



Rep. Robert S. Molaro

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LRB095 17536 AMC 51602 a

1 AMENDMENT TO SENATE BILL 2520

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2520 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 3-110.8, 4-109.3, 5-168, 5-178, 7-139.11,  
6 8-163, 9-156, 9-158, 9-159, 10-103, 11-158, 14-110, by  
7 renumbering and changing Section 3-110.9 as added by Public Act  
8 95-530 and Section 7-139.12 as added by Public Act 95-530, and  
9 by adding Sections 5-214.2 and 10-109 as follows:

10 (40 ILCS 5/3-110.8)

11 Sec. 3-110.8. Transfer to IMRF.

12 (a) Until January 1, 2009 ~~2008~~, any active member of the  
13 Illinois Municipal Retirement Fund may apply to transfer up to  
14 ~~who has less than~~ 8 years of creditable service in a police  
15 pension fund under this Article, ~~may apply for transfer of his~~  
16 ~~or her creditable service accumulated in that fund to the~~

1 Illinois Municipal Retirement Fund. The creditable service  
2 shall be transferred upon payment by the police pension fund to  
3 the Illinois Municipal Retirement Fund of an amount equal to:

4 (1) the amounts accumulated to the credit of the  
5 applicant on the books of the fund on the date of transfer;  
6 and

7 (2) employer contributions in an amount equal to the  
8 amount determined under subparagraph (1); and

9 (3) any interest paid by the applicant in order to  
10 reinstate service.

11 Creditable service transferred to the Illinois Municipal  
12 Retirement Fund under this Section shall terminate on the date  
13 of the transfer. ~~Participation in this Fund shall terminate on~~  
14 ~~the date of transfer.~~

15 (b) Until January 1, 2009 ~~2008~~, any active member of the  
16 Illinois Municipal Retirement Fund ~~member under subsection (a)~~  
17 may reinstate all or any portion of his or her service that  
18 ~~which~~ was terminated by receipt of a refund, by payment to the  
19 police pension fund of the amount of the refund with interest  
20 thereon at the actuarially assumed rate ~~of 6% per year,~~  
21 compounded annually, from the date of refund to the date of  
22 payment.

23 (Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

24 (40 ILCS 5/3-110.10)

25 Sec. 3-110.10 ~~3-110.9~~. Transfer from Article 7. Until

1 January 1, 2009 ~~2008~~, a person may transfer to a fund  
2 established under this Article up to 8 years of creditable  
3 service accumulated under Article 7 of this Code upon payment  
4 to the fund of an amount to be determined by the board, equal  
5 to (i) the difference between the amount of employee and  
6 employer contributions transferred to the fund under Section  
7 7-139.11 and the amounts that would have been contributed had  
8 such contributions been made at the rates applicable to an  
9 employee under this Article, plus (ii) interest thereon at the  
10 actuarially assumed ~~effective~~ rate ~~for each year~~, compounded  
11 annually, from the date of service to the date of payment.

12 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

13 (40 ILCS 5/4-109.3)

14 Sec. 4-109.3. Employee creditable service.

15 (a) As used in this Section:

16 "Final monthly salary" means the monthly salary attached to  
17 the rank held by the firefighter at the time of his or her last  
18 withdrawal from service under a particular pension fund.

19 "Last pension fund" means the pension fund in which the  
20 firefighter was participating at the time of his or her last  
21 withdrawal from service.

22 (b) The benefits provided under this Section are available  
23 only to a firefighter who:

24 (1) is a firefighter at the time of withdrawal from the  
25 last pension fund and for at least the final 3 years of

1 employment prior to that withdrawal;

2 (2) has established service credit with at least one  
3 pension fund established under this Article other than the  
4 last pension fund;

5 (3) has a total of at least 20 years of service under  
6 the various pension funds established under this Article  
7 and has attained age 50; and

8 (4) is in service on or after the effective date of  
9 this amendatory Act of the 93rd General Assembly.

10 (c) A firefighter who is eligible for benefits under this  
11 Section may elect to receive a retirement pension from each  
12 pension fund under this Article in which the firefighter has at  
13 least one year of service credit but has not received a refund  
14 under Section 4-116 (unless the firefighter repays that refund  
15 under subsection (g)) or subsection (c) of Section 4-118.1, by  
16 applying in writing and paying the contribution required under  
17 subsection (i).

18 (d) From each such pension fund other than the last pension  
19 fund, in lieu of any retirement pension otherwise payable under  
20 this Article, a firefighter to whom this Section applies may  
21 elect to receive a monthly pension of 1/12th of 2.5% of his or  
22 her final monthly salary under that fund for each month of  
23 service in that fund, subject to a maximum of 75% of that final  
24 monthly salary.

25 (e) From the last pension fund, in lieu of any retirement  
26 pension otherwise payable under this Article, a firefighter to

1 whom this Section applies may elect to receive a monthly  
2 pension calculated as follows:

3       The last pension fund shall calculate the retirement  
4 pension that would be payable to the firefighter under  
5 subsection (a) of Section 4-109 as if he or she had  
6 participated in that last pension fund during his or her entire  
7 period of service under all pension funds established under  
8 this Article (excluding any period of service for which the  
9 firefighter has received a refund under Section 4-116, unless  
10 the firefighter repays that refund under subsection (g), or for  
11 which the firefighter has received a refund under subsection  
12 (c) of Section 4-118.1). From this hypothetical pension there  
13 shall be subtracted the original amounts of the retirement  
14 pensions payable to the firefighter by all other pension funds  
15 under subsection (d). The remainder is the retirement pension  
16 payable to the firefighter by the last pension fund under this  
17 subsection (e).

18       (f) Pensions elected under this Section shall be subject to  
19 increases as provided in subsection (d) of Section 4-109.1.

20       (g) A current firefighter may reinstate creditable service  
21 in a pension fund established under this Article that was  
22 terminated upon receipt of a refund, by payment to that pension  
23 fund of the amount of the refund together with interest thereon  
24 at the rate of 6% per year, compounded annually, from the date  
25 of the refund to the date of payment. A repayment of a refund  
26 under this Section may be made in equal installments over a

1 period of up to 10 years, but must be paid in full prior to  
2 retirement.

3 (h) As a condition of being eligible for the benefits  
4 provided in this Section, a person who is hired to a position  
5 as a firefighter on or after July 1, 2004 must, within 21  
6 months after being hired, notify the new employer, all of his  
7 or her previous employers under this Article, and the Public  
8 Pension Division of the Division of Insurance of the Department  
9 of Financial and Professional Regulation of his or her intent  
10 to receive the benefits provided under this Section.

11 (i) In order to receive a pension under this Section or an  
12 occupational disease disability pension for which he or she  
13 becomes eligible due to the application of subsection (m) of  
14 this Section, a firefighter must pay to each pension fund from  
15 which he or she has elected to receive a pension under this  
16 Section a contribution equal to 1% of monthly salary for each  
17 month of service credit that the firefighter has in that fund  
18 (other than service credit for which the firefighter has  
19 already paid the additional contribution required under  
20 subsection (c) of Section 4-118.1), together with interest  
21 thereon at the rate of 6% per annum, compounded annually, from  
22 the firefighter's first day of employment with that fund or the  
23 first day of the fiscal year of that fund that immediately  
24 precedes the firefighter's first day of employment with that  
25 fund, whichever is earlier.

