



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5236

Introduced 1/24/2006, by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-121.10

from Ch. 108 1/2, par. 9-121.10

40 ILCS 5/14-110

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

40 ILCS 5/14-152.1

Amends the Cook County and State Employee Articles of the Illinois Pension Code. Allows a controlled substance inspector employed by the Department of Financial and Professional Regulation to transfer up to 15 years of service as an investigator with the Cook County State's Attorney's Office accumulated under the Cook County Article to the State Employees' Retirement System of Illinois. Includes language exempting the changes from the new benefit increase provisions. Effective immediately.

LRB094 18785 AMC 54187 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 9-121.10, 14-110, and 14-152.1 as follows:

6 (40 ILCS 5/9-121.10) (from Ch. 108 1/2, par. 9-121.10)  
7 Sec. 9-121.10. Transfer to Article 14.

8 (a) Until July 1, 1993, any active member of the State  
9 Employees' Retirement System who is a State policeman may apply  
10 for transfer of some or all of his creditable service as a  
11 member of the County Police Department accumulated under this  
12 Article to the State Employees' Retirement System. At the time  
13 of the transfer the Fund shall pay to the State Employees'  
14 Retirement System an amount equal to:

15 (1) the amounts accumulated to the credit of the  
16 applicant on the books of the Fund on the date of transfer  
17 for the service to be transferred; and

18 (2) the corresponding municipality credits, including  
19 interest, on the books of the Fund on the date of transfer;  
20 and

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

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

25 (b) Until July 1, 1993, any such State policeman may  
26 reinstate credit for service as a member of the County Police  
27 Department that was terminated by receipt of a refund, by  
28 paying to the Fund the amount of the refund with interest  
29 thereon at the rate of 6% per year, compounded annually, from  
30 the date of refund to the date of payment.

31 (c) Until July 1, 2007, any active member of the State  
32 Employees' Retirement System who is employed by the Department

1 of Financial and Professional Regulation as a controlled  
2 substance inspector may apply for transfer of up to 15 years of  
3 his or her creditable service as an investigator with the Cook  
4 County State's Attorney's Office accumulated under this  
5 Article to the State Employees' Retirement System. At the time  
6 of the transfer, the Fund shall pay to the State Employees'  
7 Retirement System an amount equal to:

8 (1) the amounts accumulated to the credit of the  
9 applicant on the books of the Fund on the date of transfer  
10 for the service to be transferred;

11 (2) the corresponding municipality credits, including  
12 interest, on the books of the Fund on the date of transfer;  
13 and

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

16 (Source: P.A. 87-1265.)

17 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

18 (Text of Section before amendment by P.A. 94-696)

19 Sec. 14-110. Alternative retirement annuity.

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

29 (i) for periods of service as a noncovered employee: if  
30 retirement occurs on or after January 1, 2001, 3% of final  
31 average compensation for each year of creditable service;  
32 if retirement occurs before January 1, 2001, 2 1/4% of  
33 final average compensation for each of the first 10 years  
34 of creditable service, 2 1/2% for each year above 10 years  
35 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;

27 (4) special agent;

28 (5) investigator for the Secretary of State;

29 (6) conservation police officer;

30 (7) investigator for the Department of Revenue;

31 (8) security employee of the Department of Human  
32 Services;

33 (9) Central Management Services security police  
34 officer;

35 (10) security employee of the Department of  
36 Corrections;

- 1 (11) dangerous drugs investigator;
- 2 (12) investigator for the Department of State Police;
- 3 (13) investigator for the Office of the Attorney
- 4 General;
- 5 (14) controlled substance inspector;
- 6 (15) investigator for the Office of the State's
- 7 Attorneys Appellate Prosecutor;
- 8 (16) Commerce Commission police officer;
- 9 (17) arson investigator;
- 10 (18) State highway maintenance worker.

11 A person employed in one of the positions specified in this  
12 subsection is entitled to eligible creditable service for  
13 service credit earned under this Article while undergoing the  
14 basic police training course approved by the Illinois Law  
15 Enforcement Training Standards Board, if completion of that  
16 training is required of persons serving in that position. For  
17 the purposes of this Code, service during the required basic  
18 police training course shall be deemed performance of the  
19 duties of the specified position, even though the person is not  
20 a sworn peace officer at the time of the training.

