



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4572

Introduced 02/04/04, by Frank J. Mautino

SYNOPSIS AS INTRODUCED:

5 ILCS 375/3

from Ch. 127, par. 523

Amends the State Employees Group Insurance Act of 1971. Deletes a "recognized child" from the definition of a "dependent". Redefines a handicapped adult dependent as an adult dependent with a disability and requires that such a dependent (i) must be financially dependent upon the group member and (ii) must be eligible to be claimed by the member as a dependent for income tax purposes. Provides that the dependent's eligibility to receive social security disability benefits constitutes proof of disability. Effective immediately.

LRB093 16139 JAM 41772 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State employee insurance.

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

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by changing Section 3 as follows:

6 (5 ILCS 375/3) (from Ch. 127, par. 523)

7 Sec. 3. Definitions. Unless the context otherwise
8 requires, the following words and phrases as used in this Act
9 shall have the following meanings. The Department may define
10 these and other words and phrases separately for the purpose of
11 implementing specific programs providing benefits under this
12 Act.

13 (a) "Administrative service organization" means any
14 person, firm or corporation experienced in the handling of
15 claims which is fully qualified, financially sound and capable
16 of meeting the service requirements of a contract of
17 administration executed with the Department.

18 (b) "Annuitant" means (1) an employee who retires, or has
19 retired, on or after January 1, 1966 on an immediate annuity
20 under the provisions of Articles 2, 14, 15 (including an
21 employee who has retired under the optional retirement program
22 established under Section 15-158.2), paragraphs (2), (3), or
23 (5) of Section 16-106, or Article 18 of the Illinois Pension
24 Code; (2) any person who was receiving group insurance coverage
25 under this Act as of March 31, 1978 by reason of his status as
26 an annuitant, even though the annuity in relation to which such
27 coverage was provided is a proportional annuity based on less
28 than the minimum period of service required for a retirement
29 annuity in the system involved; (3) any person not otherwise
30 covered by this Act who has retired as a participating member
31 under Article 2 of the Illinois Pension Code but is ineligible
32 for the retirement annuity under Section 2-119 of the Illinois

1 Pension Code; (4) the spouse of any person who is receiving a
2 retirement annuity under Article 18 of the Illinois Pension
3 Code and who is covered under a group health insurance program
4 sponsored by a governmental employer other than the State of
5 Illinois and who has irrevocably elected to waive his or her
6 coverage under this Act and to have his or her spouse
7 considered as the "annuitant" under this Act and not as a
8 "dependent"; or (5) an employee who retires, or has retired,
9 from a qualified position, as determined according to rules
10 promulgated by the Director, under a qualified local government
11 or a qualified rehabilitation facility or a qualified domestic
12 violence shelter or service. (For definition of "retired
13 employee", see (p) post).

14 (b-5) "New SERS annuitant" means a person who, on or after
15 January 1, 1998, becomes an annuitant, as defined in subsection
16 (b), by virtue of beginning to receive a retirement annuity
17 under Article 14 of the Illinois Pension Code, and is eligible
18 to participate in the basic program of group health benefits
19 provided for annuitants under this Act.

20 (b-6) "New SURS annuitant" means a person who (1) on or
21 after January 1, 1998, becomes an annuitant, as defined in
22 subsection (b), by virtue of beginning to receive a retirement
23 annuity under Article 15 of the Illinois Pension Code, (2) has
24 not made the election authorized under Section 15-135.1 of the
25 Illinois Pension Code, and (3) is eligible to participate in
26 the basic program of group health benefits provided for
27 annuitants under this Act.

28 (b-7) "New TRS State annuitant" means a person who, on or
29 after July 1, 1998, becomes an annuitant, as defined in
30 subsection (b), by virtue of beginning to receive a retirement
31 annuity under Article 16 of the Illinois Pension Code based on
32 service as a teacher as defined in paragraph (2), (3), or (5)
33 of Section 16-106 of that Code, and is eligible to participate
34 in the basic program of group health benefits provided for
35 annuitants under this Act.