26 In order for a firefighter who, as of the effective date of

1 this amendatory Act of the 93rd General Assembly, has not begun  
2 to receive a pension under this Section or an occupational  
3 disease disability pension under subsection (m) of this Section  
4 and who has contributed 1/12th of 1% of monthly salary for each  
5 month of service credit that the firefighter has in that fund  
6 (other than service credit for which the firefighter has  
7 already paid the additional contribution required under  
8 subsection (c) of Section 4-118.1), together with the required  
9 interest thereon, to receive a pension under this Section or an  
10 occupational disease disability pension for which he or she  
11 becomes eligible due to the application of subsection (m) of  
12 this Section, the firefighter must, within one year after the  
13 effective date of this amendatory Act of the 93rd General  
14 Assembly, make an additional contribution equal to 11/12ths of  
15 1% of monthly salary for each month of service credit that the  
16 firefighter has in that fund (other than service credit for  
17 which the firefighter has already paid the additional  
18 contribution required under subsection (c) of Section  
19 4-118.1), together with interest thereon at the rate of 6% per  
20 annum, compounded annually, from the firefighter's first day of  
21 employment with that fund or the first day of the fiscal year  
22 of that fund that immediately precedes the firefighter's first  
23 day of employment with the fund, whichever is earlier. A  
24 firefighter who, as of the effective date of this amendatory  
25 Act of the 93rd General Assembly, has not begun to receive a  
26 pension under this Section or an occupational disease

1 disability pension under subsection (m) of this Section and who  
2 has contributed 1/12th of 1% of monthly salary for each month  
3 of service credit that the firefighter has in that fund (other  
4 than service credit for which the firefighter has already paid  
5 the additional contribution required under subsection (c) of  
6 Section 4-118.1), together with the required interest thereon,  
7 in order to receive a pension under this Section or an  
8 occupational disease disability pension under subsection (m)  
9 of this Section, may elect, within one year after the effective  
10 date of this amendatory Act of the 93rd General Assembly to  
11 forfeit the benefits provided under this Section and receive a  
12 refund of that contribution.

13 (j) A retired firefighter who is receiving pension payments  
14 under Section 4-109 may reenter active service under this  
15 Article. Subject to the provisions of Section 4-117, the  
16 firefighter may receive credit for service performed after the  
17 reentry if the firefighter (1) applies to receive credit for  
18 that service, (2) suspends his or her pensions under this  
19 Section, and (3) makes the contributions required under  
20 subsection (i).

21 (k) A firefighter who is newly hired or promoted to a  
22 position as a firefighter shall not be denied participation in  
23 a fund under this Article based on his or her age.

24 (l) If a firefighter who elects to make contributions under  
25 subsection (c) of Section 4-118.1 for the pension benefits  
26 provided under this Section becomes entitled to a disability



1 pension under Section 4-110, the last pension fund is  
2 responsible to pay that disability pension and the amount of  
3 that disability pension shall be based only on the  
4 firefighter's service with the last pension fund.

5 (m) Notwithstanding any provision in Section 4-110.1 to the  
6 contrary, if a firefighter who elects to make contributions  
7 under subsection (c) of Section 4-118.1 for the pension  
8 benefits provided under this Section becomes entitled to an  
9 occupational disease disability pension under Section 4-110.1,  
10 each pension fund to which the firefighter has made  
11 contributions under subsection (c) of Section 4-118.1 must pay  
12 a portion of that occupational disease disability pension equal  
13 to the proportion that the firefighter's service credit with  
14 that pension fund for which the contributions under subsection  
15 (c) of Section 4-118.1 have been made bears to the  
16 firefighter's total service credit with all of the pension  
17 funds for which the contributions under subsection (c) of  
18 Section 4-118.1 have been made. A firefighter who has made  
19 contributions under subsection (c) of Section 4-118.1 for at  
20 least 5 years of creditable service shall be deemed to have met  
21 the 5-year creditable service requirement under Section  
22 4-110.1, regardless of whether the firefighter has 5 years of  
23 creditable service with the last pension fund.

24 (n) If a firefighter who elects to make contributions under  
25 subsection (c) of Section 4-118.1 for the pension benefits  
26 provided under this Section becomes entitled to a disability

1 pension under Section 4-111, the last pension fund is  
2 responsible to pay that disability pension, provided that the  
3 firefighter has at least 7 years of creditable service with the  
4 last pension fund. In the event a firefighter began employment  
5 with a new employer as a result of an intergovernmental  
6 agreement that resulted in the elimination of the previous  
7 employer's fire department, the firefighter shall not be  
8 required to have 7 years of creditable service with the last  
9 pension fund to qualify for a disability pension under Section  
10 4-111. Under this circumstance, a firefighter shall be required  
11 to have 7 years of total combined creditable service time to  
12 qualify for a disability pension under Section 4-111. The  
13 disability pension received pursuant to this Section shall be  
14 paid by the previous employer and new employer in proportion to  
15 the firefighter's years of service with each employer.

16 (Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

17 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

18 Sec. 5-168. Financing.

19 (a) Except as expressly provided in this Section, the city  
20 shall levy a tax annually upon all taxable property therein for  
21 the purpose of providing revenue for the fund.

22 The tax shall be at a rate that will produce a sum which,  
23 when added to the amounts deducted from the policemen's  
24 salaries and the amounts deposited in accordance with  
25 subsection (g), is sufficient for the purposes of the fund.

1           For the years 1968 and 1969, the city council shall levy a  
2 tax annually at a rate on the dollar of the assessed valuation  
3 of all taxable property that will produce, when extended, not  
4 to exceed \$9,700,000. Beginning with the year 1970 and each  
5 year thereafter the city council shall levy a tax annually at a  
6 rate on the dollar of the assessed valuation of all taxable  
7 property that will produce when extended an amount not to  
8 exceed the total amount of contributions by the policemen to  
9 the Fund made in the calendar year 2 years before the year for  
10 which the applicable annual tax is levied, multiplied by 1.40  
11 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65  
12 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975  
13 through 1981; by 2.00 for 1982 and for each year thereafter.  
14 For the purposes of this subsection (a), contributions by the  
15 policeman to the Fund shall not include payments made by a  
16 policeman to establish credit under Section 5-214.2 of this  
17 Code.

18           (b) The tax shall be levied and collected in like manner  
19 with the general taxes of the city, and is in addition to all  
20 other taxes which the city is now or may hereafter be  
21 authorized to levy upon all taxable property therein, and is  
22 exclusive of and in addition to the amount of tax the city is  
23 now or may hereafter be authorized to levy for general purposes  
24 under any law which may limit the amount of tax which the city  
25 may levy for general purposes. The county clerk of the county  
26 in which the city is located, in reducing tax levies under

1 Section 8-3-1 of the Illinois Municipal Code, shall not  
2 consider the tax herein authorized as a part of the general tax  
3 levy for city purposes, and shall not include the tax in any  
4 limitation of the percent of the assessed valuation upon which  
5 taxes are required to be extended for the city.

6 (c) On or before January 10 of each year, the board shall  
7 notify the city council of the requirement that the tax herein  
8 authorized be levied by the city council for that current year.  
9 The board shall compute the amounts necessary for the purposes  
10 of this fund to be credited to the reserves established and  
11 maintained within the fund; shall make an annual determination  
12 of the amount of the required city contributions; and shall  
13 certify the results thereof to the city council.