21 (c) For the purposes of this Section:

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

25 (2) The term "fire fighter in the fire protection  
26 service of a department" includes all officers in such fire  
27 protection service including fire chiefs and assistant  
28 fire chiefs.

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

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

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

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

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

30 (6) The term "Conservation Police Officer" means any  
31 person employed by the Division of Law Enforcement of the  
32 Department of Natural Resources and vested with such law  
33 enforcement duties as render him ineligible for coverage  
34 under the Social Security Act by reason of Sections  
35 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
36 term "Conservation Police Officer" includes the positions

1 of Chief Conservation Police Administrator and Assistant  
2 Conservation Police Administrator.

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

9 (8) The term "security employee of the Department of  
10 Human Services" means any person employed by the Department  
11 of Human Services who (i) is employed at the Chester Mental  
12 Health Center and has daily contact with the residents  
13 thereof, (ii) is employed within a security unit at a  
14 facility operated by the Department and has daily contact  
15 with the residents of the security unit, (iii) is employed  
16 at a facility operated by the Department that includes a  
17 security unit and is regularly scheduled to work at least  
18 50% of his or her working hours within that security unit,  
19 or (iv) is a mental health police officer. "Mental health  
20 police officer" means any person employed by the Department  
21 of Human Services in a position pertaining to the  
22 Department's mental health and developmental disabilities  
23 functions who is vested with such law enforcement duties as  
24 render the person ineligible for coverage under the Social  
25 Security Act by reason of Sections 218(d)(5)(A),  
26 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
27 means that portion of a facility that is devoted to the  
28 care, containment, and treatment of persons committed to  
29 the Department of Human Services as sexually violent  
30 persons, persons unfit to stand trial, or persons not  
31 guilty by reason of insanity. With respect to past  
32 employment, references to the Department of Human Services  
33 include its predecessor, the Department of Mental Health  
34 and Developmental Disabilities.

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

1 1, 2001, notwithstanding Section 1-103.1.

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

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

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

27 (12) The term "investigator for the Department of State  
28 Police" means a person employed by the Department of State  
29 Police who is vested under Section 4 of the Narcotic  
30 Control Division Abolition Act with such law enforcement  
31 powers as render him ineligible for coverage under the  
32 Social Security Act by reason of Sections 218(d)(5)(A),  
33 218(d)(8)(D) and 218(1)(1) of that Act.

34 (13) "Investigator for the Office of the Attorney  
35 General" means any person who is employed as such by the  
36 Office of the Attorney General and is vested with such

1       investigative 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. For  
4       the period before January 1, 1989, the term includes all  
5       persons who were employed as investigators by the Office of  
6       the Attorney General, without regard to social security  
7       status.

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

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

22      (16) "Commerce Commission police officer" means any  
23      person employed by the Illinois Commerce Commission who is  
24      vested with such law enforcement duties as render him  
25      ineligible for coverage under the Social Security Act by  
26      reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
27      218(1)(1) of that Act.

28      (17) "Arson investigator" means any person who is  
29      employed as such by the Office of the State Fire Marshal  
30      and is vested with such law enforcement duties as render  
31      the person ineligible for coverage under the Social  
32      Security Act by reason of Sections 218(d)(5)(A),  
33      218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
34      employed as an arson investigator on January 1, 1995 and is  
35      no longer in service but not yet receiving a retirement  
36      annuity may convert his or her creditable service for

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

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

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

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

33 (d) A security employee of the Department of Corrections,  
34 and a security employee of the Department of Human Services who  
35 is not a mental health police officer, shall not be eligible  
36 for the alternative retirement annuity provided by this Section

1 unless he or she meets the following minimum age and service  
2 requirements at the time of retirement:

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

4 or

5 (ii) beginning January 1, 1987, 25 years of eligible  
6 creditable service and age 54, or 24 years of eligible  
7 creditable service and age 55; or

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

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

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

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

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

28 (e) If a member enters military service while working in a  
29 position in which eligible creditable service may be earned,  
30 and returns to State service in the same or another such  
31 position, and fulfills in all other respects the conditions  
32 prescribed in this Article for credit for military service,  
33 such military service shall be credited as eligible creditable  
34 service for the purposes of the retirement annuity prescribed  
35 in this Section.

