



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2483

Introduced 10/15/2009, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

40 ILCS 5/14-152.1

Amends the State Employee Article of the Illinois Pension Code. Provides the alternative retirement annuity (alternative formula) for persons employed on a full-time basis by the Department of Agriculture, the Department of Central Management Services, the Historic Preservation Agency, the Department of Human Services, the Department of Juvenile Justice, the Department of Military Affairs, the Department of Revenue, the Department of State Police, and the Department of Veterans' Affairs in the position of electrician. Allows for conversion of creditable service as an electrician before the effective date of the amendatory Act upon payment prior to retirement in an amount equal to the difference between the employee contributions that would have been required for such service under the alternative formula and the amount of employee contributions actually paid, plus interest. Exempts the change from new benefit increase provisions. Effective immediately.

LRB096 14986 AMC 29905 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning 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 14-110 and 14-152.1 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not less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10 age 55, and any member who has withdrawn from service with not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

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

1 for each year of creditable service above 20 years; and

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

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

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

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

23 (1) State policeman;

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

26 (3) air pilot;

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

23 A person employed in one of the positions specified in this
24 subsection is entitled to eligible creditable service for
25 service credit earned under this Article while undergoing the
26 basic police training course approved by the Illinois Law

1 Enforcement Training Standards Board, if completion of that
2 training is required of persons serving in that position. For
3 the purposes of this Code, service during the required basic
4 police training course shall be deemed performance of the
5 duties of the specified position, even though the person is not
6 a sworn peace officer at the time of the training.

7 (c) For the purposes of this Section:

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

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

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

25 (4) The term "special agent" means any person who by
26 reason of employment by the Division of Narcotic Control,

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

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

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

26 (6) The term "Conservation Police Officer" means any

1 person employed by the Division of Law Enforcement of the
2 Department of Natural Resources and vested with such law
3 enforcement 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. The
6 term "Conservation Police Officer" includes the positions
7 of Chief Conservation Police Administrator and Assistant
8 Conservation Police Administrator.

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

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

21 (8) The term "security employee of the Department of
22 Human Services" means any person employed by the Department
23 of Human Services who (i) is employed at the Chester Mental
24 Health Center and has daily contact with the residents
25 thereof, (ii) is employed within a security unit at a
26 facility operated by the Department and has daily contact

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

21 The changes made to this subdivision (c)(8) by Public
22 Act 92-14 apply to persons who retire on or after January
23 1, 2001, notwithstanding Section 1-103.1.

24 (9) "Central Management Services security police
25 officer" means any person employed by the Department of
26 Central Management Services who is vested with such law

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

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

25 (11) The term "dangerous drugs investigator" means any
26 person who is employed as such by the Department of Human

1 Services.

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

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

19 (14) "Controlled substance inspector" means any person
20 who is employed as such by the Department of Professional
21 Regulation and is vested with such law enforcement duties
22 as render him 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. The term
25 "controlled substance inspector" includes the Program
26 Executive of Enforcement and the Assistant Program

1 Executive of Enforcement.

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

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

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

1 persons with the same social security status earning
2 eligible creditable service on the date of application.

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

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

15 (ii) A person employed on a full-time basis by the
16 Illinois State Toll Highway Authority in the position
17 of equipment operator/laborer H-4, equipment
18 operator/laborer H-6, welder H-4, welder H-6,
19 mechanical/electrical H-4, mechanical/electrical H-6,
20 water/sewer H-4, water/sewer H-6, sign maker/hanger
21 H-4, sign maker/hanger H-6, roadway lighting H-4,
22 roadway lighting H-6, structural H-4, structural H-6,
23 painter H-4, or painter H-6; and whose principal
24 responsibility is to perform, on the roadway, the
25 actual maintenance necessary to keep the Authority's
26 tollways in serviceable condition for vehicular

1 traffic.