14 As soon as any revenue derived from the tax is collected it  
15 shall be paid to the city treasurer of the city and shall be  
16 held by him for the benefit of the fund in accordance with this  
17 Article.

18 (d) If the funds available are insufficient during any year  
19 to meet the requirements of this Article, the city may issue  
20 tax anticipation warrants against the tax levy for the current  
21 fiscal year.

22 (e) The various sums, including interest, to be contributed  
23 by the city, shall be taken from the revenue derived from such  
24 tax or otherwise as expressly provided in this Section. Any  
25 moneys of the city derived from any source other than the tax  
26 herein authorized shall not be used for any purpose of the fund

1 nor the cost of administration thereof, unless applied to make  
2 the deposit expressly authorized in this Section or the  
3 additional city contributions required under subsection (h).

4 (f) If it is not possible or practicable for the city to  
5 make its contributions at the time that salary deductions are  
6 made, the city shall make such contributions as soon as  
7 possible thereafter, with interest thereon to the time it is  
8 made.

9 (g) In lieu of levying all or a portion of the tax required  
10 under this Section in any year, the city may deposit with the  
11 city treasurer no later than March 1 of that year for the  
12 benefit of the fund, to be held in accordance with this  
13 Article, an amount that, together with the taxes levied under  
14 this Section for that year, is not less than the amount of the  
15 city contributions for that year as certified by the board to  
16 the city council. The deposit may be derived from any source  
17 legally available for that purpose, including, but not limited  
18 to, the proceeds of city borrowings. The making of a deposit  
19 shall satisfy fully the requirements of this Section for that  
20 year to the extent of the amounts so deposited. Amounts  
21 deposited under this subsection may be used by the fund for any  
22 of the purposes for which the proceeds of the tax levied under  
23 this Section may be used, including the payment of any amount  
24 that is otherwise required by this Article to be paid from the  
25 proceeds of that tax.

26 (h) In addition to the contributions required under the

1 other provisions of this Article, by November 1 of the  
2 following specified years, the city shall deposit with the city  
3 treasurer for the benefit of the fund, to be held and used in  
4 accordance with this Article, the following specified amounts:  
5 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;  
6 \$5,040,000 in 2002; and \$4,620,000 in 2003.

7 The additional city contributions required under this  
8 subsection are intended to decrease the unfunded liability of  
9 the fund and shall not decrease the amount of the city  
10 contributions required under the other provisions of this  
11 Article. The additional city contributions made under this  
12 subsection may be used by the fund for any of its lawful  
13 purposes.

14 (Source: P.A. 93-654, eff. 1-16-04.)

15 (40 ILCS 5/5-178) (from Ch. 108 1/2, par. 5-178)

16 Sec. 5-178. Board created. A board of 8 members shall  
17 constitute a board of trustees authorized to administer the  
18 provisions of this Article. The board shall be known as the  
19 Retirement Board of the Policemen's Annuity and Benefit Fund of  
20 the city.

21 The board shall consist of 4 persons appointed by the mayor  
22 of the city; 3 policemen employed by the city, at least one of  
23 whom shall be a lieutenant or of a rank superior to lieutenant,  
24 one of whom shall be of the rank of sergeant, and one of whom  
25 shall be of the rank of investigator or a rank inferior to that

1 rank; and one annuitant of the fund, or a pensioner of any  
2 prior police pension fund in operation, by authority of law, in  
3 the city. Children less than age 18 shall not be eligible for  
4 board membership. The term of office for all members shall be 3  
5 years. For the election to be held in 2008 only, the terms for  
6 the member who is a lieutenant or of a rank superior to  
7 lieutenant and the member who is a sergeant shall be 3 years  
8 and the terms for the member who is an investigator or a rank  
9 inferior to that rank and the annuitant member shall be 4  
10 years. After the terms of the 2008 election are completed, the  
11 terms revert to 3-year terms for each elected trustee. Upon his  
12 election, the member holding the rank of investigator or a rank  
13 inferior to that rank shall be detailed by the Police  
14 Superintendent to the office of the board for the duration of  
15 his term as trustee.

16 The members of a retirement board holding office in a city  
17 at the time this Article becomes effective, including elected,  
18 appointed and ex-officio members, shall continue in office  
19 until the expiration of their respective terms or appointment  
20 and until their respective successors are elected or appointed,  
21 and qualified.

22 At least 30 days prior to the expiration of the term of  
23 office of each appointive member the mayor shall appoint a  
24 successor for a term of 3 years.

25 The board shall conduct a regular election at least 30 days  
26 prior to the expiration of the terms of the active policemen

1 members and annuitant or beneficiary members for election of a  
2 successor of each such member for a term of 3 years.

3 Any member of the board so appointed or elected shall  
4 continue in office until his successor is selected and has  
5 qualified.

6 Any person so appointed or elected shall qualify by taking  
7 an oath of office. A copy thereof shall be kept in the office  
8 of the city clerk of the city.

9 (Source: P.A. 86-273.)

10 (40 ILCS 5/5-214.2 new)

11 Sec. 5-214.2. Credit for certain law enforcement service.  
12 An active policeman who is a member of this Fund on or before  
13 the effective date of this Section may establish up to 10 years  
14 of additional service credit in 6-month increments for service  
15 in a law enforcement capacity under Articles 3, 7, 9, 10, 13,  
16 14, and 15 and Division 1 of Article 22 or as a law enforcement  
17 officer with the Chicago Housing Authority, provided that: (1)  
18 service credit is not available for that employment under any  
19 other provision of this Article; (2) any service credit for  
20 that employment received under any other provision of this Code  
21 or under the retirement plan of the Chicago Housing Authority  
22 has been terminated; and (3) the policeman applies for this  
23 credit in writing within one year after the effective date of  
24 this Section and pays to the Fund within 5 years after the date  
25 of application an amount to be determined by the Fund in



1 accordance with this Section.

2 An active policeman who becomes a member of this Fund after  
3 the effective date of this Section may establish up to 10 years  
4 of additional service credit in 6-month increments for service  
5 in a law enforcement capacity under Articles 3, 7, 9, 10, 13,  
6 14, and 15 and Division 1 of Article 22 or as a law enforcement  
7 officer with the Chicago Housing Authority, provided that: (1)  
8 service credit is not available for that employment under any  
9 other provision of this Article; (2) any service credit for  
10 that employment received under any other provision of this Code  
11 or under the retirement plan of the Chicago Housing Authority  
12 has been terminated; and (3) the policeman applies for this  
13 credit in writing within 2 years after he or she begins  
14 employment under this Article and pays to the Fund within 5  
15 years after the date of application an amount to be determined  
16 by the Fund in accordance with this Section.

17 The Fund must determine the policeman's payment required to  
18 establish creditable service under this Section by taking into  
19 account the appropriate actuarial assumptions, including  
20 without limitation the police officer's service, age, and  
21 salary history; the level of funding of the Fund; and any other  
22 factors that the Fund determines to be relevant. For this  
23 purpose, the policeman's required payment should result in no  
24 significant increase to the Fund's unfunded actuarial accrued  
25 liability determined as of the most recent actuarial valuation,  
26 based on the same assumptions and methods used to develop and

1 report the Fund's actuarial accrued liability and actuarial  
2 value of assets under Statement No. 25 of Governmental  
3 Accounting Standards Board or any subsequent applicable  
4 Statement.

