department of Human
12 Services;

13 (9) Central Management Services security police
14 officer;

15 (10) security employee of the Department of
16 Corrections or the Department of Juvenile Justice;

17 (11) dangerous drugs investigator;

18 (12) investigator for the Department of State Police;

19 (13) investigator for the Office of the Attorney
20 General;

21 (14) controlled substance inspector;

22 (15) investigator for the Office of the State's
23 Attorneys Appellate Prosecutor;

24 (16) Commerce Commission police officer;

25 (17) arson investigator;

26 (18) State highway maintenance worker.

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

11 (c) For the purposes of this Section:

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

15 (2) The term "fire fighter in the fire protection
16 service of a department" includes all officers in such fire
17 protection service including fire chiefs and assistant
18 fire chiefs.

19 (3) The term "air pilot" includes any employee whose
20 official job description on file in the Department of
21 Central Management Services, or in the department by which
22 he is employed if that department is not covered by the
23 Personnel Code, states that his principal duty is the
24 operation of aircraft, and who possesses a pilot's license;
25 however, the change in this definition made by this
26 amendatory Act of 1983 shall not operate to exclude any

1 noncovered employee who was an "air pilot" for the purposes
2 of this Section on January 1, 1984.

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

15 (5) The term "investigator for the Secretary of State"
16 means any person employed by the Office of the Secretary of
17 State and vested with such investigative duties as render
18 him ineligible for coverage under the Social Security Act
19 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
20 218(1)(1) of that Act.

21 A person who became employed as an investigator for the
22 Secretary of State between January 1, 1967 and December 31,
23 1975, and who has served as such until attainment of age
24 60, either continuously or with a single break in service
25 of not more than 3 years duration, which break terminated
26 before January 1, 1976, shall be entitled to have his

1 retirement annuity calculated in accordance with
2 subsection (a), notwithstanding that he has less than 20
3 years of credit for such service.

4 (6) The term "Conservation Police Officer" means any
5 person employed by the Division of Law Enforcement of the
6 Department of Natural Resources and vested with such law
7 enforcement duties as render him ineligible for coverage
8 under the Social Security Act by reason of Sections
9 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
10 term "Conservation Police Officer" includes the positions
11 of Chief Conservation Police Administrator and Assistant
12 Conservation Police Administrator.

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

19 The term "investigator for the Illinois Gaming Board"
20 means any person employed as such by the Illinois Gaming
21 Board and vested with such peace officer duties as render
22 the person ineligible for coverage under the Social
23 Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D), and 218(1)(1) of that Act.

25 (8) The term "security employee of the Department of
26 Human Services" means any person employed by the Department

1 of Human Services who (i) is employed at the Chester Mental
2 Health Center and has daily contact with the residents
3 thereof, (ii) is employed within a security unit at a
4 facility operated by the Department and has daily contact
5 with the residents of the security unit, (iii) is employed
6 at a facility operated by the Department that includes a
7 security unit and is regularly scheduled to work at least
8 50% of his or her working hours within that security unit,
9 or (iv) is a mental health police officer. "Mental health
10 police officer" means any person employed by the Department
11 of Human Services in a position pertaining to the
12 Department's mental health and developmental disabilities
13 functions who is vested with such law enforcement duties as
14 render the person ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
17 means that portion of a facility that is devoted to the
18 care, containment, and treatment of persons committed to
19 the Department of Human Services as sexually violent
20 persons, persons unfit to stand trial, or persons not
21 guilty by reason of insanity. With respect to past
22 employment, references to the Department of Human Services
23 include its predecessor, the Department of Mental Health
24 and Developmental Disabilities.

25 The changes made to this subdivision (c)(8) by Public
26 Act 92-14 apply to persons who retire on or after January

1 1, 2001, notwithstanding Section 1-103.1.

