



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3739

Introduced 2/25/2009, by Rep. Frank J. Mautino

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 Employees Article of the Illinois Pension Code. Provides the alternative formula for certain automotive mechanics, maintenance field technicians, field techs, engineering technicians V (ET V), maintenance field engineers, field engineers, and civil engineers V (CE V). Exempts the changes from the new benefit increase provisions. Effective immediately.

LRB096 09030 AMC 19169 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8 (a) Any member who has withdrawn from service with not less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10 age 55, and any member who has withdrawn from service with not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;
- 5 (8) security employee of the Department of Human
6 Services;
- 7 (9) Central Management Services security police
8 officer;
- 9 (10) security employee of the Department of
10 Corrections or the Department of Juvenile Justice;
- 11 (11) dangerous drugs investigator;
- 12 (12) investigator for the Department of State Police;
- 13 (13) investigator for the Office of the Attorney
14 General;
- 15 (14) controlled substance inspector;
- 16 (15) investigator for the Office of the State's
17 Attorneys Appellate Prosecutor;
- 18 (16) Commerce Commission police officer;
- 19 (17) arson investigator;
- 20 (18) State highway maintenance worker;~~;~~
- 21 (19) automotive mechanic;
- 22 (20) maintenance field technician;
- 23 (21) field tech;
- 24 (22) engineering technician V (ET V);
- 25 (23) maintenance field engineer;
- 26 (24) field engineer;

1 (25) civil engineer V (CE V);

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

12 (c) For the purposes of this Section:

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

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

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

1 amendatory Act of 1983 shall not operate to exclude any
2 noncovered employee who was an "air pilot" for the purposes
3 of this Section on January 1, 1984.

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

16 (5) The term "investigator for the Secretary of State"
17 means any person employed by the Office of the Secretary of
18 State and vested with such investigative duties as render
19 him ineligible for coverage under the Social Security Act
20 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
21 218(1)(1) of that Act.

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

1 before January 1, 1976, shall be entitled to have his
2 retirement annuity calculated in accordance with
3 subsection (a), notwithstanding that he has less than 20
4 years of credit for such service.

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

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

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

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

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

23 (9) "Central Management Services security police
24 officer" means any person employed by the Department of
25 Central Management Services who is vested with such law
26 enforcement duties as render him ineligible for coverage

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

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

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

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

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

18 (14) "Controlled substance inspector" means any person
19 who is employed as such by the Department of Professional
20 Regulation and is vested with such law enforcement duties
21 as render him ineligible for coverage under the Social
22 Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D) and 218(1)(1) of that Act. The term
24 "controlled substance inspector" includes the Program
25 Executive of Enforcement and the Assistant Program
26 Executive of Enforcement.

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

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

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

1 eligible creditable service on the date of application.

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

4 (i) A person employed on a full-time basis by the
5 Illinois Department of Transportation in the position
6 of highway maintainer, highway maintenance lead
7 worker, highway maintenance lead/lead worker, heavy
8 construction equipment operator, power shovel
9 operator, sign hanger, sign hanger foreman, or bridge
10 mechanic; and whose principal responsibility is to
11 perform, on the roadway, the actual maintenance
12 necessary to keep the highways that form a part of the
13 State highway system in serviceable condition for
14 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, equipment
18 operator/laborer H-4, equipment operator/laborer H-6,
19 welder, welder H-4, welder H-6, mechanical/electrical,
20 mechanical/electrical H-4, mechanical/electrical H-6,
21 water/sewer, water/sewer H-4, water/sewer H-6, sign
22 maker/hanger, sign maker/hanger H-4, sign maker/hanger
23 H-6, roadway lighting, roadway lighting H-4, roadway
24 lighting H-6, structural, structural H-4, structural
25 H-6, painter, painter H-4, or painter H-6; and whose
26 principal responsibility is to perform, on the

1 roadway, the actual maintenance necessary to keep the
2 Authority's tollways in serviceable condition for
3 vehicular traffic.

4 (19) The term "automotive mechanic" means a person
5 employed as such on a full-time basis by the Illinois
6 Department of Transportation, Department of Central
7 Management Services, or Illinois Department of Agriculture
8 and who is assigned to retrieve or repair State vehicles on
9 State highways or tollways.