5 (40 ILCS 5/7-139.11)

6 Sec. 7-139.11. Transfer to Article 3 pension fund.

7 (a) Until January 1, 2009 ~~2008~~, a person who has become an  
8 active participant in a police pension fund established under  
9 Article 3 of this Code may transfer ~~who has~~ less than 8 years  
10 of creditable service under this Article ~~and who has become an~~  
11 ~~active participant in a police pension fund established under~~  
12 ~~Article 3 of this Code may apply for transfer~~ to that Article 3  
13 fund ~~of his or her creditable service accumulated under this~~  
14 ~~Article~~. At the time of the transfer the Fund shall pay to the  
15 police pension fund an amount equal to:

16 (1) the amounts accumulated to the credit of the  
17 applicant under this Article, including interest; and

18 (2) the municipality credits based on that service,  
19 including interest; and

20 (3) any interest paid by the applicant in order to  
21 reinstate that service.

22 Participation in this Fund with respect to the transferred  
23 credits shall terminate on the date of transfer.

24 (b) An active member of a pension fund established under  
25 Article 3 of this Code may reinstate creditable service under

1 this Article that was terminated by receipt of a refund, by  
2 paying to the Fund the amount of the refund plus interest  
3 thereon at the actuarially assumed rate ~~of 6% per year~~,  
4 compounded annually, from the date of refund to the date of  
5 payment.

6 (Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

7 (40 ILCS 5/7-139.13)

8 Sec. 7-139.13 ~~7-139.12~~. Transfer from Article 3.  
9 Notwithstanding subdivision (a)10 of Section 7-139, from the  
10 effective date of this amendatory Act of the 95th General  
11 Assembly until ~~Until~~ January 1, 2009 ~~2008~~, a person may  
12 transfer to the Illinois Municipal Retirement System ~~Systems~~ up  
13 to 8 years of creditable service accumulated under Article 3 of  
14 this Code. To establish creditable service under this Section,  
15 a person may elect to do either of the following:

16 (A) Pay ~~upon payment~~ to the Fund ~~of~~ an amount to be  
17 determined by the board, equal to (i) the difference  
18 between the amount of employee and employer contributions  
19 transferred to the Fund under Section 3-110.8 and the  
20 amounts that would have been contributed had such  
21 contributions been made at the rates applicable to an  
22 employee under this Article, plus (ii) interest thereon at  
23 the actuarially assumed ~~effective~~ rate ~~for each year~~,  
24 compounded annually, from the date of service to the date  
25 of payment.

1           (B) Have the amount of his or her creditable service  
2           established under this Section reduced by an amount  
3           corresponding to the amount by which (i) the employer and  
4           employee contributions that would have been required if he  
5           had participated in this Fund during the period for which  
6           credit is being transferred, plus interest thereon at the  
7           actuarially assumed rate, compounded annually, from the  
8           date of termination of the service for which credit is  
9           being transferred to the date of payment, exceeds (ii) the  
10           amount actually transferred to the Fund.

11           (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

12           (40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)  
13           Sec. 8-163. When disability benefit not payable.

14           (a) If an employee receiving duty or ordinary disability  
15           benefit refuses to submit to examination by a physician  
16           appointed by the board, or fails or refuses to consent to and  
17           sign an authorization allowing the board to receive copies of  
18           or examine the employee's medical and hospital records, or  
19           fails or refuses to provide complete information regarding any  
20           other employment for compensation he has received since he has  
21           become disabled, he shall have no further right to receive the  
22           benefit.

23           (b) Disability benefit shall not be paid for any time for  
24           which the employee receives any part of his salary or is  
25           employed by any public body supported in whole or in part by

1 taxation.

2 (c) Before any action is taken by the Board on an  
3 application for a duty disability benefit or a widow's  
4 compensation or supplemental benefit, the employee or widow  
5 shall file a claim with the employer to establish that the  
6 disability or death occurred while the employee was acting  
7 within the scope of and in the course of his or her duties.

8 Any amounts provided to the employee or surviving spouse as  
9 temporary total disability payments, permanent disability  
10 payments, a lump sum settlement award, or other payment under  
11 the Workers' Compensation Act or the Workers' Occupational  
12 Diseases Act shall be applied as an offset to the disability  
13 benefit paid by the Fund, whether duty or ordinary, or any  
14 widow compensation or supplemental benefit payable under this  
15 Article until a period of time has elapsed when the benefit  
16 payable equals the amount of such compensation, payment, or  
17 award. The duty disability benefit shall be offset at the rate  
18 of the amount of temporary total disability payments or  
19 permanent disability payments made under the Workers'  
20 Compensation Act or the Workers' Occupational Diseases Act.

21 If such amounts are not readily determinable or if an  
22 employee has not received temporary total disability payments  
23 or permanent weekly or monthly payments for the entire period  
24 of disability up to the time of the compensation, payment, or  
25 award under the Workers' Compensation Act or the Workers'  
26 Occupational Diseases Act, the disability benefit paid by the

1 Fund shall be offset by 66 2/3% of the employee's salary on the  
2 date of disablement. The offset shall not be greater than the  
3 amount of disability benefits due from the Fund. The offset  
4 shall be applied until a period of time has elapsed when the  
5 benefit payable equals the amount of such compensation,  
6 payment, or award. This offset shall not apply to the initial  
7 days of disability when workers' compensation would not  
8 ordinarily be payable. ~~If an employee who shall be disabled or~~  
9 ~~his widow receives any compensation or payment from the city~~  
10 ~~for specific loss, disability or death under the Workers'~~  
11 ~~Compensation Act, or Workers' Occupational Diseases Act, the~~  
12 ~~disability benefit or compensation or supplemental annuity~~  
13 ~~payable as a result of such specific loss, disability or death~~  
14 ~~shall be reduced by any amount so received if such amount is~~  
15 ~~less than the benefit or annuity or, subject to adjustment when~~  
16 ~~final determination of the amount received can be made, the~~  
17 ~~amount estimated to be received under the provisions of the~~  
18 ~~Workers' Compensation Act or Workers' Occupational Diseases~~  
19 ~~Act. If the amount received as compensation payment or award~~  
20 ~~under the aforesaid Acts exceeds the disability benefit or~~  
21 ~~compensation or supplemental annuity payable as a result of~~  
22 ~~such specific loss, disability or death, no payment of~~  
23 ~~disability benefit or compensation or supplemental annuity~~  
24 ~~shall be made until a period of time has elapsed when the~~  
25 ~~benefit or compensation or supplemental annuity payable at the~~  
26 ~~rate herein stated equals the amount of such compensation,~~

1 ~~payment or award. In calculating any such period of time,~~  
2 ~~interest upon the amounts involved shall not be considered.~~

3 ~~(d) An employee who enters service after December 31, 1987,~~  
4 ~~or an employee who makes application for a disability benefit~~  
5 ~~or applies for a disability benefit for a recurrence of a~~  
6 ~~previous disability, and who, while in receipt of an ordinary~~  
7 ~~or duty disability benefit, assumes any employment for~~  
8 ~~compensation, shall not be entitled to receive any amount of~~  
9 ~~such disability benefit which, when added to his compensation~~  
10 ~~for such employment during disability, plus any amount payable~~  
11 ~~under the provisions of the Workers' Compensation Act or~~  
12 ~~Workers' Occupational Diseases Act, would exceed the rate of~~  
13 ~~salary on which his disability benefit is based.~~

14 (Source: P.A. 85-964.)