2 (9) "Central Management Services security police
3 officer" means any person employed by the Department of
4 Central Management Services who is vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

8 (10) For a member who first became an employee under
9 this Article before July 1, 2005, the term "security
10 employee of the Department of Corrections or the Department
11 of Juvenile Justice" means any employee of the Department
12 of Corrections or the Department of Juvenile Justice or the
13 former Department of Personnel, and any member or employee
14 of the Prisoner Review Board, who has daily contact with
15 inmates or youth by working within a correctional facility
16 or Juvenile facility operated by the Department of Juvenile
17 Justice or who is a parole officer or an employee who has
18 direct contact with committed persons in the performance of
19 his or her job duties. For a member who first becomes an
20 employee under this Article on or after July 1, 2005, the
21 term means an employee of the Department of Corrections or
22 the Department of Juvenile Justice who is any of the
23 following: (i) officially headquartered at a correctional
24 facility or Juvenile facility operated by the Department of
25 Juvenile Justice, (ii) a parole officer, (iii) a member of
26 the apprehension unit, (iv) a member of the intelligence

1 unit, (v) a member of the sort team, or (vi) an
2 investigator.

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

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

13 (13) "Investigator for the Office of the Attorney
14 General" means any person who is employed as such by the
15 Office of the Attorney General and is vested with such
16 investigative duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
19 the period before January 1, 1989, the term includes all
20 persons who were employed as investigators by the Office of
21 the Attorney General, without regard to social security
22 status.

23 (14) "Controlled substance inspector" means any person
24 who is employed as such by the Department of Professional
25 Regulation and is vested with such law enforcement duties
26 as render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act. The term
3 "controlled substance inspector" includes the Program
4 Executive of Enforcement and the Assistant Program
5 Executive of Enforcement.

6 (15) The term "investigator for the Office of the
7 State's Attorneys Appellate Prosecutor" means a person
8 employed in that capacity on a full time basis under the
9 authority of Section 7.06 of the State's Attorneys
10 Appellate Prosecutor's Act.

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

17 (17) "Arson investigator" means any person who is
18 employed as such by the Office of the State Fire Marshal
19 and is vested with such law enforcement duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
23 employed as an arson investigator on January 1, 1995 and is
24 no longer in service but not yet receiving a retirement
25 annuity may convert his or her creditable service for
26 employment as an arson investigator into eligible

1 creditable service by paying to the System the difference
2 between the employee contributions actually paid for that
3 service and the amounts that would have been contributed if
4 the applicant were contributing at the rate applicable to
5 persons with the same social security status earning
6 eligible creditable service on the date of application.

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

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

19 (ii) A person employed on a full-time basis by the
20 Illinois State Toll Highway Authority in the position
21 of equipment operator/laborer H-4, equipment
22 operator/laborer H-6, welder H-4, welder H-6,
23 mechanical/electrical H-4, mechanical/electrical H-6,
24 water/sewer H-4, water/sewer H-6, sign maker/hanger
25 H-4, sign maker/hanger H-6, roadway lighting H-4,
26 roadway lighting H-6, structural H-4, structural H-6,

1 painter H-4, or painter H-6; and whose principal
2 responsibility is to perform, on the roadway, the
3 actual maintenance necessary to keep the Authority's
4 tollways in serviceable condition for vehicular
5 traffic.

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

13 (i) 25 years of eligible creditable service and age 55;

14 or

15 (ii) beginning January 1, 1987, 25 years of eligible
16 creditable service and age 54, or 24 years of eligible
17 creditable service and age 55; or

18 (iii) beginning January 1, 1988, 25 years of eligible
19 creditable service and age 53, or 23 years of eligible
20 creditable service and age 55; or

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

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

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

4 Persons who have service credit under Article 16 of this
5 Code for service as a security employee of the Department of
6 Corrections or the Department of Juvenile Justice, or the
7 Department of Human Services in a position requiring
8 certification as a teacher may count such service toward
9 establishing their eligibility under the service requirements
10 of this Section; but such service may be used only for
11 establishing such eligibility, and not for the purpose of
12 increasing or calculating any benefit.

13 (e) If a member enters military service while working in a
14 position in which eligible creditable service may be earned,
15 and returns to State service in the same or another such
16 position, and fulfills in all other respects the conditions
17 prescribed in this Article for credit for military service,
18 such military service shall be credited as eligible creditable
19 service for the purposes of the retirement annuity prescribed
20 in this Section.