36 (f) For purposes of calculating retirement annuities under

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

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

25 (g) A State policeman may elect, not later than January 1,  
26 1990, to establish eligible creditable service for up to 10  
27 years of his service as a policeman under Article 3, by filing  
28 a written election with the Board, accompanied by payment of an  
29 amount to be determined by the Board, equal to (i) the  
30 difference between the amount of employee and employer  
31 contributions transferred to the System under Section 3-110.5,  
32 and the amounts that would have been contributed had such  
33 contributions been made at the rates applicable to State  
34 policemen, plus (ii) interest thereon at the effective rate for  
35 each year, compounded annually, from the date of service to the  
36 date of payment.

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

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

27           Subject to the limitation in subsection (i), a State  
28 policeman, conservation police officer, or investigator for  
29 the Secretary of State may elect to establish eligible  
30 creditable service for up to 10 years of service as a sheriff's  
31 law enforcement employee under Article 7, by filing a written  
32 election with the Board on or before January 31, 1993, and  
33 paying to the System by January 31, 1994 an amount to be  
34 determined by the Board, equal to (i) the difference between  
35 the amount of employee and employer contributions transferred  
36 to the System under Section 7-139.7, and the amounts that would

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

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

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

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

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

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

22 (n) A controlled substance inspector may elect to establish  
23 eligible creditable service for up to 15 years of his or her  
24 service as an investigator with the Cook County State's  
25 Attorney's Office under Article 9, by filing a written election  
26 with the Board not later than July 1, 2007, accompanied by  
27 payment of an amount to be determined by the Board, equal to  
28 (i) the difference between the amount of employee and employer  
29 contributions transferred to the System under Section  
30 9-121.10, and the amounts that would have been contributed had  
31 such contributions been made at the rates applicable to  
32 controlled substance inspectors, plus (ii) interest thereon at  
33 the effective rate for each year, compounded annually, from the  
34 date of service to the date of payment.

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

1 (Text of Section after amendment by P.A. 94-696)

2 Sec. 14-110. Alternative retirement annuity.

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

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

20 (ii) for periods of eligible creditable service as a  
21 covered employee: if retirement occurs on or after January  
22 1, 2001, 2.5% of final average compensation for each year  
23 of creditable service; if retirement occurs before January  
24 1, 2001, 1.67% of final average compensation for each of  
25 the first 10 years of such service, 1.90% for each of the  
26 next 10 years of such service, 2.10% for each year of such  
27 service in excess of 20 but not exceeding 30, and 2.30% for  
28 each year in excess of 30.

29 Such annuity shall be subject to a maximum of 75% of final  
30 average compensation if retirement occurs before January 1,  
31 2001 or to a maximum of 80% of final average compensation if  
32 retirement occurs on or after January 1, 2001.

33 These rates shall not be applicable to any service  
34 performed by a member as a covered employee which is not  
35 eligible creditable service. Service as a covered employee  
36 which is not eligible creditable service shall be subject to

1 the rates and provisions of Section 14-108.

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

5 (1) State policeman;

6 (2) fire fighter in the fire protection service of a  
7 department;

8 (3) air pilot;

9 (4) special agent;

10 (5) investigator for the Secretary of State;

11 (6) conservation police officer;

12 (7) investigator for the Department of Revenue;

13 (8) security employee of the Department of Human  
14 Services;

15 (9) Central Management Services security police  
16 officer;

17 (10) security employee of the Department of  
18 Corrections or the Department of Juvenile Justice;

19 (11) dangerous drugs investigator;

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

21 (13) investigator for the Office of the Attorney  
22 General;

23 (14) controlled substance inspector;

24 (15) investigator for the Office of the State's  
25 Attorneys Appellate Prosecutor;

26 (16) Commerce Commission police officer;

27 (17) arson investigator;

28 (18) State highway maintenance worker.