15 (40 ILCS 5/9-156) (from Ch. 108 1/2, par. 9-156)

16 Sec. 9-156. Duty disability benefit - Child's disability  
17 benefit. An employee who becomes disabled after the effective  
18 date while under age 65 and prior to January 1, 1979, or while  
19 under age 70 after January 1, 1979 and prior to January 1,  
20 1987, as the result of injury incurred - on or after the date  
21 he has been included under this Article - in the performance of  
22 an act or acts of duty shall have a right to receive duty  
23 disability benefit, during any period of such disability for  
24 which he receives no salary. Any employee who becomes disabled  
25 after January 1, 1987, as the result of injury incurred on or

1 after the date he has been included under the Article and in  
2 the performance of an act or acts of duty, shall have a right  
3 to receive a duty disability benefit during any period of such  
4 disability for which he receives no salary. The benefit shall  
5 be 75% of salary at date of injury; provided, that if  
6 disability, in any measure, has resulted from any physical  
7 defect or disease which existed at the time such injury was  
8 sustained, the duty disability benefit shall be 50% of salary  
9 at date of such injury.

10 The employee shall also have a right to receive child's  
11 disability benefit of \$10 a month on account of each child less  
12 than age 18. Child's disability benefits shall not exceed 15%  
13 of the salary as aforesaid.

14 These benefits shall not be allowed unless application  
15 therefor is made while the disability exists; except that this  
16 limitation does not apply if the board finds that there was  
17 reasonable cause for delay in filing the application while the  
18 disability existed. This amendatory Act of the 95th General  
19 Assembly is intended to be a restatement and clarification of  
20 existing law and does not imply that application for a duty  
21 disability benefit made after the disability had ceased,  
22 without a finding of reasonable cause, was previously allowed  
23 under this Article.

24 The first payment of duty disability or child's disability  
25 benefit shall be made not later than one month after such  
26 benefit is granted and each subsequent payment shall be made



1 not later than one month after the last preceding payment.

2 Duty disability benefit is payable during disability until  
3 the employee attains age 65 if the disability commences prior  
4 to January 1, 1979. If the disability commences on or after  
5 January 1, 1979, the benefit prescribed herein shall be payable  
6 during disability until the employee attains age 65 for  
7 disability commencing prior to age 60, or for a period of 5  
8 years or until attainment of age 70, whichever occurs first,  
9 for disability commencing at age 60 or older and on or after  
10 January 1, 1979 but prior to January 1, 1987. If the disability  
11 commences on or after January 1, 1987, the benefit prescribed  
12 herein shall be payable during disability for a period of 5  
13 years for disability commencing at age 60 or older. In either  
14 case, child's disability benefit shall be paid to the employee  
15 parent of any unmarried child less than age 18, during such  
16 time until the child marries or attains age 18. The employee  
17 shall thereafter receive such annuity as is otherwise provided  
18 under this Article.

19 Any employee whose duty disability benefit was terminated  
20 on or after January 1, 1987 by reason of his attainment of age  
21 70, and who continues to be disabled after age 70, may elect  
22 before March 31, 1988, to have such benefits resumed beginning  
23 at the time of such termination and continuing until  
24 termination is required under this Section as amended by this  
25 amendatory Act of 1987. The amount payable to any employee for  
26 such resumed benefit for any period shall be reduced by the

1 amount of any retirement annuity paid to such employee under  
2 this Article for the same period of time or by any refund paid  
3 in lieu of annuity.

4 (Source: P.A. 85-964.)

5 (40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

6 Sec. 9-158. Proof of disability, duty and ordinary.

7 Proof of duty or ordinary disability shall be furnished to  
8 the board by at least one licensed and practicing physician  
9 appointed by the board. With respect to duty disability,  
10 satisfactory proof must be provided to the board that the final  
11 adjudication of the claim required under subsection (d) of  
12 Section 9-159 established that the disability or death resulted  
13 from an injury incurred in the performance of an act or acts of  
14 duty. The board may require other evidence of disability. Each  
15 disabled employee who receives duty or ordinary disability  
16 benefit shall be examined at least once a year by one or more  
17 licensed and practicing physicians appointed by the board. When  
18 the disability ceases, the board shall discontinue payment of  
19 the benefit and the employee shall be returned to active  
20 service.

21 (Source: Laws 1963, p. 161.)

22 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

23 Sec. 9-159. When disability benefit not payable.

24 (a) If an employee receiving duty disability or ordinary

1 disability benefit refuses to submit to examination by a  
2 physician appointed by the board, he shall have no further  
3 right to receive the benefit.

4 (b) Disability benefit shall not be paid for any time for  
5 which the employee receives any part of his salary, or while  
6 employed by any public body supported in whole or in part by  
7 taxation.

8 (c) If an employee who shall be disabled, or his widow or  
9 children receive any compensation or payment from the county  
10 for specific loss, disability or death under the Workers'  
11 Compensation Act or Workers' Occupational Diseases Act, the  
12 disability benefit or any annuity for him or his widow or  
13 children payable as the result of such specific loss,  
14 disability or death shall be reduced by any amount so received  
15 or recoverable. If the amount received as such compensation or  
16 payment exceeds such disability benefit or other annuity  
17 payable as the result of such specific loss, disability or  
18 death, no payment of disability benefit or other annuity shall  
19 be made until the accumulative amounts thereof equals the  
20 amount of such compensation or payment. In such calculation no  
21 interest shall be considered. In adjusting the amount of any  
22 annuity in relation to compensation received or recoverable  
23 during any period of time, the annuity to the widow shall be  
24 first reduced.

25 If any employee, or widow shall be denied compensation by  
26 such county under the aforesaid Acts, or if such county shall

1 fail to act, such denial or failure to act shall not be  
2 considered final until the claim has been adjudicated by the  
3 Illinois Workers' Compensation Commission.

4 (d) Before any action may be taken by the board on an  
5 application for duty disability benefit or widow's  
6 compensation or supplemental benefit, other than rejection of  
7 any such application that is otherwise incomplete or untimely,  
8 the related applicant must file a timely claim under the  
9 Workers' Compensation Act or the Workers' Occupational  
10 Diseases Act, as applicable, to establish that the disability  
11 or death resulted from an injury incurred in the performance of  
12 an act or acts of duty, and the applicant must receive  
13 compensation or payment from the claim or the claim must  
14 otherwise be finally adjudicated.

15 (Source: P.A. 93-721, eff. 1-1-05.)

16 (40 ILCS 5/10-103) (from Ch. 108 1/2, par. 10-103)

17 Sec. 10-103. Members, contributions and benefits. The  
18 board shall cause the same deductions to be made from salaries  
19 and, subject to Section 10-109, allow the same annuities,  
20 refunds and benefits for employees of the district as are made  
21 and allowed for employees of the county.

22 (Source: P.A. 81-1536.)