21 (f) For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before October 1, 1975 as a covered employee in the
24 position of special agent, conservation police officer, mental
25 health police officer, or investigator for the Secretary of
26 State, shall be deemed to have been service as a noncovered

1 employee, provided that the employee pays to the System prior
2 to retirement an amount equal to (1) the difference between the
3 employee contributions that would have been required for such
4 service as a noncovered employee, and the amount of employee
5 contributions actually paid, plus (2) if payment is made after
6 July 31, 1987, regular interest on the amount specified in item
7 (1) from the date of service to the date of payment.

8 For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before January 1, 1982 as a covered employee in the
11 position of investigator for the Department of Revenue shall be
12 deemed to have been service as a noncovered employee, provided
13 that the employee pays to the System prior to retirement an
14 amount equal to (1) the difference between the employee
15 contributions that would have been required for such service as
16 a noncovered employee, and the amount of employee contributions
17 actually paid, plus (2) if payment is made after January 1,
18 1990, regular interest on the amount specified in item (1) from
19 the date of service to the date of payment.

20 (g) A State policeman may elect, not later than January 1,
21 1990, to establish eligible creditable service for up to 10
22 years of his service as a policeman under Article 3, by filing
23 a written election with the Board, accompanied by payment of an
24 amount to be determined by the Board, equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Section 3-110.5,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate for
4 each year, compounded annually, from the date of service to the
5 date of payment.

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

19 (h) Subject to the limitation in subsection (i), a State
20 policeman or investigator for the Secretary of State may elect
21 to establish eligible creditable service for up to 12 years of
22 his service as a policeman under Article 5, by filing a written
23 election with the Board on or before January 31, 1992, and
24 paying to the System by January 31, 1994 an amount to be
25 determined by the Board, equal to (i) the difference between
26 the amount of employee and employer contributions transferred

1 to the System under Section 5-236, and the amounts that would
2 have been contributed had such contributions been made at the
3 rates applicable to State policemen, plus (ii) interest thereon
4 at the effective rate for each year, compounded annually, from
5 the date of service to the date of payment.

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

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

23 (j) Subject to the limitation in subsection (i), an
24 investigator for the Office of the State's Attorneys Appellate
25 Prosecutor or a controlled substance inspector may elect to
26 establish eligible creditable service for up to 10 years of his

1 service as a policeman under Article 3 or a sheriff's law
2 enforcement employee under Article 7, by filing a written
3 election with the Board, accompanied by payment of an amount to
4 be determined by the Board, equal to (1) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 3-110.6 or 7-139.8, and the amounts
7 that would have been contributed had such contributions been
8 made at the rates applicable to State policemen, plus (2)
9 interest thereon at the effective rate for each year,
10 compounded annually, from the date of service to the date of
11 payment.

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

1 alternative formula employees, plus (2) an amount determined by
2 the Board to be the employer's normal cost of the benefits
3 accrued for the credit being established, plus (3) regular
4 interest on the amounts in items (1) and (2) from the first day
5 as an alternative formula employee after the employment for
6 which credit is being established to the date of payment.

7 (1) Subject to the limitation in subsection (i), a security
8 employee of the Department of Corrections may elect, not later
9 than July 1, 1998, to establish eligible creditable service for
10 up to 10 years of his or her service as a policeman under
11 Article 3, by filing a written election with the Board,
12 accompanied by payment of an amount to be determined by the
13 Board, equal to (i) the difference between the amount of
14 employee and employer contributions transferred to the System
15 under Section 3-110.5, and the amounts that would have been
16 contributed had such contributions been made at the rates
17 applicable to security employees of the Department of
18 Corrections, plus (ii) interest thereon at the effective rate
19 for each year, compounded annually, from the date of service to
20 the date of payment.

21 (m) The amendatory changes to this Section made by this
22 amendatory Act of the 94th General Assembly apply only to: (1)
23 security employees of the Department of Juvenile Justice
24 employed by the Department of Corrections before the effective
25 date of this amendatory Act of the 94th General Assembly and
26 transferred to the Department of Juvenile Justice by this

1 amendatory Act of the 94th General Assembly; and (2) persons
2 employed by the Department of Juvenile Justice on or after the
3 effective date of this amendatory Act of the 94th General
4 Assembly who are required by subsection (b) of Section 3-2.5-15
5 of the Unified Code of Corrections to have a bachelor's or
6 advanced degree from an accredited college or university with a
7 specialization in criminal justice, education, psychology,
8 social work, or a closely related social science or, in the
9 case of persons who provide vocational training, who are
10 required to have adequate knowledge in the skill for which they
11 are providing the vocational training.