36 (c) "Carrier" means (1) an insurance company, a corporation

1 organized under the Limited Health Service Organization Act or
2 the Voluntary Health Services Plan Act, a partnership, or other
3 nongovernmental organization, which is authorized to do group
4 life or group health insurance business in Illinois, or (2) the
5 State of Illinois as a self-insurer.

6 (d) "Compensation" means salary or wages payable on a
7 regular payroll by the State Treasurer on a warrant of the
8 State Comptroller out of any State, trust or federal fund, or
9 by the Governor of the State through a disbursing officer of
10 the State out of a trust or out of federal funds, or by any
11 Department out of State, trust, federal or other funds held by
12 the State Treasurer or the Department, to any person for
13 personal services currently performed, and ordinary or
14 accidental disability benefits under Articles 2, 14, 15
15 (including ordinary or accidental disability benefits under
16 the optional retirement program established under Section
17 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
18 Article 18 of the Illinois Pension Code, for disability
19 incurred after January 1, 1966, or benefits payable under the
20 Workers' Compensation or Occupational Diseases Act or benefits
21 payable under a sick pay plan established in accordance with
22 Section 36 of the State Finance Act. "Compensation" also means
23 salary or wages paid to an employee of any qualified local
24 government or qualified rehabilitation facility or a qualified
25 domestic violence shelter or service.

26 (e) "Commission" means the State Employees Group Insurance
27 Advisory Commission authorized by this Act. Commencing July 1,
28 1984, "Commission" as used in this Act means the Illinois
29 Economic and Fiscal Commission as established by the
30 Legislative Commission Reorganization Act of 1984.

31 (f) "Contributory", when referred to as contributory
32 coverage, shall mean optional coverages or benefits elected by
33 the member toward the cost of which such member makes
34 contribution, or which are funded in whole or in part through
35 the acceptance of a reduction in earnings or the foregoing of
36 an increase in earnings by an employee, as distinguished from

1 noncontributory coverage or benefits which are paid entirely by
2 the State of Illinois without reduction of the member's salary.

3 (g) "Department" means any department, institution, board,
4 commission, officer, court or any agency of the State
5 government receiving appropriations and having power to
6 certify payrolls to the Comptroller authorizing payments of
7 salary and wages against such appropriations as are made by the
8 General Assembly from any State fund, or against trust funds
9 held by the State Treasurer and includes boards of trustees of
10 the retirement systems created by Articles 2, 14, 15, 16 and 18
11 of the Illinois Pension Code. "Department" also includes the
12 Illinois Comprehensive Health Insurance Board, the Board of
13 Examiners established under the Illinois Public Accounting
14 Act, and the Illinois Finance Authority.

15 (h) "Dependent", when the term is used in the context of
16 the health and life plan, means a member's spouse and any
17 unmarried child (1) from birth to age 19 including an adopted
18 child, a child who lives with the member from the time of the
19 filing of a petition for adoption until entry of an order of
20 adoption, a stepchild ~~or recognized child~~ who lives with the
21 member in a parent-child relationship, or a child who lives
22 with the member if such member is a court appointed guardian of
23 the child, or (2) age 19 to 23 enrolled as a full-time student
24 in any accredited school, financially dependent upon the
25 member, and eligible to be claimed as a dependent for income
26 tax purposes, or (3) age 19 or over who has a mental or
27 physical disability, is financially dependent upon the member,
28 and is eligible to be claimed as a dependent for income tax
29 purposes. Proof that a dependent is eligible to receive
30 disability benefits under the federal Social Security Act shall
31 constitute proof of disability for purposes of this Act ~~is~~
32 ~~mentally or physically handicapped~~. For the health plan only,
33 the term "dependent" also includes any person enrolled prior to
34 the effective date of this Section who is dependent upon the
35 member to the extent that the member may claim such person as a
36 dependent for income tax deduction purposes; no other such

1 person may be enrolled. For the health plan only, the term
2 "dependent" also includes any person who has received after
3 June 30, 2000 an organ transplant and who is financially
4 dependent upon the member and eligible to be claimed as a
5 dependent for income tax purposes.