2 (19) "Electrician" means a person employed on a
3 full-time basis by the Department of Agriculture, the
4 Department of Central Management Services, the Historic
5 Preservation Agency, the Department of Human Services, the
6 Department of Juvenile Justice, the Department of Military
7 Affairs, the Department of Revenue, the Department of State
8 Police, and the Department of Veterans' Affairs in the
9 position of electrician.

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

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

18 or

19 (ii) beginning January 1, 1987, 25 years of eligible
20 creditable service and age 54, or 24 years of eligible
21 creditable service and age 55; or

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

25 (iv) beginning January 1, 1989, 25 years of eligible
26 creditable service and age 52, or 22 years of eligible

1 creditable service and age 55; or

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

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

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

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

25 (f) For purposes of calculating retirement annuities under
26 this Section, periods of service rendered after December 31,

1 1968 and before October 1, 1975 as a covered employee in the
2 position of special agent, conservation police officer, mental
3 health police officer, or investigator for the Secretary of
4 State, shall be deemed to have been service as a noncovered
5 employee, provided that the employee pays to the System prior
6 to retirement an amount equal to (1) the difference between the
7 employee contributions that would have been required for such
8 service as a noncovered employee, and the amount of employee
9 contributions actually paid, plus (2) if payment is made after
10 July 31, 1987, regular interest on the amount specified in item
11 (1) from the date of service to the date of payment.

12 For purposes of calculating retirement annuities under
13 this Section, periods of service rendered after December 31,
14 1968 and before January 1, 1982 as a covered employee in the
15 position of investigator for the Department of Revenue shall be
16 deemed to have been service as a noncovered employee, provided
17 that the employee pays to the System prior to retirement an
18 amount equal to (1) the difference between the employee
19 contributions that would have been required for such service as
20 a noncovered employee, and the amount of employee contributions
21 actually paid, plus (2) if payment is made after January 1,
22 1990, regular interest on the amount specified in item (1) from
23 the date of service to the date of payment.

24 (g) A State policeman may elect, not later than January 1,
25 1990, to establish eligible creditable service for up to 10
26 years of his service as a policeman under Article 3, by filing

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

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

23 (h) Subject to the limitation in subsection (i), a State
24 policeman or investigator for the Secretary of State may elect
25 to establish eligible creditable service for up to 12 years of
26 his service as a policeman under Article 5, by filing a written

1 election with the Board on or before January 31, 1992, and
2 paying to the System by January 31, 1994 an amount to be
3 determined by the Board, equal to (i) the difference between
4 the amount of employee and employer contributions transferred
5 to the System under Section 5-236, and the amounts that would
6 have been contributed had such contributions been made at the
7 rates applicable to State policemen, plus (ii) interest thereon
8 at the effective rate for each year, compounded annually, from
9 the date of service to the date of payment.

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

24 Subject to the limitation in subsection (i), a State
25 policeman, conservation police officer, or investigator for
26 the Secretary of State may elect to establish eligible

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

15 Subject to the limitation in subsection (i), an
16 investigator for the Office of the Attorney General, or an
17 investigator for the Department of Revenue, may elect to
18 establish eligible creditable service for up to 5 years of
19 service as a police officer under Article 3, a policeman under
20 Article 5, a sheriff's law enforcement employee under Article
21 7, or a member of the county police department under Article 9
22 by filing a written election with the Board within 6 months
23 after August 25, 2009 (the effective date of Public Act 96-745)
24 ~~this amendatory Act of the 96th General Assembly~~ and paying to
25 the System an amount to be determined by the Board, equal to
26 (i) the difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.6,
2 5-236, 7-139.8, or 9-121.10 and the amounts that would have
3 been contributed had such contributions been made at the rates
4 applicable to State policemen, plus (ii) interest thereon at
5 the actuarially assumed rate for each year, compounded
6 annually, from the date of service to the date of payment.