23 (40 ILCS 5/10-109 new)

24 Sec. 10-109. Felony conviction. None of the benefits

1 provided in this Article shall be paid to any person who is  
2 convicted of any felony relating to or arising out of or in  
3 connection with his service as an employee.

4 This Section shall not operate to impair any contract or  
5 vested right heretofore acquired under any law or laws  
6 continued in this Article, nor to preclude the right to a  
7 refund.

8 All future entrants entering service after the effective  
9 date of this amendatory Act of the 95th General Assembly shall  
10 be deemed to have consented to the provisions of this Section  
11 as a condition of coverage.

12 (40 ILCS 5/11-158) (from Ch. 108 1/2, par. 11-158)

13 Sec. 11-158. When disability benefit not payable.

14 (a) If an employee receiving duty or ordinary disability  
15 benefit refuses to submit to examination by a physician  
16 appointed by the board, or fails or refuses to consent to and  
17 sign an authorization allowing the board to receive copies of  
18 or examine the employee's medical and hospital records, or  
19 fails or refuses to provide complete information regarding any  
20 other employment for compensation he has received since he has  
21 become disabled, he shall have no further right to receive the  
22 benefit.

23 (b) Disability benefit shall not be paid for any time for  
24 which the employee receives any part of his salary or while  
25 employed by any public body supported in whole or in part by

1 taxation.

2 (c) Before any action is taken by the Board on an  
3 application for a duty disability benefit or a widow's  
4 compensation or supplemental benefit, the employee or widow  
5 shall file a claim with the employer to establish that the  
6 disability or death occurred while the employee was acting  
7 within the scope of and in the course of his duties.

8 Any amounts provided to the employee or surviving spouse  
9 either as temporary total disability payments, permanent total  
10 disability payments, a lump sum settlement, award, or other  
11 payment under the Workers' Compensation Act or Workers'  
12 Occupational Diseases Act shall be applied as an offset to the  
13 disability benefit paid by the Fund, whether duty or ordinary,  
14 or any widow compensation or supplemental benefit payable  
15 hereunder until a period of time has elapsed when the benefit  
16 payable equals the amount of such compensation, payment, or  
17 award. The duty disability benefit will be offset at the rate  
18 of the amount of temporary total disability payments or  
19 permanent disability payments made under the Workers'  
20 Compensation Act or Workers' Occupational Diseases Act.

21 If such amounts are not readily determinable or if an  
22 employee has not received temporary total disability payments  
23 or permanent weekly or monthly payments for the entire period  
24 of disability up to the time of the compensation, payment, or  
25 award under the Workers' Compensation Act or Workers'  
26 Occupational Diseases Act, the disability benefit paid by the

1 Fund will be offset by 66 2/3% of the employee's salary on the  
2 date of disablement. The offset will not be greater than the  
3 amount of disability benefits due from the Fund. The offset  
4 will be applied until a period of time has elapsed when the  
5 benefit payable equals the amount of such compensation,  
6 payment, or award. This offset will not apply to the initial  
7 days of disability when workers' compensation would not  
8 ordinarily be payable.

9 The amount of compensation or supplemental annuity payable  
10 to a widow will be offset by any compensation, payment, or  
11 award until a period of time has elapsed when the benefit  
12 payable equals the amount of such compensation, payment, or  
13 award.

14 If an employee who has been disabled has received ordinary  
15 disability from the Fund and also receives any compensation or  
16 payment for specific loss, disability, or death under the  
17 Workers' Compensation Act or Workers' Occupational Diseases  
18 Act, the ordinary disability benefit must be repaid to the Fund  
19 before any other benefit under this Article can be granted or  
20 paid. If no other benefit is applied for, the ordinary  
21 disability would be offset according to the provisions of this  
22 Section.

23 The employee and the employer shall provide the Fund on a  
24 timely basis, with the entry of the settlement contract lump  
25 sum petition and order settlement of any such lawsuit,  
26 including all details of the settlement.

1       ~~If an employee who shall be disabled or his widow receives~~  
2       ~~any compensation or payment from the city for specific loss,~~  
3       ~~disability or death under the Workers' Compensation Act, or~~  
4       ~~Workers' Occupational Diseases Act, and the disability or~~  
5       ~~injury or loss which forms the basis for any compensation,~~  
6       ~~award, pension or payment for a specific loss is also a~~  
7       ~~condition which renders such employee incapable of performing~~  
8       ~~his duties in the service, the disability benefit shall be~~  
9       ~~reduced by any amount so received if such amount is less than~~  
10       ~~the benefit or, subject to adjustment when final determination~~  
11       ~~of the amount received can be made, the amount estimated to be~~  
12       ~~received under the provisions of the Workers' Compensation Act~~  
13       ~~or Workers' Occupational Diseases Act. If the amount received~~  
14       ~~as compensation, payment or award under the aforesaid Acts~~  
15       ~~exceeds the disability benefit, no payment of benefit shall be~~  
16       ~~made until a period of time has elapsed when the benefit~~  
17       ~~payable at the rate herein stated equals the amount of such~~  
18       ~~compensation, payment or award. In calculating any such period~~  
19       ~~of time, interest upon the amounts involved shall not be~~  
20       ~~considered.~~

21       (d) An employee who enters service after December 31, 1987,  
22       or an employee who makes application for a disability benefit  
23       or applies for a disability benefit for a recurrence of a  
24       previous disability, and who, while in receipt of an ordinary  
25       or duty disability benefit, assumes any employment for  
26       compensation, shall not be entitled to receive any amount of



1 such disability benefit which, when added to his compensation  
2 for such employment during disability, plus any amount payable  
3 under the provisions of the Workers' Compensation Act or  
4 Workers' Occupational Diseases Act, would exceed the rate of  
5 salary on which his disability benefit is based.

6 (Source: P.A. 85-964.)

7 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

8 Sec. 14-110. Alternative retirement annuity.

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

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

1 (ii) for periods of eligible creditable service as a  
2 covered employee: if retirement occurs on or after January  
3 1, 2001, 2.5% of final average compensation for each year  
4 of creditable service; if retirement occurs before January  
5 1, 2001, 1.67% of final average compensation for each of  
6 the first 10 years of such service, 1.90% for each of the  
7 next 10 years of such service, 2.10% for each year of such  
8 service in excess of 20 but not exceeding 30, and 2.30% for  
9 each year in excess of 30.

10 Such annuity shall be subject to a maximum of 75% of final  
11 average compensation if retirement occurs before January 1,  
12 2001 or to a maximum of 80% of final average compensation if  
13 retirement occurs on or after January 1, 2001.

14 These rates shall not be applicable to any service  
15 performed by a member as a covered employee which is not  
16 eligible creditable service. Service as a covered employee  
17 which is not eligible creditable service shall be subject to  
18 the rates and provisions of Section 14-108.