12 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

13 (40 ILCS 5/14-152.1)

14 Sec. 14-152.1. Application and expiration of new benefit
15 increases.

16 (a) As used in this Section, "new benefit increase" means
17 an increase in the amount of any benefit provided under this
18 Article, or an expansion of the conditions of eligibility for
19 any benefit under this Article, that results from an amendment
20 to this Code that takes effect after June 1, 2005 (the
21 effective date of Public Act 94-4) ~~this amendatory Act of the~~
22 ~~94th General Assembly~~. "New benefit increase", however, does
23 not include any benefit increase resulting from the changes
24 made to this Article by this amendatory Act of the 95th General
25 Assembly.

1 (b) Notwithstanding any other provision of this Code or any
2 subsequent amendment to this Code, every new benefit increase
3 is subject to this Section and shall be deemed to be granted
4 only in conformance with and contingent upon compliance with
5 the provisions of this Section.

6 (c) The Public Act enacting a new benefit increase must
7 identify and provide for payment to the System of additional
8 funding at least sufficient to fund the resulting annual
9 increase in cost to the System as it accrues.

10 Every new benefit increase is contingent upon the General
11 Assembly providing the additional funding required under this
12 subsection. The Commission on Government Forecasting and
13 Accountability shall analyze whether adequate additional
14 funding has been provided for the new benefit increase and
15 shall report its analysis to the Public Pension Division of the
16 Department of Financial and Professional Regulation. A new
17 benefit increase created by a Public Act that does not include
18 the additional funding required under this subsection is null
19 and void. If the Public Pension Division determines that the
20 additional funding provided for a new benefit increase under
21 this subsection is or has become inadequate, it may so certify
22 to the Governor and the State Comptroller and, in the absence
23 of corrective action by the General Assembly, the new benefit
24 increase shall expire at the end of the fiscal year in which
25 the certification is made.

26 (d) Every new benefit increase shall expire 5 years after

1 its effective date or on such earlier date as may be specified
2 in the language enacting the new benefit increase or provided
3 under subsection (c). This does not prevent the General
4 Assembly from extending or re-creating a new benefit increase
5 by law.

6 (e) Except as otherwise provided in the language creating
7 the new benefit increase, a new benefit increase that expires
8 under this Section continues to apply to persons who applied
9 and qualified for the affected benefit while the new benefit
10 increase was in effect and to the affected beneficiaries and
11 alternate payees of such persons, but does not apply to any
12 other person, including without limitation a person who
13 continues in service after the expiration date and did not
14 apply and qualify for the affected benefit while the new
15 benefit increase was in effect.

16 (Source: P.A. 94-4, eff. 6-1-05.)

17 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

18 Sec. 18-127. Retirement annuity - suspension on
19 reemployment.

20 (a) A participant receiving a retirement annuity who is
21 regularly employed for compensation by an employer other than a
22 county, in any capacity, shall have his or her retirement
23 annuity payments suspended during such employment. Upon
24 termination of such employment, retirement annuity payments at
25 the previous rate shall be resumed.

1 If such a participant resumes service as a judge, he or she
2 shall receive credit for any additional service. Upon
3 subsequent retirement, his or her retirement annuity shall be
4 the amount previously granted, plus the amount earned by the
5 additional judicial service under the provisions in effect
6 during the period of such additional service. However, if the
7 participant was receiving the maximum rate of annuity at the
8 time of re-employment, he or she may elect, in a written
9 direction filed with the board, not to receive any additional
10 service credit during the period of re-employment. In such
11 case, contributions shall not be required during the period of
12 re-employment. Any such election shall be irrevocable.

13 (b) Beginning January 1, 1991, any participant receiving a
14 retirement annuity who accepts temporary employment from an
15 employer other than a county for a period not exceeding 75
16 working days in any calendar year shall not be deemed to be
17 regularly employed for compensation or to have resumed service
18 as a judge for the purposes of this Article. A day shall be
19 considered a working day if the annuitant performs on it any of
20 his duties under the temporary employment agreement.