6 (i) "Director" means the Director of the Illinois
7 Department of Central Management Services.

8 (j) "Eligibility period" means the period of time a member
9 has to elect enrollment in programs or to select benefits
10 without regard to age, sex or health.

11 (k) "Employee" means and includes each officer or employee
12 in the service of a department who (1) receives his
13 compensation for service rendered to the department on a
14 warrant issued pursuant to a payroll certified by a department
15 or on a warrant or check issued and drawn by a department upon
16 a trust, federal or other fund or on a warrant issued pursuant
17 to a payroll certified by an elected or duly appointed officer
18 of the State or who receives payment of the performance of
19 personal services on a warrant issued pursuant to a payroll
20 certified by a Department and drawn by the Comptroller upon the
21 State Treasurer against appropriations made by the General
22 Assembly from any fund or against trust funds held by the State
23 Treasurer, and (2) is employed full-time or part-time in a
24 position normally requiring actual performance of duty during
25 not less than 1/2 of a normal work period, as established by
26 the Director in cooperation with each department, except that
27 persons elected by popular vote will be considered employees
28 during the entire term for which they are elected regardless of
29 hours devoted to the service of the State, and (3) except that
30 "employee" does not include any person who is not eligible by
31 reason of such person's employment to participate in one of the
32 State retirement systems under Articles 2, 14, 15 (either the
33 regular Article 15 system or the optional retirement program
34 established under Section 15-158.2) or 18, or under paragraph
35 (2), (3), or (5) of Section 16-106, of the Illinois Pension
36 Code, but such term does include persons who are employed

1 during the 6 month qualifying period under Article 14 of the
2 Illinois Pension Code. Such term also includes any person who
3 (1) after January 1, 1966, is receiving ordinary or accidental
4 disability benefits under Articles 2, 14, 15 (including
5 ordinary or accidental disability benefits under the optional
6 retirement program established under Section 15-158.2),
7 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
8 the Illinois Pension Code, for disability incurred after
9 January 1, 1966, (2) receives total permanent or total
10 temporary disability under the Workers' Compensation Act or
11 Occupational Disease Act as a result of injuries sustained or
12 illness contracted in the course of employment with the State
13 of Illinois, or (3) is not otherwise covered under this Act and
14 has retired as a participating member under Article 2 of the
15 Illinois Pension Code but is ineligible for the retirement
16 annuity under Section 2-119 of the Illinois Pension Code.
17 However, a person who satisfies the criteria of the foregoing
18 definition of "employee" except that such person is made
19 ineligible to participate in the State Universities Retirement
20 System by clause (4) of subsection (a) of Section 15-107 of the
21 Illinois Pension Code is also an "employee" for the purposes of
22 this Act. "Employee" also includes any person receiving or
23 eligible for benefits under a sick pay plan established in
24 accordance with Section 36 of the State Finance Act. "Employee"
25 also includes each officer or employee in the service of a
26 qualified local government, including persons appointed as
27 trustees of sanitary districts regardless of hours devoted to
28 the service of the sanitary district, and each employee in the
29 service of a qualified rehabilitation facility and each
30 full-time employee in the service of a qualified domestic
31 violence shelter or service, as determined according to rules
32 promulgated by the Director.

33 (l) "Member" means an employee, annuitant, retired
34 employee or survivor.

35 (m) "Optional coverages or benefits" means those coverages
36 or benefits available to the member on his or her voluntary

1 election, and at his or her own expense.

2 (n) "Program" means the group life insurance, health
3 benefits and other employee benefits designed and contracted
4 for by the Director under this Act.

