



Sen. James A. DeLeo

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09400HB0227sam001

LRB094 05051 AMC 47252 a

1 AMENDMENT TO HOUSE BILL 227

2 AMENDMENT NO. _____. Amend House Bill 227 on page 1, by
3 replacing line 5 with the following:

4 "Sections 8-152 and 14-104 and adding Section 8-152.1 as
5 follows:

6 (40 ILCS 5/8-152) (from Ch. 108 1/2, par. 8-152)

7 Sec. 8-152. Widows or former wives not entitled to annuity.
8 Except as provided in Section 8-152.1, the following widows or
9 former wives of employees have no right to annuity from the
10 fund:

11 (a) The widow, married subsequent to the effective date, of
12 an employee who dies in service if she was not married to him
13 before he attained age 65;

14 (b) The widow, married subsequent to the effective date, of
15 an employee who withdraws from service whether or not he enters
16 upon annuity, and who dies while out of service, if she was not
17 his wife while he was in service and before he attained age 65;

18 (c) The widow of an employee with 10 or more years of
19 service whose death occurs out of and after he has withdrawn
20 from service, and who has received a refund of his
21 contributions for annuity purposes;

22 (d) The widow of an employee with less than 10 years of
23 service who dies out of service after he has withdrawn from
24 service before he attained age 60;

25 (e) The former wife of an employee whose judgment of

1 dissolution of marriage has been vacated or set aside after the
2 employee's death, unless the proceedings to vacate or set aside
3 the judgment were filed in court within 5 years after the entry
4 thereof and within one year after the employee's death, and
5 unless the board is made a party defendant to such proceedings.
6 (Source: P.A. 81-1536.)

7 (40 ILCS 5/8-152.1 new)

8 Sec. 8-152.1. Widow's annuity for widow married to member
9 for at least 10 years. Notwithstanding Section 8-152 or any
10 other provision of this Code to the contrary, if (1) a member
11 has a spouse who would have qualified for a minimum annuity for
12 widows under Section 8-150.1 at the time of the member's
13 retirement, (2) the qualifying spouse dies, (3) the member
14 subsequently remarries, and (4) the member does not receive a
15 refund under Section 8-169, then the member's widow shall be
16 entitled to a widow's annuity if (i) the member dies after May
17 1, 2004 and before November 1, 2004 and (ii) the widow was
18 married to the member for at least the last 10 years prior to
19 the member's death. A widow who elects to receive a widow's
20 annuity under this Section is thereafter ineligible to receive
21 any other survivor's benefit under this Article. A widow who is
22 receiving any survivor's benefit under this Article is
23 thereafter ineligible to receive a widow's annuity under this
24 Section. If a widow who is receiving a widow's annuity under
25 this Section remarries, then the benefits paid to that widow
26 shall be terminated effective on the last day of the month in
27 which the widow remarries. To establish credit under this
28 Section, the widow must apply to the Fund on or before July 1,
29 2006."; and

30 on page 5, immediately below line 35, by inserting the
31 following:

1 "Section 90. The State Mandates Act is amended by adding
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 94th General Assembly."