10 (20) The term "maintenance field technician" means a
11 person employed as such on a full-time basis by the
12 Illinois Department of Transportation.

13 (21) The term "field tech" means a person employed as
14 such on a full-time basis by the Illinois Department of
15 Transportation.

16 (22) The term "engineering technician V (ET V)" means a
17 person employed as such on a full-time basis by the
18 Illinois Department of Transportation.

19 (23) The term "maintenance field engineer" means a
20 person employed as such on a full-time basis by the
21 Illinois Department of Transportation.

22 (24) The term "field engineer" means a person employed
23 as such on a full-time basis by the Illinois Department of
24 Transportation.

25 (25) The term "civil engineer V (CE V)" means a person
26 employed as such on a full-time basis by the Illinois

1 Department of Transportation.

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

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

10 or

11 (ii) beginning January 1, 1987, 25 years of eligible
12 creditable service and age 54, or 24 years of eligible
13 creditable service and age 55; or

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

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

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

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

26 Persons who have service credit under Article 16 of this

1 Code for service as a security employee of the Department of
2 Corrections or the Department of Juvenile Justice, or the
3 Department of Human Services in a position requiring
4 certification as a teacher may count such service toward
5 establishing their eligibility under the service requirements
6 of this Section; but such service may be used only for
7 establishing such eligibility, and not for the purpose of
8 increasing or calculating any benefit.

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

17 (f) For purposes of calculating retirement annuities under
18 this Section, periods of service rendered after December 31,
19 1968 and before October 1, 1975 as a covered employee in the
20 position of special agent, conservation police officer, mental
21 health police officer, or investigator for the Secretary of
22 State, shall be deemed to have been service as a noncovered
23 employee, provided that the employee pays to the System prior
24 to retirement an amount equal to (1) the difference between the
25 employee contributions that would have been required for such
26 service as a noncovered employee, and the amount of employee

1 contributions actually paid, plus (2) if payment is made after
2 July 31, 1987, regular interest on the amount specified in item
3 (1) from the date of service to the date of payment.

4 For purposes of calculating retirement annuities under
5 this Section, periods of service rendered after December 31,
6 1968 and before January 1, 1982 as a covered employee in the
7 position of investigator for the Department of Revenue shall be
8 deemed to have been service as a noncovered employee, provided
9 that the employee pays to the System prior to retirement an
10 amount equal to (1) the difference between the employee
11 contributions that would have been required for such service as
12 a noncovered employee, and the amount of employee contributions
13 actually paid, plus (2) if payment is made after January 1,
14 1990, regular interest on the amount specified in item (1) from
15 the date of service to the date of payment.

16 (g) A State policeman may elect, not later than January 1,
17 1990, to establish eligible creditable service for up to 10
18 years of his service as a policeman under Article 3, by filing
19 a written election with the Board, accompanied by payment of an
20 amount to be determined by the Board, equal to (i) the
21 difference between the amount of employee and employer
22 contributions transferred to the System under Section 3-110.5,
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 effective rate for
26 each year, compounded annually, from the date of service to the

1 date of payment.

2 Subject to the limitation in subsection (i), a State
3 policeman may elect, not later than July 1, 1993, to establish
4 eligible creditable service for up to 10 years of his service
5 as a member of the County Police Department under Article 9, by
6 filing a written election with the Board, accompanied by
7 payment of an amount to be determined by the Board, equal to
8 (i) the difference between the amount of employee and employer
9 contributions transferred to the System under Section 9-121.10
10 and the amounts that would have been contributed had those
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 (h) Subject to the limitation in subsection (i), a State
16 policeman or investigator for the Secretary of State may elect
17 to establish eligible creditable service for up to 12 years of
18 his service as a policeman under Article 5, by filing a written
19 election with the Board on or before January 31, 1992, and
20 paying to the System by January 31, 1994 an amount to be
21 determined by the Board, equal to (i) the difference between
22 the amount of employee and employer contributions transferred
23 to the System under Section 5-236, and the amounts that would
24 have been contributed had such contributions been made at the
25 rates applicable to State policemen, plus (ii) interest thereon
26 at the effective rate for each year, compounded annually, from

1 the date of service to the date of payment.