5 (o) "Health plan" means a health benefits program offered
6 by the State of Illinois for persons eligible for the plan.

7 (p) "Retired employee" means any person who would be an
8 annuitant as that term is defined herein but for the fact that
9 such person retired prior to January 1, 1966. Such term also
10 includes any person formerly employed by the University of
11 Illinois in the Cooperative Extension Service who would be an
12 annuitant but for the fact that such person was made ineligible
13 to participate in the State Universities Retirement System by
14 clause (4) of subsection (a) of Section 15-107 of the Illinois
15 Pension Code.

16 (q) "Survivor" means a person receiving an annuity as a
17 survivor of an employee or of an annuitant. "Survivor" also
18 includes: (1) the surviving dependent of a person who satisfies
19 the definition of "employee" except that such person is made
20 ineligible to participate in the State Universities Retirement
21 System by clause (4) of subsection (a) of Section 15-107 of the
22 Illinois Pension Code; and (2) the surviving dependent of any
23 person formerly employed by the University of Illinois in the
24 Cooperative Extension Service who would be an annuitant except
25 for the fact that such person was made ineligible to
26 participate in the State Universities Retirement System by
27 clause (4) of subsection (a) of Section 15-107 of the Illinois
28 Pension Code.

29 (q-5) "New SERS survivor" means a survivor, as defined in
30 subsection (q), whose annuity is paid under Article 14 of the
31 Illinois Pension Code and is based on the death of (i) an
32 employee whose death occurs on or after January 1, 1998, or
33 (ii) a new SERS annuitant as defined in subsection (b-5).

34 (q-6) "New SURS survivor" means a survivor, as defined in
35 subsection (q), whose annuity is paid under Article 15 of the
36 Illinois Pension Code and is based on the death of (i) an

1 employee whose death occurs on or after January 1, 1998, or
2 (ii) a new SURS annuitant as defined in subsection (b-6).

3 (q-7) "New TRS State survivor" means a survivor, as defined
4 in subsection (q), whose annuity is paid under Article 16 of
5 the Illinois Pension Code and is based on the death of (i) an
6 employee who is a teacher as defined in paragraph (2), (3), or
7 (5) of Section 16-106 of that Code and whose death occurs on or
8 after July 1, 1998, or (ii) a new TRS State annuitant as
9 defined in subsection (b-7).

10 (r) "Medical services" means the services provided within
11 the scope of their licenses by practitioners in all categories
12 licensed under the Medical Practice Act of 1987.

13 (s) "Unit of local government" means any county,
14 municipality, township, school district (including a
15 combination of school districts under the Intergovernmental
16 Cooperation Act), special district or other unit, designated as
17 a unit of local government by law, which exercises limited
18 governmental powers or powers in respect to limited
19 governmental subjects, any not-for-profit association with a
20 membership that primarily includes townships and township
21 officials, that has duties that include provision of research
22 service, dissemination of information, and other acts for the
23 purpose of improving township government, and that is funded
24 wholly or partly in accordance with Section 85-15 of the
25 Township Code; any not-for-profit corporation or association,
26 with a membership consisting primarily of municipalities, that
27 operates its own utility system, and provides research,
28 training, dissemination of information, or other acts to
29 promote cooperation between and among municipalities that
30 provide utility services and for the advancement of the goals
31 and purposes of its membership; the Southern Illinois
32 Collegiate Common Market, which is a consortium of higher
33 education institutions in Southern Illinois; and the Illinois
34 Association of Park Districts. "Qualified local government"
35 means a unit of local government approved by the Director and
36 participating in a program created under subsection (i) of

1 Section 10 of this Act.

2 (t) "Qualified rehabilitation facility" means any
3 not-for-profit organization that is accredited by the
4 Commission on Accreditation of Rehabilitation Facilities or
5 certified by the Department of Human Services (as successor to
6 the Department of Mental Health and Developmental
7 Disabilities) to provide services to persons with disabilities
8 and which receives funds from the State of Illinois for
9 providing those services, approved by the Director and
10 participating in a program created under subsection (j) of
11 Section 10 of this Act.