29 A person employed in one of the positions specified in this  
30 subsection is entitled to eligible creditable service for  
31 service credit earned under this Article while undergoing the  
32 basic police training course approved by the Illinois Law  
33 Enforcement Training Standards Board, if completion of that  
34 training is required of persons serving in that position. For  
35 the purposes of this Code, service during the required basic  
36 police training course shall be deemed performance of the

1 duties of the specified position, even though the person is not  
2 a sworn peace officer at the time of the training.

3 (c) For the purposes of this Section:

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

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

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

21 (4) The term "special agent" means any person who by  
22 reason of employment by the Division of Narcotic Control,  
23 the Bureau of Investigation or, after July 1, 1977, the  
24 Division of Criminal Investigation, the Division of  
25 Internal Investigation, the Division of Operations, or any  
26 other Division or organizational entity in the Department  
27 of State Police is vested by law with duties to maintain  
28 public order, investigate violations of the criminal law of  
29 this State, enforce the laws of this State, make arrests  
30 and recover property. The term "special agent" includes any  
31 title or position in the Department of State Police that is  
32 held by an individual employed under the State Police Act.

33 (5) The term "investigator for the Secretary of State"  
34 means any person employed by the Office of the Secretary of  
35 State and vested with such investigative duties as render  
36 him ineligible for coverage under the Social Security Act

1 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
2 218(1)(1) of that Act.

3 A person who became employed as an investigator for the  
4 Secretary of State between January 1, 1967 and December 31,  
5 1975, and who has served as such until attainment of age  
6 60, either continuously or with a single break in service  
7 of not more than 3 years duration, which break terminated  
8 before January 1, 1976, shall be entitled to have his  
9 retirement annuity calculated in accordance with  
10 subsection (a), notwithstanding that he has less than 20  
11 years of credit for such service.

12 (6) The term "Conservation Police Officer" means any  
13 person employed by the Division of Law Enforcement of the  
14 Department of Natural Resources and vested with such law  
15 enforcement duties as render him ineligible for coverage  
16 under the Social Security Act by reason of Sections  
17 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
18 term "Conservation Police Officer" includes the positions  
19 of Chief Conservation Police Administrator and Assistant  
20 Conservation Police Administrator.

21 (7) The term "investigator for the Department of  
22 Revenue" means any person employed by the Department of  
23 Revenue and vested with such investigative duties as render  
24 him ineligible for coverage under the Social Security Act  
25 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
26 218(1)(1) of that Act.

27 (8) The term "security employee of the Department of  
28 Human Services" means any person employed by the Department  
29 of Human Services who (i) is employed at the Chester Mental  
30 Health Center and has daily contact with the residents  
31 thereof, (ii) is employed within a security unit at a  
32 facility operated by the Department and has daily contact  
33 with the residents of the security unit, (iii) is employed  
34 at a facility operated by the Department that includes a  
35 security unit and is regularly scheduled to work at least  
36 50% of his or her working hours within that security unit,

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

17 The changes made to this subdivision (c)(8) by Public  
18 Act 92-14 apply to persons who retire on or after January  
19 1, 2001, notwithstanding Section 1-103.1.

20 (9) "Central Management Services security police  
21 officer" means any person employed by the Department of  
22 Central Management Services who is vested with such law  
23 enforcement duties as render him ineligible for coverage  
24 under the Social Security Act by reason of Sections  
25 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

26 (10) For a member who first became an employee under  
27 this Article before July 1, 2005, the term "security  
28 employee of the Department of Corrections or the Department  
29 of Juvenile Justice" means any employee of the Department  
30 of Corrections or the Department of Juvenile Justice or the  
31 former Department of Personnel, and any member or employee  
32 of the Prisoner Review Board, who has daily contact with  
33 inmates or youth by working within a correctional facility  
34 or Juvenile facility operated by the Department of Juvenile  
35 Justice or who is a parole officer or an employee who has  
36 direct contact with committed persons in the performance of

1 his or her job duties. For a member who first becomes an  
2 employee under this Article on or after July 1, 2005, the  
3 term means an employee of the Department of Corrections or  
4 the Department of Juvenile Justice who is any of the  
5 following: (i) officially headquartered at a correctional  
6 facility or Juvenile facility operated by the Department of  
7 Juvenile Justice, (ii) a parole officer, (iii) a member of  
8 the apprehension unit, (iv) a member of the intelligence  
9 unit, (v) a member of the sort team, or (vi) an  
10 investigator.

