



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4339

Introduced 3/10/2009, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

40 ILCS 5/2-101	from Ch. 108 1/2, par. 2-101
40 ILCS 5/2-105	from Ch. 108 1/2, par. 2-105
40 ILCS 5/14-103.05	from Ch. 108 1/2, par. 14-103.05

Amends the Illinois Pension Code. Provides that a person who becomes a constitutional officer or member of the General Assembly on or after the effective date shall participate in the State Employees' Retirement System, unless he or she participated in the General Assembly Retirement System before that date. Effective immediately.

LRB096 09078 AMC 19219 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT in relation to public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (40 ILCS 5/2-101) (from Ch. 108 1/2, par. 2-101)

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

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

15 Participation in the retirement system created under this
16 Article is restricted to persons who become participants before
17 the effective date of this amendatory Act of the 96th General
18 Assembly. Beginning on that date, the System shall not accept
19 any new participants.

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

21 (40 ILCS 5/2-105) (from Ch. 108 1/2, par. 2-105)

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

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

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

16 However, notwithstanding any other provision of this
17 Article, a person shall not be deemed a member for the purposes
18 of this Article unless he or she became a participant of the
19 System before the effective date of this amendatory Act of the
20 96th General Assembly.

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

22 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
23 Sec. 14-103.05. Employee.

24 (a) Any person employed by a Department who receives salary
25 for personal services rendered to the Department on a warrant

1 issued pursuant to a payroll voucher certified by a Department
2 and drawn by the State Comptroller upon the State Treasurer,
3 including an elected official described in subparagraph (d) of
4 Section 14-104, shall become an employee for purpose of
5 membership in the Retirement System on the first day of such
6 employment.

7 A person who becomes a constitutional officer or member of
8 the General Assembly on or after the effective date of this
9 amendatory Act of the 96th General Assembly and is not eligible
10 to participate in the General Assembly Retirement System shall
11 be deemed an employee for purposes of membership in this System
12 beginning on the first day of such service.

13 A person entering service on or after January 1, 1972 and
14 prior to January 1, 1984 shall become a member as a condition
15 of employment and shall begin making contributions as of the
16 first day of employment.

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

23 A person employed by the Chicago Metropolitan Agency for
24 Planning on the effective date of this amendatory Act of the
25 95th General Assembly who was a member of this System as an
26 employee of the Chicago Area Transportation Study and makes an

1 election under Section 14-104.13 to participate in this System
2 for his or her employment with the Chicago Metropolitan Agency
3 for Planning.

4 The qualifying period of 6 months of service is not
5 applicable to: (1) a person who has been granted credit for
6 service in a position covered by the State Universities
7 Retirement System, the Teachers' Retirement System of the State
8 of Illinois, the General Assembly Retirement System, or the
9 Judges Retirement System of Illinois unless that service has
10 been forfeited under the laws of those systems; (2) a person
11 entering service on or after July 1, 1991 in a noncovered
12 position; or (3) a person to whom Section 14-108.2a or
13 14-108.2b applies; or (4) a person who is serving as a
14 constitutional officer or member of the General Assembly.

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

16 (1) persons participating in ~~members of the State~~
17 ~~Legislature, and persons electing to become members of the~~
18 ~~General Assembly Retirement System pursuant to Section~~
19 ~~2-105;~~

20 (2) incumbents of offices normally filled by vote of
21 the people, other than constitutional officers and members
22 of the General Assembly;

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

1 (3.1) any person serving as a commissioner of an ethics
2 commission created under the State Officials and Employees
3 Ethics Act unless that person elects to participate in this
4 system with respect to that service as a commissioner;

5 (3.2) any person serving as a part-time employee in any
6 of the following positions: Legislative Inspector General,
7 Special Legislative Inspector General, employee of the
8 Office of the Legislative Inspector General, Executive
9 Director of the Legislative Ethics Commission, or staff of
10 the Legislative Ethics Commission, regardless of whether
11 he or she is in active service on or after July 8, 2004
12 (the effective date of Public Act 93-685), unless that
13 person elects to participate in this System with respect to
14 that service; in this item (3.2), a "part-time employee" is
15 a person who is not required to work at least 35 hours per
16 week;

17 (3.3) any person who has made an election under Section
18 1-123 and who is serving either as legal counsel in the
19 Office of the Governor or as Chief Deputy Attorney General;

20 (4) except as provided in Section 14-108.2 or
21 14-108.2c, any person who is covered or eligible to be
22 covered by the Teachers' Retirement System of the State of
23 Illinois, the State Universities Retirement System, or the
24 Judges Retirement System of Illinois;

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

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

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

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

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

26 (10) any person who is a member of the Illinois Health

1 Care Cost Containment Council, and receives per diem
2 compensation rather than a salary, notwithstanding that
3 such per diem compensation is paid by warrant issued
4 pursuant to a payroll voucher; such persons have never been
5 included in the membership of this System, and this
6 amendatory Act of 1987 is not intended to effect any change
7 in the status of such persons;

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

13 (12) a person employed by the State Board of Higher
14 Education in a position with the Illinois Century Network
15 as of June 30, 2004, who remains continuously employed
16 after that date by the Department of Central Management
17 Services in a position with the Illinois Century Network
18 and participates in the Article 15 system with respect to
19 that employment.

20 (c) An individual who represents or is employed as an
21 officer or employee of a statewide labor organization that
22 represents members of this System may participate in the System
23 and shall be deemed an employee, provided that (1) the
24 individual has previously earned creditable service under this
25 Article, (2) the individual files with the System an
26 irrevocable election to become a participant within 6 months

1 after the effective date of this amendatory Act of the 94th
2 General Assembly, and (3) the individual does not receive
3 credit for that employment under any other provisions of this
4 Code. An employee under this subsection (c) is responsible for
5 paying to the System both (i) employee contributions based on
6 the actual compensation received for service with the labor
7 organization and (ii) employer contributions based on the
8 percentage of payroll certified by the board; all or any part
9 of these contributions may be paid on the employee's behalf or
10 picked up for tax purposes (if authorized under federal law) by
11 the labor organization.

12 A person who is an employee as defined in this subsection
13 (c) may establish service credit for similar employment prior
14 to becoming an employee under this subsection by paying to the
15 System for that employment the contributions specified in this
16 subsection, plus interest at the effective rate from the date
17 of service to the date of payment. However, credit shall not be
18 granted under this subsection (c) for any such prior employment
19 for which the applicant received credit under any other
20 provision of this Code or during which the applicant was on a
21 leave of absence.

22 (Source: P.A. 94-1111, eff. 2-27-07; 95-677, eff. 10-11-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.