12 (u) "Qualified domestic violence shelter or service" means
13 any Illinois domestic violence shelter or service and its
14 administrative offices funded by the Department of Human
15 Services (as successor to the Illinois Department of Public
16 Aid), approved by the Director and participating in a program
17 created under subsection (k) of Section 10.

18 (v) "TRS benefit recipient" means a person who:

19 (1) is not a "member" as defined in this Section; and

20 (2) is receiving a monthly benefit or retirement
21 annuity under Article 16 of the Illinois Pension Code; and

22 (3) either (i) has at least 8 years of creditable
23 service under Article 16 of the Illinois Pension Code, or
24 (ii) was enrolled in the health insurance program offered
25 under that Article on January 1, 1996, or (iii) is the
26 survivor of a benefit recipient who had at least 8 years of
27 creditable service under Article 16 of the Illinois Pension
28 Code or was enrolled in the health insurance program
29 offered under that Article on the effective date of this
30 amendatory Act of 1995, or (iv) is a recipient or survivor
31 of a recipient of a disability benefit under Article 16 of
32 the Illinois Pension Code.

33 (w) "TRS dependent beneficiary" means a person who:

34 (1) is not a "member" or "dependent" as defined in this
35 Section; and

36 (2) is a TRS benefit recipient's: (A) spouse, (B)

1 dependent parent who is receiving at least half of his or
2 her support from the TRS benefit recipient, or (C)
3 unmarried natural or adopted child who is (i) under age 19,
4 or (ii) enrolled as a full-time student in an accredited
5 school, financially dependent upon the TRS benefit
6 recipient, eligible to be claimed as a dependent for income
7 tax purposes, and either is under age 24 or was, on January
8 1, 1996, participating as a dependent beneficiary in the
9 health insurance program offered under Article 16 of the
10 Illinois Pension Code, or (iii) age 19 or over who is
11 mentally or physically handicapped.

12 (x) "Military leave with pay and benefits" refers to
13 individuals in basic training for reserves, special/advanced
14 training, annual training, emergency call up, or activation by
15 the President of the United States with approved pay and
16 benefits.

17 (y) "Military leave without pay and benefits" refers to
18 individuals who enlist for active duty in a regular component
19 of the U.S. Armed Forces or other duty not specified or
20 authorized under military leave with pay and benefits.

21 (z) "Community college benefit recipient" means a person
22 who:

23 (1) is not a "member" as defined in this Section; and

24 (2) is receiving a monthly survivor's annuity or
25 retirement annuity under Article 15 of the Illinois Pension
26 Code; and

27 (3) either (i) was a full-time employee of a community
28 college district or an association of community college
29 boards created under the Public Community College Act
30 (other than an employee whose last employer under Article
31 15 of the Illinois Pension Code was a community college
32 district subject to Article VII of the Public Community
33 College Act) and was eligible to participate in a group
34 health benefit plan as an employee during the time of
35 employment with a community college district (other than a
36 community college district subject to Article VII of the

1 Public Community College Act) or an association of
2 community college boards, or (ii) is the survivor of a
3 person described in item (i).

4 (aa) "Community college dependent beneficiary" means a
5 person who:

6 (1) is not a "member" or "dependent" as defined in this
7 Section; and

8 (2) is a community college benefit recipient's: (A)
9 spouse, (B) dependent parent who is receiving at least half
10 of his or her support from the community college benefit
11 recipient, or (C) unmarried natural or adopted child who is
12 (i) under age 19, or (ii) enrolled as a full-time student
13 in an accredited school, financially dependent upon the
14 community college benefit recipient, eligible to be
15 claimed as a dependent for income tax purposes and under
16 age 23, or (iii) age 19 or over and mentally or physically
17 handicapped.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
19 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.