21 (c) Except as provided in subsection (a), beginning January
22 1, 1993, retirement annuities shall not be subject to
23 suspension upon resumption of employment for an employer, and
24 any retirement annuity that is then so suspended shall be
25 reinstated on that date.

26 (d) The changes made in this Section by this amendatory Act

1 of 1993 shall apply to judges no longer in service on its
2 effective date, as well as to judges serving on or after that
3 date.

4 (e) A participant receiving a retirement annuity under this
5 Article who (i) serves as a part-time employee in any of the
6 following positions: Legislative Inspector General, Special
7 Legislative Inspector General, employee of the Office of the
8 Legislative Inspector General, Executive Director of the
9 Legislative Ethics Commission, or staff of the Legislative
10 Ethics Commission or (ii), on January 1, 2007, is serving on
11 the Illinois Gaming Board, but has not elected to participate
12 in the Article 14 System with respect to that service, shall
13 not be deemed to be regularly employed for compensation by an
14 employer other than a county, nor to have resumed service as a
15 judge, on the basis of that service, and the retirement annuity
16 payments and other benefits of that person under this Code
17 shall not be suspended, diminished, or otherwise impaired
18 solely as a consequence of that service. This subsection (e)
19 applies without regard to whether the person is in service as a
20 judge under this Article on or after the effective date of this
21 amendatory Act of the 93rd General Assembly. In this
22 subsection, a "part-time employee" is a person who is not
23 required to work at least 35 hours per week. The changes made
24 to this subsection (e) by this amendatory Act of the 95th
25 General Assembly apply without regard to whether the person is
26 in service as a judge under this Article on or after the

1 effective date of this amendatory Act of the 95th General
2 Assembly.

3 (f) A participant receiving a retirement annuity under this
4 Article who has made an election under Section 1-123 and who is
5 serving either as legal counsel in the Office of the Governor
6 or as Chief Deputy Attorney General shall not be deemed to be
7 regularly employed for compensation by an employer other than a
8 county, nor to have resumed service as a judge, on the basis of
9 that service, and the retirement annuity payments and other
10 benefits of that person under this Code shall not be suspended,
11 diminished, or otherwise impaired solely as a consequence of
12 that service. This subsection (f) applies without regard to
13 whether the person is in service as a judge under this Article
14 on or after the effective date of this amendatory Act of the
15 93rd General Assembly.

16 (Source: P.A. 93-685, eff. 7-8-04; 93-1069, eff. 1-15-05.)

17 (40 ILCS 5/18-169)

18 Sec. 18-169. Application and expiration of new benefit
19 increases.

20 (a) As used in this Section, "new benefit increase" means
21 an increase in the amount of any benefit provided under this
22 Article, or an expansion of the conditions of eligibility for
23 any benefit under this Article, that results from an amendment
24 to this Code that takes effect after June 1, 2005 (the
25 effective date Public Act 94-4) ~~of this amendatory Act of the~~

1 ~~94th General Assembly.~~ "New benefit increase", however, does
2 not include any benefit increase resulting from the changes
3 made to this Article by this amendatory Act of the 95th General
4 Assembly.

5 (b) Notwithstanding any other provision of this Code or any
6 subsequent amendment to this Code, every new benefit increase
7 is subject to this Section and shall be deemed to be granted
8 only in conformance with and contingent upon compliance with
9 the provisions of this Section.

10 (c) The Public Act enacting a new benefit increase must
11 identify and provide for payment to the System of additional
12 funding at least sufficient to fund the resulting annual
13 increase in cost to the System as it accrues.

14 Every new benefit increase is contingent upon the General
15 Assembly providing the additional funding required under this
16 subsection. The Commission on Government Forecasting and
17 Accountability shall analyze whether adequate additional
18 funding has been provided for the new benefit increase and
19 shall report its analysis to the Public Pension Division of the
20 Department of Financial and Professional Regulation. A new
21 benefit increase created by a Public Act that does not include
22 the additional funding required under this subsection is null
23 and void. If the Public Pension Division determines that the
24 additional funding provided for a new benefit increase under
25 this subsection is or has become inadequate, it may so certify
26 to the Governor and the State Comptroller and, in the absence

1 of corrective action by the General Assembly, the new benefit
2 increase shall expire at the end of the fiscal year in which
3 the certification is made.

