



Sen. Heather A. Steans

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10100SB2022sam001

LRB101 10996 RPS 57439 a

1 AMENDMENT TO SENATE BILL 2022

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2022 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Section 7-159 as follows:

6 (40 ILCS 5/7-159) (from Ch. 108 1/2, par. 7-159)

7 Sec. 7-159. Surviving spouse annuity - refund of survivor  
8 credits.

9 (a) Any employee annuitant who (1) upon the date a  
10 retirement annuity begins is not then married, or (2) is  
11 married to a person who would not qualify for surviving spouse  
12 annuity if the person died on such date, is entitled to a  
13 refund of the survivor credits including interest accumulated  
14 on the date the annuity begins, excluding survivor credits and  
15 interest thereon credited during periods of disability, and no  
16 spouse shall have a right to any surviving spouse annuity from

1 this Fund. If the employee annuitant reenters service and upon  
2 subsequent retirement has a spouse who would qualify for a  
3 surviving spouse annuity, the employee annuitant may pay the  
4 fund the amount of the refund plus interest at the effective  
5 rate at the date of payment. The payment shall qualify the  
6 spouse for a surviving spouse annuity and the amount paid shall  
7 be considered as survivor contributions.

8 (b) Instead of a refund under subsection (a), the retiring  
9 employee may elect to convert the amount of the refund into an  
10 annuity, payable separately from the retirement annuity. If the  
11 annuitant dies before the guaranteed amount has been  
12 distributed, the remainder shall be paid in a lump sum to the  
13 designated beneficiary of the annuitant. The Board shall adopt  
14 any rules necessary for the implementation of this subsection.

15 (c) An annuitant who retired prior to June 1, 2011 and  
16 received a refund of survivor credits under subsection (a), and  
17 who thereafter became, and remains, either:

18 (1) a party to a civil union or a party to a legal  
19 relationship that is recognized as a civil union or  
20 marriage under the Illinois Religious Freedom Protection  
21 and Civil Union Act on or after June 1, 2011; or

22 (2) a party to a marriage under the Illinois Marriage  
23 and Dissolution of Marriage Act on or after February 26,  
24 2014; or

25 (3) a party to a marriage, civil union or other legal  
26 relationship that, at the time it was formed, was not

1           legally recognized in Illinois but was subsequently  
2           recognized as a civil union or marriage under the Illinois  
3           Religious Freedom Protection and Civil Union Act on or  
4           after June 1, 2011, a marriage under the Illinois Marriage  
5           and Dissolution of Marriage Act on or after February 26,  
6           2014, or both;

7           may, within a period of one year beginning 5 months after the  
8           effective date of this amendatory Act of the 99th General  
9           Assembly, make an election to re-establish rights to a  
10          surviving spouse annuity under Sections 7-154 through 7-158  
11          (notwithstanding the eligibility requirements of paragraph  
12          (a) (1) of Section 7-154), by paying to the Fund: (1) the total  
13          amount of the refund received for survivor credits; and (2)  
14          interest thereon at the actuarially assumed rate of return from  
15          the date of the refund to the date of payment. Such election  
16          must be made prior to the date of death of the annuitant.

17          The Fund may allow the annuitant to repay this refund over  
18          a period of not more than 24 months. To the extent permitted by  
19          the Internal Revenue Code of 1986, as amended, for federal and  
20          State tax purposes, if a member pays in monthly installments by  
21          reducing the monthly benefit by the amount of the otherwise  
22          applicable contribution, the monthly amount by which the  
23          annuitant's benefit is reduced shall not be treated as a  
24          contribution by the annuitant but rather as a reduction of the  
25          annuitant's monthly benefit.

26          If an annuitant makes an election under this subsection (c)

1 and the contributions required are not paid in full, an  
2 otherwise qualifying spouse shall be given the option to make  
3 an additional lump sum payment of the remaining contributions  
4 and qualify for a surviving spouse annuity. Otherwise, an  
5 additional refund representing contributions made hereunder  
6 shall be paid at the annuitant's death and there shall be no  
7 surviving spouse annuity paid.

8 (d) Any surviving spouse of an annuitant who (1) retired  
9 prior to June 1, 2011, (2) was not married on the date the  
10 retirement annuity began, (3) received a refund of survivor  
11 credits under subsection (a), and (4) died prior to the  
12 implementation of Public Act 99-682 on December 29, 2016 may,  
13 within a period of one year beginning 5 months after the  
14 effective date of this amendatory Act of the 101st General  
15 Assembly, make an election to re-establish rights to a  
16 surviving spouse annuity under Sections 7-154 through 7-158  
17 (notwithstanding the eligibility requirements of paragraph (a)  
18 of subsection (1) of Section 7-154), by paying to the Fund: (i)  
19 the total amount of the refund received for survivor credits;  
20 and (ii) interest thereon at the actuarially assumed rate of  
21 return from the date of the refund to the date of payment. The  
22 surviving spouse must also provide documentation proving he or  
23 she was married to the annuitant or a party to a civil union  
24 with the annuitant at the time of death and has not  
25 subsequently remarried. This proof must include a marriage  
26 certificate or a certificate for a civil union and any other

1 supporting documents deemed necessary by the Fund.

2 (Source: P.A. 99-682, eff. 7-29-16.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".