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

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

21 (13) "Investigator for the Office of the Attorney  
22 General" means any person who is employed as such by the  
23 Office of the Attorney General and is vested with such  
24 investigative duties as render him ineligible for coverage  
25 under the Social Security Act by reason of Sections  
26 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
27 the period before January 1, 1989, the term includes all  
28 persons who were employed as investigators by the Office of  
29 the Attorney General, without regard to social security  
30 status.

31 (14) "Controlled substance inspector" means any person  
32 who is employed as such by the Department of Professional  
33 Regulation and is vested with such law enforcement duties  
34 as render him ineligible for coverage under the Social  
35 Security Act by reason of Sections 218(d)(5)(A),  
36 218(d)(8)(D) and 218(1)(1) of that Act. The term

1 "controlled substance inspector" includes the Program  
2 Executive of Enforcement and the Assistant Program  
3 Executive of Enforcement.

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

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

15 (17) "Arson investigator" means any person who is  
16 employed as such by the Office of the State Fire Marshal  
17 and is vested with such law enforcement 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. A person who was  
21 employed as an arson investigator on January 1, 1995 and is  
22 no longer in service but not yet receiving a retirement  
23 annuity may convert his or her creditable service for  
24 employment as an arson investigator into eligible  
25 creditable service by paying to the System the difference  
26 between the employee contributions actually paid for that  
27 service and the amounts that would have been contributed if  
28 the applicant were contributing at the rate applicable to  
29 persons with the same social security status earning  
30 eligible creditable service on the date of application.

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

33 (i) A person employed on a full-time basis by the  
34 Illinois Department of Transportation in the position  
35 of highway maintainer, highway maintenance lead  
36 worker, highway maintenance lead/lead worker, heavy

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

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

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

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

28 or

29 (ii) beginning January 1, 1987, 25 years of eligible  
30 creditable service and age 54, or 24 years of eligible  
31 creditable service and age 55; or

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

35 (iv) beginning January 1, 1989, 25 years of eligible  
36 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,  
27          1968 and before October 1, 1975 as a covered employee in the  
28          position of special agent, conservation police officer, mental  
29          health police officer, or investigator for the Secretary of  
30          State, shall be deemed to have been service as a noncovered  
31          employee, provided that the employee pays to the System prior  
32          to retirement an amount equal to (1) the difference between the  
33          employee contributions that would have been required for such  
34          service as a noncovered employee, and the amount of employee  
35          contributions actually paid, plus (2) if payment is made after  
36          July 31, 1987, regular interest on the amount specified in item

1 (1) from the date of service to the date of payment.

2 For purposes of calculating retirement annuities under  
3 this Section, periods of service rendered after December 31,  
4 1968 and before January 1, 1982 as a covered employee in the  
5 position of investigator for the Department of Revenue shall be  
6 deemed to have been service as a noncovered employee, provided  
7 that the employee pays to the System prior to retirement an  
8 amount equal to (1) the difference between the employee  
9 contributions that would have been required for such service as  
10 a noncovered employee, and the amount of employee contributions  
11 actually paid, plus (2) if payment is made after January 1,  
12 1990, regular interest on the amount specified in item (1) from  
13 the date of service to the date of payment.

14 (g) A State policeman may elect, not later than January 1,  
15 1990, to establish eligible creditable service for up to 10  
16 years of his service as a policeman under Article 3, by filing  
17 a written election with the Board, accompanied by payment of an  
18 amount to be determined by the Board, equal to (i) the  
19 difference between the amount of employee and employer  
20 contributions transferred to the System under Section 3-110.5,  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate for  
24 each year, compounded annually, from the date of service to the  
25 date of payment.