2 Subject to the limitation in subsection (i), a State
3 policeman, conservation police officer, or investigator for
4 the Secretary of State may elect to establish eligible
5 creditable service for up to 10 years of service as a sheriff's
6 law enforcement employee under Article 7, by filing a written
7 election with the Board on or before January 31, 1993, 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 7-139.7, 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 5 years of service as a police
20 officer under Article 3, a policeman under Article 5, a
21 sheriff's law enforcement employee under Article 7, a member of
22 the county police department under Article 9, or a police
23 officer under Article 15 by filing a written election with the
24 Board and paying to the System an amount to be determined by
25 the Board, equal to (i) the difference between the amount of
26 employee and employer contributions transferred to the System

1 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate for
5 each year, compounded annually, from the date of service to the
6 date of payment.

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

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

25 (k) Subject to the limitation in subsection (i) of this
26 Section, an alternative formula employee may elect to establish

1 eligible creditable service for periods spent as a full-time
2 law enforcement officer or full-time corrections officer
3 employed by the federal government or by a state or local
4 government located outside of Illinois, for which credit is not
5 held in any other public employee pension fund or retirement
6 system. To obtain this credit, the applicant must file a
7 written application with the Board by March 31, 1998,
8 accompanied by evidence of eligibility acceptable to the Board
9 and payment of an amount to be determined by the Board, equal
10 to (1) employee contributions for the credit being established,
11 based upon the applicant's salary on the first day as an
12 alternative formula employee after the employment for which
13 credit is being established and the rates then applicable to
14 alternative formula employees, plus (2) an amount determined by
15 the Board to be the employer's normal cost of the benefits
16 accrued for the credit being established, plus (3) regular
17 interest on the amounts in items (1) and (2) from the first day
18 as an alternative formula employee after the employment for
19 which credit is being established to the date of payment.

20 (1) Subject to the limitation in subsection (i), a security
21 employee of the Department of Corrections may elect, not later
22 than July 1, 1998, to establish eligible creditable service for
23 up to 10 years of his or her service as a policeman under
24 Article 3, by filing a written election with the Board,
25 accompanied by payment of an amount to be determined by the
26 Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 3-110.5, and the amounts that would have been
3 contributed had such contributions been made at the rates
4 applicable to security employees of the Department of
5 Corrections, plus (ii) interest thereon at the effective rate
6 for each year, compounded annually, from the date of service to
7 the date of payment.

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

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

1 (40 ILCS 5/14-152.1)

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

4 (a) As used in this Section, "new benefit increase" means
5 an increase in the amount of any benefit provided under this
6 Article, or an expansion of the conditions of eligibility for
7 any benefit under this Article, that results from an amendment
8 to this Code that takes effect after June 1, 2005 (the
9 effective date of Public Act 94-4) ~~this amendatory Act of the~~
10 ~~94th General Assembly~~. "New benefit increase", however, does
11 not include any benefit increase resulting from the changes
12 made to this Article by this amendatory Act of the 96th General
13 Assembly.

14 (b) Notwithstanding any other provision of this Code or any
15 subsequent amendment to this Code, every new benefit increase
16 is subject to this Section and shall be deemed to be granted
17 only in conformance with and contingent upon compliance with
18 the provisions of this Section.

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

23 Every new benefit increase is contingent upon the General
24 Assembly providing the additional funding required under this
25 subsection. The Commission on Government Forecasting and

1 Accountability shall analyze whether adequate additional
2 funding has been provided for the new benefit increase and
3 shall report its analysis to the Public Pension Division of the
4 Department of Financial and Professional Regulation. A new
5 benefit increase created by a Public Act that does not include
6 the additional funding required under this subsection is null
7 and void. If the Public Pension Division determines that the
8 additional funding provided for a new benefit increase under
9 this subsection is or has become inadequate, it may so certify
10 to the Governor and the State Comptroller and, in the absence
11 of corrective action by the General Assembly, the new benefit
12 increase shall expire at the end of the fiscal year in which
13 the certification is made.

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

20 (e) Except as otherwise provided in the language creating
21 the new benefit increase, a new benefit increase that expires
22 under this Section continues to apply to persons who applied
23 and qualified for the affected benefit while the new benefit
24 increase was in effect and to the affected beneficiaries and
25 alternate payees of such persons, but does not apply to any
26 other person, including without limitation a person who

1 continues in service after the expiration date and did not
2 apply and qualify for the affected benefit while the new
3 benefit increase was in effect.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.