



Sen. Chris Lauzen

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1 AMENDMENT TO SENATE BILL 2918

2 AMENDMENT NO. _____. Amend Senate Bill 2918 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by adding
5 Section 1-155 and by changing Sections 2-101, 2-105, and
6 14-103.05 as follows:

7 (40 ILCS 5/1-155 new)

8 Sec. 1-155. Minimum retirement age. Notwithstanding any
9 other provision of this Code, no person who first becomes a
10 participant in any retirement system or pension fund under this
11 Code on or after July 1, 2010 may begin receiving retirement
12 benefits under this Code before that person has attained age
13 62.

14 (40 ILCS 5/2-101) (from Ch. 108 1/2, par. 2-101)

15 Sec. 2-101. Creation of system. A retirement system is

1 created to provide retirement annuities, survivor's annuities
2 and other benefits for certain members of the General Assembly,
3 certain elected state officials, and their beneficiaries.

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

8 Participation in the retirement system created under this
9 Article is restricted to persons who become participants before
10 July 1, 2010. Beginning on July 1, 2010, the System shall not
11 accept any new participants.

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

13 (40 ILCS 5/2-105) (from Ch. 108 1/2, par. 2-105)

14 Sec. 2-105. Member. "Member": Members of the General
15 Assembly of this State, including persons who enter military
16 service while a member of the General Assembly, and any person
17 serving as Governor, Lieutenant Governor, Secretary of State,
18 Treasurer, Comptroller, or Attorney General for the period of
19 service in such office.

20 Any person who has served for 10 or more years as Clerk or
21 Assistant Clerk of the House of Representatives, Secretary or
22 Assistant Secretary of the Senate, or any combination thereof,
23 may elect to become a member of this system while thenceforth
24 engaged in such service by filing a written election with the
25 board. Any person so electing shall be deemed an active member

1 of the General Assembly for the purpose of validating and
2 transferring any service credits earned under any of the funds
3 and systems established under Articles 3 through 18 of this
4 Code.

5 However, notwithstanding any other provision of this
6 Article, a person shall not be deemed a member for the purposes
7 of this Article unless he or she became a participant of the
8 System before July 1, 2010.

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

10 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
11 Sec. 14-103.05. Employee.

12 (a) Any person employed by a Department who receives salary
13 for personal services rendered to the Department on a warrant
14 issued pursuant to a payroll voucher certified by a Department
15 and drawn by the State Comptroller upon the State Treasurer,
16 including an elected official described in subparagraph (d) of
17 Section 14-104, shall become an employee for purpose of
18 membership in the Retirement System on the first day of such
19 employment.

20 A person who becomes a constitutional officer or member of
21 the General Assembly on or after July 1, 2010 and is not
22 eligible to participate in the General Assembly Retirement
23 System shall be deemed an employee for purposes of membership
24 in this System beginning on the first day of such service.

25 A person entering service on or after January 1, 1972 and

1 prior to January 1, 1984 shall become a member as a condition
2 of employment and shall begin making contributions as of the
3 first day of employment.

4 A person entering service on or after January 1, 1984
5 shall, upon completion of 6 months of continuous service which
6 is not interrupted by a break of more than 2 months, become a
7 member as a condition of employment. Contributions shall begin
8 the first of the month after completion of the qualifying
9 period.

10 A person employed by the Chicago Metropolitan Agency for
11 Planning on the effective date of this amendatory Act of the
12 95th General Assembly who was a member of this System as an
13 employee of the Chicago Area Transportation Study and makes an
14 election under Section 14-104.13 to participate in this System
15 for his or her employment with the Chicago Metropolitan Agency
16 for Planning.

17 The qualifying period of 6 months of service is not
18 applicable to: (1) a person who has been granted credit for
19 service in a position covered by the State Universities
20 Retirement System, the Teachers' Retirement System of the State
21 of Illinois, the General Assembly Retirement System, or the
22 Judges Retirement System of Illinois unless that service has
23 been forfeited under the laws of those systems; (2) a person
24 entering service on or after July 1, 1991 in a noncovered
25 position; or (3) a person to whom Section 14-108.2a or
26 14-108.2b applies; or (4) a person who is serving as a

1 constitutional officer or member of the General Assembly.