4 (d) Every new benefit increase shall expire 5 years after
5 its effective date or on such earlier date as may be specified
6 in the language enacting the new benefit increase or provided
7 under subsection (c). This does not prevent the General
8 Assembly from extending or re-creating a new benefit increase
9 by law.

10 (e) Except as otherwise provided in the language creating
11 the new benefit increase, a new benefit increase that expires
12 under this Section continues to apply to persons who applied
13 and qualified for the affected benefit while the new benefit
14 increase was in effect and to the affected beneficiaries and
15 alternate payees of such persons, but does not apply to any
16 other person, including without limitation a person who
17 continues in service after the expiration date and did not
18 apply and qualify for the affected benefit while the new
19 benefit increase was in effect.

20 (Source: P.A. 94-4, eff. 6-1-05.); and

21 on page 147, line 7, after "5,", by inserting "5.1,"; and

22 on page 147, line 9, after "5.2", by inserting ", 5.3, and
23 18.5"; and

1 on page 151, by replacing line 10 with the following:

2 ~~"(j) "Department" means the Department of Revenue.";~~ and

3 on page 152, lines 3 and 4, by replacing "within the Department
4 of Revenue an" with "the ~~within the Department of Revenue an~~";
5 and

6 on page 152, line 4, by replacing "Board" with "Board_L"; and

7 by replacing line 18 on page 153 through line 7 on page 154
8 with the following:

9 "(5) No person shall be appointed a member of the Board or
10 continue to be a member of the Board who is, or whose spouse,
11 child or parent is, a member of the board of directors of, or a
12 person financially interested in, any gambling operation or any
13 business entity in any way involved in any gambling operation
14 subject to the jurisdiction of this Board, or any race track,
15 race meeting, racing association or the operations thereof
16 subject to the jurisdiction of the Illinois Racing Board. No
17 Board member shall hold any other public office ~~for which he~~
18 ~~shall receive compensation other than necessary travel or other~~
19 ~~incidental expenses~~. No person shall be a member of the Board
20 who is not of good moral character or who has been convicted
21 of, or is under indictment for, a felony under the laws of
22 Illinois or any other state, or the United States.

23 (5.5) No member of the Board shall engage in any political

1 activity. For the purposes of this Section, "political" means
2 any activity in support of or in connection with any campaign
3 for federal, State, or local elective office or any political
4 organization, but does not include activities (i) relating to
5 the support or opposition of any executive, legislative, or
6 administrative action (as those terms are defined in Section 2
7 of the Lobbyist Registration Act), (ii) relating to collective
8 bargaining, or (iii) that are otherwise in furtherance of the
9 person's official State duties or governmental and public
10 service functions.

11 (6) Any member of the Board may be removed by the Governor
12 for neglect of duty, misfeasance, malfeasance, or nonfeasance
13 in office or for engaging in any political activity."; and

14 on page 155, by replacing lines 1 through 3 with the following:

15 "(8) The ~~Upon the request of the Board, the Department~~
16 shall employ such personnel as may be necessary to carry out
17 its the functions and shall determine the salaries of all
18 personnel, except those personnel whose salaries are
19 determined under the terms of a collective bargaining agreement
20 ~~of the Board.~~ No person shall be employed to serve"; and

21 on page 155, by replacing lines 12 and 13 with the following:

22 "shall be determined by the Board ~~and approved by the Director~~
23 ~~of the Department~~ and, in addition, he shall be reimbursed
24 for"; and

1 on page 159, by replacing lines 3 through 8 with the following:

2 "(11) (Blank); ~~and~~

3 (12) (Blank); and ~~To assume responsibility for the~~
4 ~~administration and enforcement of the Bingo License and Tax~~
5 ~~Act, the Charitable Games Act, and the Pull Tabs and Jar~~
6 ~~Games Act if such responsibility is delegated to it by the~~
7 ~~Director of Revenue.~~

8 (13) To adopt, by rule, a code of conduct governing
9 Board members and employees that ensure, to the maximum
10 extent possible, that persons subject to this Code avoid
11 situations, relationships, or associations that may
12 represent or lead to a conflict of interest."; and

13 on page 164, immediately below line 19, by inserting the
14 following:

15 "(20.5) To approve any contract entered into on its
16 behalf.

