

1 AN ACT concerning compensation of public officials.

2 WHEREAS, The General Assembly finds that:

3 (a) Senate Joint Resolution 192 of the 86th General
4 Assembly was intended to provide for the payment of annual
5 cost-of-living adjustments as a component of the salary of
6 judges and other public officials to which it pertains; and

7 (b) Section 5 of Public Act 92-607, effective June 28,
8 2002, provides that judges, among others, shall not receive
9 any increase in compensation based on a cost-of-living
10 adjustment, as authorized by Senate Joint Resolution 192, for
11 or during the fiscal year beginning July 1, 2002; and

12 (c) Article VI, Section 14, of the Illinois Constitution
13 provides that "Judges shall receive salaries provided by law
14 which shall not be diminished to take effect during their
15 terms of office"; and

16 (d) Section 5 of Public Act 92-607, as applied to
17 judges, in withholding payment of a component of judicial
18 compensation, does not comport with the provisions of Article
19 VI, Section 14, of the Illinois Constitution; and

20 (e) It is in the public interest to defer the next
21 report of the Compensation Review Board that otherwise would
22 be filed in 2004 for an additional period of one year,
23 requiring the Board to file its next report in 2005 and to
24 file subsequent reports every 2 years; therefore

25 Be it enacted by the People of the State of Illinois,
26 represented in the General Assembly:

27 Section 5. The Compensation Review Act is amended by
28 changing Sections 4 and 5.5 as follows:

29 (25 ILCS 120/4) (from Ch. 63, par. 904)

1 Sec. 4. Meetings of the Board; determining compensation;
 2 public hearings; reports. The Board shall meet as often as
 3 may be necessary and shall determine, upon a vote requiring
 4 at least 7 affirmative votes, the compensation for members of
 5 the General Assembly, judges, other than the county
 6 supplement, State's attorneys, other than the county
 7 supplement, the elected constitutional officers of State
 8 government, and certain appointed officers of State
 9 government.

10 In determining the compensation for each office, the
 11 Compensation Review Board shall consider the following
 12 factors:

- 13 (a) the skill required,
- 14 (b) the time required,
- 15 (c) the opportunity for other earned income,
- 16 (d) the value of public services as performed in
 17 comparable states,
- 18 (e) the value of such services as performed in the
 19 private sector in Illinois and comparable states based on
 20 the responsibility and discretion required in the office,
- 21 (f) the average consumer prices commonly known as
 22 the cost of living,
- 23 (g) the overall compensation presently received by
 24 the public officials and all other benefits received,
- 25 (h) the interests and welfare of the public and the
 26 financial ability of the State to meet those costs, and
- 27 (i) such other factors, not confined to the
 28 foregoing, which are normally or traditionally taken into
 29 consideration in the determination of such compensation.

30 The Board shall conduct public hearings prior to filing
 31 its report.

32 At the public hearings, the Board shall allow interested
 33 persons to present their views and comments. The Board may
 34 prescribe reasonable rules for the conduct of public

1 hearings, to prevent undue repetition. The meetings of the
2 Board are subject to the Open Meetings Act.

3 The Board shall file an initial report with the House of
4 Representatives, the Senate, the Comptroller and the
5 Secretary of State. No report shall be filed in 2004.
6 Subsequent Reports shall be filed therewith before April 1 in
7 each odd-numbered even-numbered year thereafter stating the
8 annual salary for members of the General Assembly, the
9 elected State constitutional officers and certain appointed
10 State officers and compensated employees and members of
11 certain State departments, agencies, boards and commissions
12 whose terms begin in the next calendar year; the annual
13 salary for State's attorneys; and the annual salary for the
14 Auditor General and for Supreme Court, Appellate Court,
15 Circuit Court and Associate judges. If the report increases
16 the annual salary of judges, State's attorneys, and the
17 Auditor General, such increase shall take effect as soon as
18 the time period for disapproval or reduction, as provided in
19 subsection (b) of Section 5, has expired.

20 The salaries in the report or as reduced by the General
21 Assembly, other than for judges, State's attorneys, and the
22 Auditor General, shall take effect as provided by law.

23 (Source: P.A. 90-375, eff. 8-14-97; 91-798, eff. 7-9-00.)

24 (25 ILCS 120/5.5)

25 Sec. 5.5. FY03 COLA's prohibited. Notwithstanding any
26 provision of this Act, any other law, or any resolution of
27 the General Assembly to the contrary, members of the General
28 Assembly, ~~judges, other than the county supplement,~~ State's
29 attorneys, other than the county supplement, the elected
30 constitutional officers of State government, and certain
31 appointed officers of State government, including members of
32 State departments, agencies, boards, and commissions whose
33 annual compensation is determined by the Board, are

1 prohibited from receiving and shall not receive any increase
2 in compensation based on a cost of living adjustment, as
3 authorized by Senate Joint Resolution 192 of the 86th General
4 Assembly, for or during the fiscal year beginning July 1,
5 2002.

6 Notwithstanding the provisions of Public Act 92-607 or
7 any other law, the cost-of-living adjustment otherwise
8 authorized by Senate Joint Resolution 192 of the 86th General
9 Assembly for judges shall be deemed to have taken effect for
10 the fiscal year beginning July 1, 2002 and shall be payable.

11 (Source: P.A. 92-607, eff. 6-28-02.)

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