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

3 (1) persons participating in ~~members of the State~~
4 ~~Legislature, and persons electing to become members of the~~
5 ~~General Assembly Retirement System pursuant to Section~~
6 ~~2-105;~~

7 (2) incumbents of offices normally filled by vote of
8 the people, other than constitutional officers and members
9 of the General Assembly;

10 (3) except as otherwise provided in this Section, any
11 person appointed by the Governor with the advice and
12 consent of the Senate unless that person elects to
13 participate in this system;

14 (3.1) any person serving as a commissioner of an ethics
15 commission created under the State Officials and Employees
16 Ethics Act unless that person elects to participate in this
17 system with respect to that service as a commissioner;

18 (3.2) any person serving as a part-time employee in any
19 of the following positions: Legislative Inspector General,
20 Special Legislative Inspector General, employee of the
21 Office of the Legislative Inspector General, Executive
22 Director of the Legislative Ethics Commission, or staff of
23 the Legislative Ethics Commission, regardless of whether
24 he or she is in active service on or after July 8, 2004
25 (the effective date of Public Act 93-685), unless that
26 person elects to participate in this System with respect to

1 that service; in this item (3.2), a "part-time employee" is
2 a person who is not required to work at least 35 hours per
3 week;

4 (3.3) any person who has made an election under Section
5 1-123 and who is serving either as legal counsel in the
6 Office of the Governor or as Chief Deputy Attorney General;

7 (4) except as provided in Section 14-108.2 or
8 14-108.2c, any person who is covered or eligible to be
9 covered by the Teachers' Retirement System of the State of
10 Illinois, the State Universities Retirement System, or the
11 Judges Retirement System of Illinois;

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

14 (6) any person who becomes an employee after June 30,
15 1979 as a public service employment program participant
16 under the Federal Comprehensive Employment and Training
17 Act and whose wages or fringe benefits are paid in whole or
18 in part by funds provided under such Act;

19 (7) enrollees of the Illinois Young Adult Conservation
20 Corps program, administered by the Department of Natural
21 Resources, authorized grantee pursuant to Title VIII of the
22 "Comprehensive Employment and Training Act of 1973", 29 USC
23 993, as now or hereafter amended;

24 (8) enrollees and temporary staff of programs
25 administered by the Department of Natural Resources under
26 the Youth Conservation Corps Act of 1970;

1 (9) any person who is a member of any professional
2 licensing or disciplinary board created under an Act
3 administered by the Department of Professional Regulation
4 or a successor agency or created or re-created after the
5 effective date of this amendatory Act of 1997, and who
6 receives per diem compensation rather than a salary,
7 notwithstanding that such per diem compensation is paid by
8 warrant issued pursuant to a payroll voucher; such persons
9 have never been included in the membership of this System,
10 and this amendatory Act of 1987 (P.A. 84-1472) is not
11 intended to effect any change in the status of such
12 persons;

13 (10) any person who is a member of the Illinois Health
14 Care Cost Containment Council, and receives per diem
15 compensation rather than a salary, notwithstanding that
16 such per diem compensation is paid by warrant issued
17 pursuant to a payroll voucher; such persons have never been
18 included in the membership of this System, and this
19 amendatory Act of 1987 is not intended to effect any change
20 in the status of such persons;

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

26 (12) a person employed by the State Board of Higher

1 Education in a position with the Illinois Century Network
2 as of June 30, 2004, who remains continuously employed
3 after that date by the Department of Central Management
4 Services in a position with the Illinois Century Network
5 and participates in the Article 15 system with respect to
6 that employment.

7 (c) An individual who represents or is employed as an
8 officer or employee of a statewide labor organization that
9 represents members of this System may participate in the System
10 and shall be deemed an employee, provided that (1) the
11 individual has previously earned creditable service under this
12 Article, (2) the individual files with the System an
13 irrevocable election to become a participant within 6 months
14 after the effective date of this amendatory Act of the 94th
15 General Assembly, and (3) the individual does not receive
16 credit for that employment under any other provisions of this
17 Code. An employee under this subsection (c) is responsible for
18 paying to the System both (i) employee contributions based on
19 the actual compensation received for service with the labor
20 organization and (ii) employer contributions based on the
21 percentage of payroll certified by the board; all or any part
22 of these contributions may be paid on the employee's behalf or
23 picked up for tax purposes (if authorized under federal law) by
24 the labor organization.

25 A person who is an employee as defined in this subsection
26 (c) may establish service credit for similar employment prior

1 to becoming an employee under this subsection by paying to the
2 System for that employment the contributions specified in this
3 subsection, plus interest at the effective rate from the date
4 of service to the date of payment. However, credit shall not be
5 granted under this subsection (c) for any such prior employment
6 for which the applicant received credit under any other
7 provision of this Code or during which the applicant was on a
8 leave of absence.

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

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