



Sen. Dave Syverson

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LRB094 09193 LCB 43113 a

1 AMENDMENT TO SENATE BILL 1456

2 AMENDMENT NO. _____. Amend Senate Bill 1456 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 18-127 as follows:

6 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

7 Sec. 18-127. Retirement annuity - suspension on
8 reemployment.

9 (a) A participant receiving a retirement annuity who is
10 regularly employed for compensation by an employer other than a
11 county, in any capacity, shall have his or her retirement
12 annuity payments suspended during such employment. Upon
13 termination of such employment, retirement annuity payments at
14 the previous rate shall be resumed.

15 If such a participant resumes service as a judge, he or she
16 shall receive credit for any additional service. Upon
17 subsequent retirement, his or her retirement annuity shall be
18 the amount previously granted, plus the amount earned by the
19 additional judicial service under the provisions in effect
20 during the period of such additional service. However, if the
21 participant was receiving the maximum rate of annuity at the
22 time of re-employment, he or she may elect, in a written
23 direction filed with the board, not to receive any additional
24 service credit during the period of re-employment. In such

1 case, contributions shall not be required during the period of
2 re-employment. Any such election shall be irrevocable.

3 (b) Beginning January 1, 1991, any participant receiving a
4 retirement annuity who accepts temporary employment from an
5 employer other than a county for a period not exceeding 75
6 working days in any calendar year shall not be deemed to be
7 regularly employed for compensation or to have resumed service
8 as a judge for the purposes of this Article. A day shall be
9 considered a working day if the annuitant performs on it any of
10 his duties under the temporary employment agreement.

11 (c) Except as provided in subsection (a), beginning January
12 1, 1993, retirement annuities shall not be subject to
13 suspension upon resumption of employment for an employer, and
14 any retirement annuity that is then so suspended shall be
15 reinstated on that date.

16 (d) The changes made in this Section by this amendatory Act
17 of 1993 shall apply to judges no longer in service on its
18 effective date, as well as to judges serving on or after that
19 date.

20 (e) A participant receiving a retirement annuity under this
21 Article who serves as a part-time employee in any of the
22 following positions: Legislative Inspector General, Special
23 Legislative Inspector General, employee of the Office of the
24 Legislative Inspector General, Executive Director of the
25 Legislative Ethics Commission, or staff of the Legislative
26 Ethics Commission, or associate judges who have been appointed
27 as temporary contractual judges to help alleviate any existing
28 backlog of cases as provided in Section 2.1 of the Associate
29 Judges Act, but has not elected to participate in the Article
30 14 System with respect to that service, shall not be deemed to
31 be regularly employed for compensation by an employer other
32 than a county, nor to have resumed service as a judge, on the
33 basis of that service, and the retirement annuity payments and
34 other benefits of that person under this Code shall not be

1 suspended, diminished, or otherwise impaired solely as a
2 consequence of that service. This subsection (e) applies
3 without regard to whether the person is in service as a judge
4 under this Article on or after the effective date of this
5 amendatory Act of the 93rd General Assembly. In this
6 subsection, a "part-time employee" is a person who is not
7 required to work at least 35 hours per week.

8 (f) A participant receiving a retirement annuity under this
9 Article who has made an election under Section 1-123 and who is
10 serving either as legal counsel in the Office of the Governor
11 or as Chief Deputy Attorney General shall not be deemed to be
12 regularly employed for compensation by an employer other than a
13 county, nor to have resumed service as a judge, on the basis of
14 that service, and the retirement annuity payments and other
15 benefits of that person under this Code shall not be suspended,
16 diminished, or otherwise impaired solely as a consequence of
17 that service. This subsection (f) applies without regard to
18 whether the person is in service as a judge under this Article
19 on or after the effective date of this amendatory Act of the
20 93rd General Assembly.

21 (Source: P.A. 93-685, eff. 7-8-04; 93-1069, eff. 1-15-05.)

22 Section 10. The Associate Judges Act is amended by changing
23 Sections 2.1 and 3 as follows:

24 (705 ILCS 45/2.1) (from Ch. 37, par. 160.2-1)

25 Sec. 2.1. If the maximum number of associate judges
26 authorized under Section 2 of this Act is appointed, and the
27 chief judge of the circuit considers the number of associate
28 judges inadequate, additional associate judges may be
29 appointed as provided in this Section 2.1.

30 The chief judge of the circuit in which it is desired to
31 appoint one or more additional associate or temporary
32 contractual judges shall file in writing a petition with the

1 Supreme Court listing the reasons such circuit needs the
2 additional associate or temporary contractual judge and
3 detailing what use will be made of each such associate or
4 temporary contractual judge. The Supreme Court shall determine
5 whether a clear need exists for the additional associate or
6 temporary contractual judges. The Supreme Court shall consider
7 the following factors in making its determination: (1) case
8 loads in the circuit; (2) the number of associate judges,
9 resident circuit judges, temporary contractual judges, and
10 circuit judges in the circuit; (3) the number and location in
11 the circuit of major federal and state highways; (4) the
12 location in the circuit of state police highway truck weighing
13 stations; (5) the relationship of urban population to large
14 metropolitan centers in the various counties of the circuit;
15 (6) the location in the circuit of state institutions
16 including, but not limited to, universities, mental health
17 facilities and penitentiaries; (7) any other factor deemed
18 relevant by the Supreme Court.

19 If the Supreme Court finds that the factors listed in this
20 Section 2.1 are met and there has been shown to be adequate
21 local or State funding, then the Supreme Court may authorize
22 the chief judge of the circuit to appoint one or more temporary
23 contractual judges to help with the backlog of cases. The
24 temporary contractual judge appointments shall be made from
25 persons who have previously served as associate judges and
26 whose terms have expired.

27 The Supreme Court shall either approve or disapprove the
28 petition. If approved, the Supreme Court shall notify in
29 writing the chief judge who filed the petition as to the number
30 of additional associate or temporary contractual judges who may
31 be appointed in the circuit. If the Supreme Court disapproves,
32 it need not state its reasons therefor.

33 The maximum number of associate judges appointed under the
34 provisions of this Section 2.1 shall not exceed 50 throughout

1 the state. There is no limit within this maximum figure on the
2 number of associate or temporary contractual judges that may be
3 appointed pursuant to this Section 2.1 in any particular
4 circuit.

5 (Source: P.A. 84-1395.)

6 (705 ILCS 45/3) (from Ch. 37, par. 160.3)

7 Sec. 3. Associate judges shall be retired at the same age
8 as that set by law for judges, unless retained as temporary
9 contractual judges pursuant to Section 2.1 of this Act.

10 (Source: P.A. 79-687; 79-1360.)

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