26 Subject to the limitation in subsection (i), a State  
27 policeman may elect, not later than July 1, 1993, to establish  
28 eligible creditable service for up to 10 years of his service  
29 as a member of the County Police Department under Article 9, by  
30 filing a written election with the Board, accompanied by  
31 payment of an amount to be determined by the Board, equal to  
32 (i) the difference between the amount of employee and employer  
33 contributions transferred to the System under Section 9-121.10  
34 and the amounts that would have been contributed had those  
35 contributions been made at the rates applicable to State  
36 policemen, plus (ii) interest thereon at the effective rate for

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

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

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

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

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

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

12 (k) Subject to the limitation in subsection (i) of this  
13 Section, an alternative formula employee may elect to establish  
14 eligible creditable service for periods spent as a full-time  
15 law enforcement officer or full-time corrections officer  
16 employed by the federal government or by a state or local  
17 government located outside of Illinois, for which credit is not  
18 held in any other public employee pension fund or retirement  
19 system. To obtain this credit, the applicant must file a  
20 written application with the Board by March 31, 1998,  
21 accompanied by evidence of eligibility acceptable to the Board  
22 and payment of an amount to be determined by the Board, equal  
23 to (1) employee contributions for the credit being established,  
24 based upon the applicant's salary on the first day as an  
25 alternative formula employee after the employment for which  
26 credit is being established and the rates then applicable to  
27 alternative formula employees, plus (2) an amount determined by  
28 the Board to be the employer's normal cost of the benefits  
29 accrued for the credit being established, plus (3) regular  
30 interest on the amounts in items (1) and (2) from the first day  
31 as an alternative formula employee after the employment for  
32 which credit is being established to the date of payment.

33 (l) Subject to the limitation in subsection (i), a security  
34 employee of the Department of Corrections may elect, not later  
35 than July 1, 1998, to establish eligible creditable service for  
36 up to 10 years of his or her service as a policeman under

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

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

28 (n) A controlled substance inspector may elect to establish  
29 eligible creditable service for up to 15 years of his or her  
30 service as an investigator with the Cook County State's  
31 Attorney's Office under Article 9, by filing a written election  
32 with the Board not later than July 1, 2007, accompanied by  
33 payment of an amount to be determined by the Board, equal to  
34 (i) the difference between the amount of employee and employer  
35 contributions transferred to the System under Section  
36 9-121.10, and the amounts that would have been contributed had

1 such contributions been made at the rates applicable to  
2 controlled substance inspectors, plus (ii) interest thereon at  
3 the effective rate for each year, compounded annually, from the  
4 date of service to the date of payment.

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

6 (40 ILCS 5/14-152.1)

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

9 (a) As used in this Section, "new benefit increase" means  
10 an increase in the amount of any benefit provided under this  
11 Article, or an expansion of the conditions of eligibility for  
12 any benefit under this Article, that results from an amendment  
13 to this Code that takes effect after June 1, 2005 (the  
14 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
15 ~~94th General Assembly~~. "New benefit increase", however, does  
16 not include any benefit increase resulting from the changes  
17 made to this Article by this amendatory Act of the 94th General  
18 Assembly.

19 (b) Notwithstanding any other provision of this Code or any  
20 subsequent amendment to this Code, every new benefit increase  
21 is subject to this Section and shall be deemed to be granted  
22 only in conformance with and contingent upon compliance with  
23 the provisions of this Section.

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

28 Every new benefit increase is contingent upon the General  
29 Assembly providing the additional funding required under this  
30 subsection. The Commission on Government Forecasting and  
31 Accountability shall analyze whether adequate additional  
32 funding has been provided for the new benefit increase and  
33 shall report its analysis to the Public Pension Division of the  
34 Department of Financial and Professional Regulation. A new  
35 benefit increase created by a Public Act that does not include

1 the additional funding required under this subsection is null  
2 and void. If the Public Pension Division determines that the  
3 additional funding provided for a new benefit increase under  
4 this subsection is or has become inadequate, it may so certify  
5 to the Governor and the State Comptroller and, in the absence  
6 of corrective action by the General Assembly, the new benefit  
7 increase shall expire at the end of the fiscal year in which  
8 the certification is made.

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

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

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

26 Section 95. No acceleration or delay. Where this Act makes  
27 changes in a statute that is represented in this Act by text  
28 that is not yet or no longer in effect (for example, a Section  
29 represented by multiple versions), the use of that text does  
30 not accelerate or delay the taking effect of (i) the changes  
31 made by this Act or (ii) provisions derived from any other  
32 Public Act.

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.