



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1224

Introduced 2/18/2005, by Sen. Peter J. Roskam

SYNOPSIS AS INTRODUCED:

40 ILCS 5/18-123

from Ch. 108 1/2, par. 18-123

Amends the Judges Article of the Illinois Pension Code. Provides that a married participant who elected not to participate in the survivor's annuity provisions and who is still a judge may elect to participate therein by filing with the Board before 30 days after the effective date of this amendatory Act a written recision of the election not to participate. Effective immediately.

LRB094 10862 AMC 41390 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 Section 18-123 as follows:

6 (40 ILCS 5/18-123) (from Ch. 108 1/2, par. 18-123)

7 Sec. 18-123. Participation in survivor's annuity. A
8 participant in active service as a judge after July 26, 1949,
9 is eligible to participate in the survivor's annuity provided
10 under this Article. A married participant who was in service on
11 July 27, 1949 is subject to the provisions relating to
12 survivor's annuities unless he or she filed with the Board
13 written notice not to participate in such annuity within 30
14 days of that date.

15 A married judge who becomes a participant after July 27,
16 1949, an unmarried judge who becomes a participant after
17 December 31, 1992, and a judge who marries after becoming a
18 participant shall be subject to the provisions relating to
19 survivor's annuities unless he or she files with the Board
20 written notice of his or her election not to participate in the
21 survivor's annuity within 30 days of the date of being notified
22 of the option by the System. Once the election period has
23 expired, a judge may not withdraw from participation under this
24 Section except as provided in Section 18-129.

25 A person who became a participant before January 1, 1997
26 and who is not contributing for survivor's annuity may elect to
27 make contributions for survivor's annuity by filing written
28 notice of the election with the Board no later than April 1,
29 1998. Such an election may not be rescinded. A person who has
30 so elected shall be entitled only to partial credit for
31 survivor's annuity under subsection (g) of Section 18-129
32 unless all of the payments required under subsection (f) of

1 that Section have been made.

2 A married participant who elects not to participate in the
3 survivor's annuity provisions shall thereafter be ineligible
4 to participate in the survivor's annuity unless the election is
5 rescinded as provided herein.

6 A married participant who elected not to participate in the
7 survivor's annuity provisions and who is still a judge^r may
8 elect to participate therein by filing with the Board before 30
9 days after the effective date of this amendatory Act of the
10 94th General Assembly ~~April 1, 1998~~ a written rescision of the
11 election not to participate. The participant and his or her
12 spouse shall be entitled to all the rights of the survivor's
13 annuity, except as limited in Section 18-129, upon paying the
14 System for the survivor's annuity 1 1/2% of each payment of
15 salary earned between July 27, 1949 and July 12, 1953, and 2
16 1/2% of each payment of salary earned after July 12, 1953,
17 together with interest at 4% per annum, compounded annually
18 from the date the contributions would have been due to the date
19 of payment. The time and manner of paying the required
20 contributions and interest shall be prescribed by the Board.

21 (Source: P.A. 90-507, eff. 8-22-97.)

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