



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0027

Introduced 1/26/2005, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

40 ILCS 5/8-152 from Ch. 108 1/2, par. 8-152
40 ILCS 5/8-152.1 new
30 ILCS 805/8.29 new

Amends the Chicago Municipal Article of the Illinois Pension Code. Provides that if (1) a member has a spouse who would have qualified for a minimum annuity for widows at the time of the member's retirement, (2) the qualifying spouse dies, (3) the member subsequently remarries, and (4) the member does not receive a refund of widow's annuity deductions, then the member's widow shall be entitled to a widow's annuity if (i) the member dies after May 1, 2004 and before November 1, 2004 and (ii) the widow was married to the member for at least the last 10 years prior to the member's death. Provides that if a widow who is receiving a widow's annuity under the provisions of this amendatory Act of the 93rd General Assembly remarries, that widow's annuity shall be terminated. Requires application on or before July 1, 2006. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 04055 AMC 34075 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
5 changing Section 8-152 and adding Section 8-152.1 as 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19 service whose death occurs out of and after he has withdrawn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
26 dissolution of marriage has been vacated or set aside after the
27 employee's death, unless the proceedings to vacate or set aside
28 the judgment were filed in court within 5 years after the entry
29 thereof and within one year after the employee's death, and
30 unless the board is made a party defendant to such proceedings.

31 (Source: P.A. 81-1536.)

1 (40 ILCS 5/8-152.1 new)

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

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.29 as follows:

26 (30 ILCS 805/8.29 new)

27 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
28 of this Act, no reimbursement by the State is required for the
29 implementation of any mandate created by this amendatory Act of
30 the 94th General Assembly.

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.