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

22 (1) State policeman;

23 (2) fire fighter in the fire protection service of a  
24 department;

25 (3) air pilot;

26 (4) special agent;

- 1 (5) investigator for the Secretary of State;
- 2 (6) conservation police officer;
- 3 (7) investigator for the Department of Revenue;
- 4 (8) security employee of the Department of Human  
5 Services;
- 6 (9) Central Management Services security police  
7 officer;
- 8 (10) security employee of the Department of  
9 Corrections or the Department of Juvenile Justice;
- 10 (11) dangerous drugs investigator;
- 11 (12) investigator for the Department of State Police;
- 12 (13) investigator for the Office of the Attorney  
13 General;
- 14 (14) controlled substance inspector;
- 15 (15) investigator for the Office of the State's  
16 Attorneys Appellate Prosecutor;
- 17 (16) Commerce Commission police officer;
- 18 (17) arson investigator;
- 19 (18) State highway maintenance worker.

20 A person employed in one of the positions specified in this  
21 subsection is entitled to eligible creditable service for  
22 service credit earned under this Article while undergoing the  
23 basic police training course approved by the Illinois Law  
24 Enforcement Training Standards Board, if completion of that  
25 training is required of persons serving in that position. For  
26 the purposes of this Code, service during the required basic

1 police training course shall be deemed performance of the  
2 duties of the specified position, even though the person is not  
3 a sworn peace officer at the time of the training.

4 (c) For the purposes of this Section:

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

8 (2) The term "fire fighter in the fire protection  
9 service of a department" includes all officers in such fire  
10 protection service including fire chiefs and assistant  
11 fire chiefs.

12 (3) The term "air pilot" includes any employee whose  
13 official job description on file in the Department of  
14 Central Management Services, or in the department by which  
15 he is employed if that department is not covered by the  
16 Personnel Code, states that his principal duty is the  
17 operation of aircraft, and who possesses a pilot's license;  
18 however, the change in this definition made by this  
19 amendatory Act of 1983 shall not operate to exclude any  
20 noncovered employee who was an "air pilot" for the purposes  
21 of this Section on January 1, 1984.

22 (4) The term "special agent" means any person who by  
23 reason of employment by the Division of Narcotic Control,  
24 the Bureau of Investigation or, after July 1, 1977, the  
25 Division of Criminal Investigation, the Division of  
26 Internal Investigation, the Division of Operations, or any

1 other Division or organizational entity in the Department  
2 of State Police is vested by law with duties to maintain  
3 public order, investigate violations of the criminal law of  
4 this State, enforce the laws of this State, make arrests  
5 and recover property. The term "special agent" includes any  
6 title or position in the Department of State Police that is  
7 held by an individual employed under the State Police Act.

8 (5) The term "investigator for the Secretary of State"  
9 means any person employed by the Office of the Secretary of  
10 State and vested with such investigative duties as render  
11 him ineligible for coverage under the Social Security Act  
12 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
13 218(1)(1) of that Act.

14 A person who became employed as an investigator for the  
15 Secretary of State between January 1, 1967 and December 31,  
16 1975, and who has served as such until attainment of age  
17 60, either continuously or with a single break in service  
18 of not more than 3 years duration, which break terminated  
19 before January 1, 1976, shall be entitled to have his  
20 retirement annuity calculated in accordance with  
21 subsection (a), notwithstanding that he has less than 20  
22 years of credit for such service.

23 (6) The term "Conservation Police Officer" means any  
24 person employed by the Division of Law Enforcement of the  
25 Department of Natural Resources and vested with such law  
26 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections  
2 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
3 term "Conservation Police Officer" includes the positions  
4 of Chief Conservation Police Administrator and Assistant  
5 Conservation Police 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 render  
9 him ineligible for coverage under the Social Security Act  
10 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
11 218(1)(1) of that Act.

12 (8) The term "security employee of the Department of  
13 Human Services" means any person employed by the Department  
14 of Human Services who (i) is employed at the Chester Mental  
15 Health Center and has daily contact with the residents  
16 thereof, (ii) is employed within a security unit at a  
17 facility operated by the Department and has daily contact  
18 with the residents of the security unit, (iii) is employed  
19 at a facility operated by the Department that includes a  
20 security unit and is regularly scheduled to work at least  
21 50% of his or her working hours within that security unit,  
22 or (iv) is a mental health police officer. "Mental health  
23 police officer" means any person employed by the Department  
24 of Human Services in a position pertaining to the  
25 Department's mental health and developmental disabilities  
26 functions who is vested with such law enforcement duties as

1 render the person ineligible for coverage under the Social  
2 Security Act by reason of Sections 218(d)(5)(A),  
3 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
4 means that portion of a facility that is devoted to the  
5 care, containment, and treatment of persons committed to  
6 the Department of Human Services as sexually violent  
7 persons, persons unfit to stand trial, or persons not  
8 guilty by reason of insanity. With respect to past  
9 employment, references to the Department of Human Services  
10 include its predecessor, the Department of Mental Health  
11 and Developmental Disabilities.

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

15 (9) "Central Management Services security police  
16 officer" means any person employed by the Department of  
17 Central Management Services who is vested with such law  
18 enforcement duties as render him ineligible for coverage  
19 under the Social Security Act by reason of Sections  
20 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

21 (10) For a member who first became an employee under  
22 this Article before July 1, 2005, the term "security  
23 employee of the Department of Corrections or the Department  
24 of Juvenile Justice" means any employee of the Department  
25 of Corrections or the Department of Juvenile Justice or the  
26 former Department of Personnel, and any member or employee

1 of the Prisoner Review Board, who has daily contact with  
2 inmates or youth by working within a correctional facility  
3 or Juvenile facility operated by the Department of Juvenile  
4 Justice or who is a parole officer or an employee who has  
5 direct contact with committed persons in the performance of  
6 his or her job duties. For a member who first becomes an  
7 employee under this Article on or after July 1, 2005, the  
8 term means an employee of the Department of Corrections or  
9 the Department of Juvenile Justice who is any of the  
10 following: (i) officially headquartered at a correctional  
11 facility or Juvenile facility operated by the Department of  
12 Juvenile Justice, (ii) a parole officer, (iii) a member of  
13 the apprehension unit, (iv) a member of the intelligence  
14 unit, (v) a member of the sort team, or (vi) an  
15 investigator.

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

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

26 (13) "Investigator for the Office of the Attorney



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

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

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

24           (16) "Commerce Commission police officer" means any  
25           person employed by the Illinois Commerce Commission who is  
26           vested with such law enforcement duties as render him

1 ineligible for coverage under the Social Security Act by  
2 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
3 218(1)(1) of that Act.

4 (17) "Arson investigator" means any person who is  
5 employed as such by the Office of the State Fire Marshal  
6 and is vested with such law enforcement duties as render  
7 the person ineligible for coverage under the Social  
8 Security Act by reason of Sections 218(d)(5)(A),  
9 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
10 employed as an arson investigator on January 1, 1995 and is  
11 no longer in service but not yet receiving a retirement  
12 annuity may convert his or her creditable service for  
13 employment as an arson investigator into eligible  
14 creditable service by paying to the System the difference  
15 between the employee contributions actually paid for that  
16 service and the amounts that would have been contributed if  
17 the applicant were contributing at the rate applicable to  
18 persons with the same social security status earning  
19 eligible creditable service on the date of application.

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

22 (i) A person employed on a full-time basis by the  
23 Illinois Department of Transportation in the position  
24 of highway maintainer, highway maintenance lead  
25 worker, highway maintenance lead/lead worker, heavy  
26 construction equipment operator, power shovel

1 operator, or bridge mechanic; and whose principal  
2 responsibility is to perform, on the roadway, the  
3 actual maintenance necessary to keep the highways that  
4 form a part of the State highway system in serviceable  
5 condition for vehicular traffic.