7 Subject to the limitation in subsection (i), a State
8 policeman, conservation police officer, investigator for the
9 Office of the Attorney General, an investigator for the
10 Department of Revenue, or investigator for the Secretary of
11 State may elect to establish eligible creditable service for up
12 to 5 years of service as a person employed by a participating
13 municipality to perform police duties, or law enforcement
14 officer employed on a full-time basis by a forest preserve
15 district under Article 7, a county corrections officer, or a
16 court services officer under Article 9, by filing a written
17 election with the Board within 6 months after August 25, 2009
18 (the effective date of Public Act 96-745) ~~this amendatory Act~~
19 ~~of the 96th General Assembly~~ and paying to the System an amount
20 to be determined by the Board, equal to (i) the difference
21 between the amount of employee and employer contributions
22 transferred to the System under Sections 7-139.8 and 9-121.10
23 and the amounts that would have been contributed had such
24 contributions been made at the rates applicable to State
25 policemen, plus (ii) interest thereon at the actuarially
26 assumed rate for each year, compounded annually, from the date

1 of service to the date of payment.

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

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

20 (k) Subject to the limitation in subsection (i) of this
21 Section, an alternative formula employee may elect to establish
22 eligible creditable service for periods spent as a full-time
23 law enforcement officer or full-time corrections officer
24 employed by the federal government or by a state or local
25 government located outside of Illinois, for which credit is not
26 held in any other public employee pension fund or retirement

1 system. To obtain this credit, the applicant must file a
2 written application with the Board by March 31, 1998,
3 accompanied by evidence of eligibility acceptable to the Board
4 and payment of an amount to be determined by the Board, equal
5 to (1) employee contributions for the credit being established,
6 based upon the applicant's salary on the first day as an
7 alternative formula employee after the employment for which
8 credit is being established and the rates then applicable to
9 alternative formula employees, plus (2) an amount determined by
10 the Board to be the employer's normal cost of the benefits
11 accrued for the credit being established, plus (3) regular
12 interest on the amounts in items (1) and (2) from the first day
13 as an alternative formula employee after the employment for
14 which credit is being established to the date of payment.

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

1 for each year, compounded annually, from the date of service to
2 the date of payment.

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

20 (n) A person employed in a position under subsection (b) of
21 this Section who has purchased service credit under subsection
22 (j) of Section 14-104 or subsection (b) of Section 14-105 in
23 any other capacity under this Article may convert up to 5 years
24 of that service credit into service credit covered under this
25 Section by paying to the Fund an amount equal to (1) the
26 additional employee contribution required under Section

1 14-133, plus (2) the additional employer contribution required
2 under Section 14-131, plus (3) interest on items (1) and (2) at
3 the actuarially assumed rate from the date of the service to
4 the date of payment.

5 (o) For purposes of calculating retirement annuities under
6 this Section, periods of service rendered before the effective
7 date of this amendatory Act of the 96th General Assembly as an
8 electrician may be converted to service under this Section if
9 the employee pays to the System prior to retirement an amount
10 equal to (1) the difference between the employee contributions
11 that would have been required for such service under this
12 Section and the amount of employee contributions actually paid,
13 plus (2) interest on the amount specified in item (1) at 8.5%,
14 compounded annually, from the date of service to the date of
15 payment.

16 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;
17 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; revised 10-1-09.)

18 (40 ILCS 5/14-152.1)

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

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

1 effective date of Public Act 94-4). "New benefit increase",
2 however, does not include any benefit increase resulting from
3 the changes made to this Article by Public Act 96-37 or by this
4 amendatory Act of the 96th General Assembly ~~this amendatory Act~~
5 ~~of the 96th General Assembly~~.

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

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

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

1 to the Governor and the State Comptroller and, in the absence
2 of corrective action by the General Assembly, the new benefit
3 increase shall expire at the end of the fiscal year in which
4 the certification is made.

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

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

21 (Source: P.A. 96-37, eff. 7-13-09.)

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