17 (20.6) To appoint investigators to conduct
18 investigations, searches, seizures, arrests, and other
19 duties imposed under this Act, as deemed necessary by the
20 Board. These investigators have and may exercise all of the
21 rights and powers of peace officers, provided that these
22 powers shall be limited to offenses or violations occurring
23 or committed on a riverboat or dock, as defined in
24 subsections (d) and (f) of Section 4, or as otherwise

1 provided by this Act or any other law.

2 (20.7) To contract with the Department of State Police
3 for the use of trained and qualified State police officers
4 and with the Department of Revenue for the use of trained
5 and qualified Department of Revenue investigators to
6 conduct investigations, searches, seizures, arrests, and
7 other duties imposed under this Act and to exercise all of
8 the rights and powers of peace officers, provided that the
9 powers of Department of Revenue investigators under this
10 subdivision (20.7) shall be limited to offenses or
11 violations occurring or committed on a riverboat or dock,
12 as defined in subsections (d) and (f) of Section 4, or as
13 otherwise provided by this Act or any other law. In the
14 event the Department of State Police or the Department of
15 Revenue is unable to fill contracted police or
16 investigative positions, the Board may appoint
17 investigators to fill those positions pursuant to
18 subdivision (20.6)."; and

19 on page 165, immediately below line 12, by inserting the
20 following:

21 "(230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)
22 Sec. 5.1. Disclosure of records.

23 (a) Notwithstanding any applicable statutory provision to
24 the contrary, the Board shall, on written request from any

1 person, provide information furnished by an applicant or
2 licensee concerning the applicant or licensee, his products,
3 services or gambling enterprises and his business holdings, as
4 follows:

5 (1) The name, business address and business telephone
6 number of any applicant or licensee.

7 (2) An identification of any applicant or licensee
8 including, if an applicant or licensee is not an
9 individual, the state of incorporation or registration,
10 the corporate officers, and the identity of all
11 shareholders or participants. If an applicant or licensee
12 has a pending registration statement filed with the
13 Securities and Exchange Commission, only the names of those
14 persons or entities holding interest of 5% or more must be
15 provided.

16 (3) An identification of any business, including, if
17 applicable, the state of incorporation or registration, in
18 which an applicant or licensee or an applicant's or
19 licensee's spouse or children has an equity interest of
20 more than 1% ~~5%~~. If an applicant or licensee is a
21 corporation, partnership or other business entity, the
22 applicant or licensee shall identify any other
23 corporation, partnership or business entity in which it has
24 an equity interest of 1% ~~5%~~ or more, including, if
25 applicable, the state of incorporation or registration.
26 This information need not be provided by a corporation,

1 partnership or other business entity that has a pending
2 registration statement filed with the Securities and
3 Exchange Commission.

4 (4) Whether an applicant or licensee has been indicted,
5 convicted, pleaded guilty or nolo contendere, or forfeited
6 bail concerning any criminal offense under the laws of any
7 jurisdiction, either felony or misdemeanor (except for
8 traffic violations), including the date, the name and
9 location of the court, arresting agency and prosecuting
10 agency, the case number, the offense, the disposition and
11 the location and length of incarceration.

12 (5) Whether an applicant or licensee has had any
13 license or certificate issued by a licensing authority in
14 Illinois or any other jurisdiction denied, restricted,
15 suspended, revoked or not renewed and a statement
16 describing the facts and circumstances concerning the
17 denial, restriction, suspension, revocation or
18 non-renewal, including the licensing authority, the date
19 each such action was taken, and the reason for each such
20 action.

21 (6) Whether an applicant or licensee has ever filed or
22 had filed against it a proceeding in bankruptcy or has ever
23 been involved in any formal process to adjust, defer,
24 suspend or otherwise work out the payment of any debt
25 including the date of filing, the name and location of the
26 court, the case and number of the disposition.

1 (7) Whether an applicant or licensee has filed, or been
2 served with a complaint or other notice filed with any
3 public body, regarding the delinquency in the payment of,
4 or a dispute over the filings concerning the payment of,
5 any tax required under federal, State or local law,
6 including the amount, type of tax, the taxing agency and
7 time periods involved.