6 (ii) A person employed on a full-time basis by the  
7 Illinois State Toll Highway Authority in the position  
8 of equipment operator/laborer H-4, equipment  
9 operator/laborer H-6, welder H-4, welder H-6,  
10 mechanical/electrical H-4, mechanical/electrical H-6,  
11 water/sewer H-4, water/sewer H-6, sign maker/hanger  
12 H-4, sign maker/hanger H-6, roadway lighting H-4,  
13 roadway lighting H-6, structural H-4, structural H-6,  
14 painter H-4, or painter H-6; and whose principal  
15 responsibility is to perform, on the roadway, the  
16 actual maintenance necessary to keep the Authority's  
17 tollways in serviceable condition for vehicular  
18 traffic.

19 (d) A security employee of the Department of Corrections or  
20 the Department of Juvenile Justice, and a security employee of  
21 the Department of Human Services who is not a mental health  
22 police officer, shall not be eligible for the alternative  
23 retirement annuity provided by this Section unless he or she  
24 meets the following minimum age and service requirements at the  
25 time of retirement:

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

1 or

2 (ii) beginning January 1, 1987, 25 years of eligible  
3 creditable service and age 54, or 24 years of eligible  
4 creditable service and age 55; or

5 (iii) beginning January 1, 1988, 25 years of eligible  
6 creditable service and age 53, or 23 years of eligible  
7 creditable service and age 55; or

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

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

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

17 Persons who have service credit under Article 16 of this  
18 Code for service as a security employee of the Department of  
19 Corrections or the Department of Juvenile Justice, or the  
20 Department of Human Services in a position requiring  
21 certification as a teacher may count such service toward  
22 establishing their eligibility under the service requirements  
23 of this Section; but such service may be used only for  
24 establishing such eligibility, and not for the purpose of  
25 increasing or calculating any benefit.

26 (e) If a member enters military service while working in a

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

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

21 For purposes of calculating retirement annuities under  
22 this Section, periods of service rendered after December 31,  
23 1968 and before January 1, 1982 as a covered employee in the  
24 position of investigator for the Department of Revenue shall be  
25 deemed to have been service as a noncovered employee, provided  
26 that the employee pays to the System prior to retirement an

1 amount equal to (1) the difference between the employee  
2 contributions that would have been required for such service as  
3 a noncovered employee, and the amount of employee contributions  
4 actually paid, plus (2) if payment is made after January 1,  
5 1990, regular interest on the amount specified in item (1) from  
6 the date of service to the date of payment.

7 (g) A State policeman may elect, not later than January 1,  
8 1990, to establish eligible creditable service for up to 10  
9 years of his service as a policeman under Article 3, by filing  
10 a written election with the Board, accompanied by payment of an  
11 amount to be determined by the Board, equal to (i) the  
12 difference between the amount of employee and employer  
13 contributions transferred to the System under Section 3-110.5,  
14 and the amounts that would have been contributed had such  
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 Subject to the limitation in subsection (i), a State  
20 policeman may elect, not later than July 1, 1993, to establish  
21 eligible creditable service for up to 10 years of his service  
22 as a member of the County Police Department under Article 9, by  
23 filing a written election with the Board, accompanied by  
24 payment of an amount to be determined by the Board, equal to  
25 (i) the difference between the amount of employee and employer  
26 contributions transferred to the System under Section 9-121.10

1 and the amounts that would have been contributed had those  
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 (h) Subject to the limitation in subsection (i), a State  
7 policeman or investigator for the Secretary of State may elect  
8 to establish eligible creditable service for up to 12 years of  
9 his service as a policeman under Article 5, by filing a written  
10 election with the Board on or before January 31, 1992, and  
11 paying to the System by January 31, 1994 an amount to be  
12 determined by the Board, equal to (i) the difference between  
13 the amount of employee and employer contributions transferred  
14 to the System under Section 5-236, and the amounts that would  
15 have been contributed had such contributions been made at the  
16 rates applicable to State policemen, plus (ii) interest thereon  
17 at the effective rate for each year, compounded annually, from  
18 the date of service to the date of payment.

19 Subject to the limitation in subsection (i), a State  
20 policeman, conservation police officer, or investigator for  
21 the Secretary of State may elect to establish eligible  
22 creditable service for up to 10 years of service as a sheriff's  
23 law enforcement employee under Article 7, by filing a written  
24 election with the Board on or before January 31, 1993, and  
25 paying to the System by January 31, 1994 an amount to be  
26 determined by the Board, equal to (i) the difference between

1 the amount of employee and employer contributions transferred  
2 to the System under Section 7-139.7, and the amounts that would  
3 have been contributed had such contributions been made at the  
4 rates applicable to State policemen, plus (ii) interest thereon  
5 at the effective rate for each year, compounded annually, from  
6 the date of service 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 5 years of service as a police  
11 officer under Article 3, a policeman under Article 5, a  
12 sheriff's law enforcement employee under Article 7, a member of  
13 the county police department under Article 9, or a police  
14 officer under Article 15 by filing a written election with the  
15 Board and paying to the System an amount to be determined by  
16 the Board, equal to (i) the difference between the amount of  
17 employee and employer contributions transferred to the System  
18 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
19 and the amounts that would have been contributed had such  
20 contributions been made at the rates applicable to State  
21 policemen, plus (ii) interest thereon at the effective rate for  
22 each year, compounded annually, from the date of service to the  
23 date of payment.

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



1           (j) Subject to the limitation in subsection (i), an  
2 investigator for the Office of the State's Attorneys Appellate  
3 Prosecutor or a controlled substance inspector may elect to  
4 establish eligible creditable service for up to 10 years of his  
5 service as a policeman under Article 3 or a sheriff's law  
6 enforcement employee under Article 7, by filing a written  
7 election with the Board, accompanied by payment of an amount to  
8 be determined by the Board, equal to (1) the difference between  
9 the amount of employee and employer contributions transferred  
10 to the System under Section 3-110.6 or 7-139.8, and the amounts  
11 that would have been contributed had such contributions been  
12 made at the rates applicable to State policemen, plus (2)  
13 interest thereon at the effective rate for each year,  
14 compounded annually, from the date of service to the date of  
15 payment.

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

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

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

25 (m) The amendatory changes to this Section made by this  
26 amendatory Act of the 94th General Assembly apply only to: (1)

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

16 (n) A person employed in a position under subsection (b) of  
17 this Section who has purchased service credit under subsection  
18 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
19 any other capacity under this Article may convert up to 5 years  
20 of that service credit into service credit covered under this  
21 Section by paying to the Fund an amount equal to (1) the  
22 additional employee contribution required under Section  
23 14-133, plus (2) the additional employer contribution required  
24 under Section 14-131, plus (3) interest on items (1) and (2) at  
25 the actuarially assumed rate from the date of the service to  
26 the date of payment.

1 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,  
2 eff. 8-28-07.)

3 Section 90. The State Mandates Act is amended by adding  
4 Section 8.32 as follows:

5 (30 ILCS 805/8.32 new)

6 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
7 of this Act, no reimbursement by the State is required for the  
8 implementation of any mandate created by this amendatory Act of  
9 the 95th General Assembly.

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