



Filed: 1/10/2005

09300SB3199ham002

LRB093 21130 EFG 54454 a

1 AMENDMENT TO SENATE BILL 3199

2 AMENDMENT NO. _____. Amend Senate Bill 3199 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 14-103.05 and 18-127 and by adding Section
6 1-123 as follows:

7 (40 ILCS 5/1-123 new)

8 Sec. 1-123. Service as legal counsel. Notwithstanding any
9 provision in this Code to the contrary, if a person is a
10 participant under Article 18 and files a written election by
11 July 1, 2005 with the Judges Retirement System of Illinois,
12 then that person may serve either as legal counsel in the
13 Office of the Governor or as Chief Deputy Attorney General and
14 (A) no retirement annuity or other benefit of that person under
15 Article 18 is subject to forfeiture, diminishment, suspension,
16 or other impairment solely by virtue of that service and (B)
17 that person does not participate in any pension fund or
18 retirement system under this Code with respect to that service.
19 This Section applies without regard to whether the person is in
20 active service under Article 18 of this Code on or after the
21 effective date of this amendatory Act of the 93rd General
22 Assembly.

23 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

1 Sec. 14-103.05. Employee.

2 (a) Any person employed by a Department who receives salary
3 for personal services rendered to the Department on a warrant
4 issued pursuant to a payroll voucher certified by a Department
5 and drawn by the State Comptroller upon the State Treasurer,
6 including an elected official described in subparagraph (d) of
7 Section 14-104, shall become an employee for purpose of
8 membership in the Retirement System on the first day of such
9 employment.

10 A person entering service on or after January 1, 1972 and
11 prior to January 1, 1984 shall become a member as a condition
12 of employment and shall begin making contributions as of the
13 first day of employment.

14 A person entering service on or after January 1, 1984
15 shall, upon completion of 6 months of continuous service which
16 is not interrupted by a break of more than 2 months, become a
17 member as a condition of employment. Contributions shall begin
18 the first of the month after completion of the qualifying
19 period.

20 The qualifying period of 6 months of service is not
21 applicable to: (1) a person who has been granted credit for
22 service in a position covered by the State Universities
23 Retirement System, the Teachers' Retirement System of the State
24 of Illinois, the General Assembly Retirement System, or the
25 Judges Retirement System of Illinois unless that service has
26 been forfeited under the laws of those systems; (2) a person
27 entering service on or after July 1, 1991 in a noncovered
28 position; or (3) a person to whom Section 14-108.2a or
29 14-108.2b applies.

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

31 (1) members of the State Legislature, and persons
32 electing to become members of the General Assembly
33 Retirement System pursuant to Section 2-105;

34 (2) incumbents of offices normally filled by vote of

1 the people;

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

6 (3.1) any person serving as a commissioner of an ethics
7 commission created under the State Officials and Employees
8 Ethics Act unless that person elects to participate in this
9 system with respect to that service as a commissioner;

10 (3.2) any person serving as a part-time employee in any
11 of the following positions: Legislative Inspector General,
12 Special Legislative Inspector General, employee of the
13 Office of the Legislative Inspector General, Executive
14 Director of the Legislative Ethics Commission, or staff of
15 the Legislative Ethics Commission, regardless of whether
16 he or she is in active service on or after July 8, 2004
17 (the effective date of Public Act 93-685) ~~this amendatory~~
18 ~~Act of the 93rd General Assembly~~, unless that person elects
19 to participate in this System with respect to that service;
20 in this item (3.2), a "part-time employee" is a person who
21 is not required to work at least 35 hours per week;

22 (3.3) any person who has made an election under Section
23 1-123 and who is serving either as legal counsel in the
24 Office of the Governor or as Chief Deputy Attorney General;

25 (4) except as provided in Section 14-108.2 or
26 14-108.2c, any person who is covered or eligible to be
27 covered by the Teachers' Retirement System of the State of
28 Illinois, the State Universities Retirement System, or the
29 Judges Retirement System of Illinois;

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

32 (6) any person who becomes an employee after June 30,
33 1979 as a public service employment program participant
34 under the Federal Comprehensive Employment and Training

1 Act and whose wages or fringe benefits are paid in whole or
2 in part by funds provided under such Act;

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

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

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

23 (10) any person who is a member of the Illinois Health
24 Care Cost Containment Council, and receives per diem
25 compensation rather than a salary, notwithstanding that
26 such per diem compensation is paid by warrant issued
27 pursuant to a payroll voucher; such persons have never been
28 included in the membership of this System, and this
29 amendatory Act of 1987 is not intended to effect any change
30 in the status of such persons;

31 (11) any person who is a member of the Oil and Gas
32 Board created by Section 1.2 of the Illinois Oil and Gas
33 Act, and receives per diem compensation rather than a
34 salary, notwithstanding that such per diem compensation is

1 paid by warrant issued pursuant to a payroll voucher; or

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

9 (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,
10 eff. 7-30-04; revised 9-8-04.)

11 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

12 Sec. 18-127. Retirement annuity - suspension on
13 reemployment.

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

20 If such a participant resumes service as a judge, he or she
21 shall receive credit for any additional service. Upon
22 subsequent retirement, his or her retirement annuity shall be
23 the amount previously granted, plus the amount earned by the
24 additional judicial service under the provisions in effect
25 during the period of such additional service. However, if the
26 participant was receiving the maximum rate of annuity at the
27 time of re-employment, he or she may elect, in a written
28 direction filed with the board, not to receive any additional
29 service credit during the period of re-employment. In such
30 case, contributions shall not be required during the period of
31 re-employment. Any such election shall be irrevocable.

32 (b) Beginning January 1, 1991, any participant receiving a
33 retirement annuity who accepts temporary employment from an

1 employer other than a county for a period not exceeding 75
2 working days in any calendar year shall not be deemed to be
3 regularly employed for compensation or to have resumed service
4 as a judge for the purposes of this Article. A day shall be
5 considered a working day if the annuitant performs on it any of
6 his duties under the temporary employment agreement.

7 (c) Except as provided in subsection (a), beginning January
8 1, 1993, retirement annuities shall not be subject to
9 suspension upon resumption of employment for an employer, and
10 any retirement annuity that is then so suspended shall be
11 reinstated on that date.

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

16 (e) A participant receiving a retirement annuity under this
17 Article who serves as a part-time employee in any of the
18 following positions: Legislative Inspector General, Special
19 Legislative Inspector General, employee of the Office of the
20 Legislative Inspector General, Executive Director of the
21 Legislative Ethics Commission, or staff of the Legislative
22 Ethics Commission, but has not elected to participate in the
23 Article 14 System with respect to that service, shall not be
24 deemed to be regularly employed for compensation by an employer
25 other than a county, nor to have resumed service as a judge, on
26 the basis of that service, and the retirement annuity payments
27 and other benefits of that person under this Code shall not be
28 suspended, diminished, or otherwise impaired solely as a
29 consequence of that service. This subsection (e) applies
30 without regard to whether the person is in service as a judge
31 under this Article on or after the effective date of this
32 amendatory Act of the 93rd General Assembly. In this
33 subsection, a "part-time employee" is a person who is not
34 required to work at least 35 hours per week.

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

14 (Source: P.A. 93-685, eff. 7-8-04.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".