8 (8) A statement listing the names and titles of all
9 public officials or officers of any unit of government, and
10 relatives of said public officials or officers who,
11 directly or indirectly, own any financial interest in, have
12 any beneficial interest in, are the creditors of or hold
13 any debt instrument issued by, or hold or have any interest
14 in any contractual or service relationship with, an
15 applicant or licensee.

16 (9) Whether an applicant or licensee has made, directly
17 or indirectly, any political contribution, or any loans,
18 donations or other payments, to any candidate or office
19 holder, within 5 years from the date of filing the
20 application, including the amount and the method of
21 payment.

22 (10) The name and business telephone number of the
23 counsel representing an applicant or licensee in matters
24 before the Board.

25 (11) A description of any proposed or approved
26 riverboat gaming operation, including the type of boat,

1 home dock location, expected economic benefit to the
2 community, anticipated or actual number of employees, any
3 statement from an applicant or licensee regarding
4 compliance with federal and State affirmative action
5 guidelines, projected or actual admissions and projected
6 or actual adjusted gross gaming receipts.

7 (12) A description of the product or service to be
8 supplied by an applicant for a supplier's license.

9 (b) Notwithstanding any applicable statutory provision to
10 the contrary, the Board shall, on written request from any
11 person, also provide the following information:

12 (1) The amount of the wagering tax and admission tax
13 paid daily to the State of Illinois by the holder of an
14 owner's license.

15 (2) Whenever the Board finds an applicant for an
16 owner's license unsuitable for licensing, a copy of the
17 written letter outlining the reasons for the denial.

18 (3) Whenever the Board has refused to grant leave for
19 an applicant to withdraw his application, a copy of the
20 letter outlining the reasons for the refusal.

21 (c) Subject to the above provisions, the Board shall not
22 disclose any information which would be barred by:

23 (1) Section 7 of the Freedom of Information Act; or

24 (2) The statutes, rules, regulations or
25 intergovernmental agreements of any jurisdiction.

26 (d) The Board may assess fees for the copying of

1 information in accordance with Section 6 of the Freedom of
2 Information Act.

3 (Source: P.A. 87-826.)"; and

4 on page 165, immediately below line 19, by inserting the
5 following:

6 "(230 ILCS 10/5.3 new)

7 Sec. 5.3. Separation from Department of Revenue. On the
8 effective date of this amendatory Act of the 95th General
9 Assembly, all of the powers, duties, assets, liabilities,
10 employees, contracts, property, records, pending business, and
11 unexpended appropriations of the Department of Revenue related
12 to the administration and enforcement of this Act are
13 transferred to the Illinois Gaming Board.

14 The status and rights of the transferred employees, and the
15 rights of the State of Illinois and its agencies, under the
16 Personnel Code and applicable collective bargaining agreements
17 or under any pension, retirement, or annuity plan are not
18 affected (except as provided in Sections 14-110 and 18-127 of
19 the Illinois Pension Code) by that transfer or by any other
20 provision of this amendatory Act of the 95th General
21 Assembly."; and

22 on page 208, by replacing lines 8 through 13 with the
23 following:

1 "(c) Appropriations, as approved by the General Assembly,
2 may be made from the State Gaming Fund to the Board (i)
3 ~~Department of Revenue and the Department of State Police~~ for
4 the administration and enforcement of this Act, (ii) for
5 distribution to the Department of State Police and to the
6 Department of Revenue for the enforcement of this Act, and
7 (iii) or to the Department of Human Services for the
8 administration of programs to treat problem gambling."; and

9 on page 219, immediately below line 14, by inserting the
10 following:

11 "(230 ILCS 10/18.5 new)

12 Sec. 18.5. Political contributions prohibited. Neither a
13 candidate for public office nor his or her campaign committee
14 may solicit political contributions from any of the following:

15 (1) Any licensee or applicant for licensure under this
16 Act.

17 (2) Any director, officer, or employer of a licensee or
18 applicant for licensure under this Act.

19 (3) Any person or trustee entitled to receive more than
20 1% of distributable income of a licensee or an applicant
21 for licensure under this Act."