

1 AN ACT in relation to 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 changing
5 Sections 6-142 and 6-210.1 as follows:

6 (40 ILCS 5/6-142) (from Ch. 108 1/2, par. 6-142)

7 Sec. 6-142. Wives and widows not entitled to annuities.

8 (A) Except as provided in subsection (B), the following
9 wives or widows have no right to annuity from the fund:

10 (a) A wife or widow married subsequent to the effective
11 date of a fireman who dies in service if she was not
12 married to him before he attained age 63;

13 (b) A wife or widow of a fireman who withdraws, whether
14 or not he enters upon annuity, and dies while out of
15 service, if the marriage occurred after the effective date
16 and she was not his wife while he was in service and before
17 he attained age 63;

18 (c) A wife or widow of a fireman who (1) has served 10
19 or more years, (2) dies out of service after he has
20 withdrawn from service, and (3) has withdrawn or applied
21 for refund of the sums to his credit for annuity to which
22 he had a right to refund;

23 (d) A wife or widow of a fireman who dies out of
24 service after he has withdrawn before age 63, and who has
25 not served at least 10 years;

26 (e) A wife whose marriage was dissolved or widow of a
27 fireman whose judgment of dissolution of marriage from her
28 fireman husband is annulled, vacated or set aside by
29 proceedings in court subsequent to the death of the
30 fireman, unless (1) such proceedings are filed within 5
31 years after the date of the dissolution of marriage and
32 within one year after the death of the fireman and (2) the

1 board is made a party to the proceedings;

2 (f) A wife or widow who married the fireman while he
3 was in receipt of disability benefit or disability pension
4 from this fund, unless he returned to the service
5 subsequent to the marriage and remained therein for a
6 period or periods aggregating one year, or died while in
7 service.

8 (B) Beginning on January 16, 2004 ~~the effective date of~~
9 ~~this amendatory Act of the 93rd General Assembly,~~ the
10 limitation on marriage after withdrawal under subdivision
11 (A) (b) and the limitation on marriage during disability under
12 subdivision (A) (f) no longer apply to a widow who was married
13 to the deceased fireman ~~before the fireman begins to receive a~~
14 ~~retirement annuity and~~ for at least one year immediately
15 preceding the date of death, regardless of whether the deceased
16 fireman is in service on or after the effective date of Public
17 Act 93-654 or this amendatory Act of the 93rd General Assembly;
18 except that this subsection (B) does not apply to the widow of
19 a fireman who received a refund of contributions for widow's
20 annuity under Section 6-160, unless the refund is repaid to the
21 Fund, with interest at the rate of 4% per year, compounded
22 annually, from the date of the refund to the date of repayment.

23 If the widow of a fireman who died before January 16, 2004
24 ~~the effective date of this amendatory Act~~ becomes eligible for
25 a widow's annuity because of Public Act 93-654 ~~this amendatory~~
26 ~~Act,~~ the annuity shall begin to accrue on the date of
27 application for the annuity, but in no event sooner than
28 January 16, 2004 ~~the effective date of this amendatory Act.~~

29 The changes to this Section made by this amendatory Act of
30 the 93rd General Assembly apply without regard to whether the
31 deceased fireman was in service on or after its effective date.
32 If the widow of a fireman who died before the effective date of
33 this amendatory Act of the 93rd General Assembly becomes
34 eligible for a widow's annuity because of this amendatory Act,
35 the annuity shall begin to accrue on the date of application
36 for the annuity, but in no event sooner than January 16, 2004.

1 (Source: P.A. 93-654, eff. 1-16-04.)

2 (40 ILCS 5/6-210.1) (from Ch. 108 1/2, par. 6-210.1)

3 Sec. 6-210.1. Credit for former employment with the fire
4 department.

5 (a) Any fireman who (1) accumulated service credit in the
6 Article 8 fund for service as an employee of the Chicago Fire
7 Department and (2) has terminated that Article 8 service credit
8 and received a refund of contributions therefor, may establish
9 service credit in this Fund for all or any part of that period
10 of service under the Article 8 fund by making written
11 application to the Board by January 1, 2005 ~~2000~~ and paying to
12 this Fund (i) employee contributions based upon the actual
13 salary received and the rates in effect for members of this
14 Fund at the time of such service, plus (ii) interest thereon
15 calculated as follows:

16 (1) For applications received by the Board before July
17 14, 1995, interest shall be calculated on the amount of
18 employee contributions determined under item (i) above, at
19 the rate of 4% per annum, compounded annually, from the
20 date of termination of such service to the date of payment.

21 (2) For applications received by the Board on or after
22 July 14, 1995, interest shall be calculated on the amount
23 of employee contributions determined under item (i) above,
24 at the rate of 4% per annum, compounded annually, from the
25 first date of the period for which credit is being
26 established under this subsection (a) to the date of
27 payment.

28 A fireman who (1) retired on or after January 16, 2004 and
29 on or before the effective date of this amendatory Act of the
30 93rd General Assembly and (2) files an application to establish
31 service credit under this subsection (a) before January 1,
32 2005, shall have his or her pension recalculated prospectively
33 to include the service credit established under this subsection
34 (a).

35 (b) A fireman who, at any time during the period 1970

1 through 1983, was an employee of the Chicago Fire Department
2 but did not participate in any pension fund subject to this
3 Code with respect to that employment may establish service
4 credit in this Fund for all or any part of that employment by
5 making written application to the Board by January 1, 2005 and
6 paying to this Fund (i) employee contributions based upon the
7 actual salary received and the rates in effect for members of
8 this Fund at the time of that employment, plus (ii) interest
9 thereon calculated at the rate of 4% per annum, compounded
10 annually, from the first date of the employment for which
11 credit is being established under this subsection (b) to the
12 date of payment.

13 (c) A fireman may pay the contributions required for
14 service credit under this Section established on or after July
15 14, 1995 in the form of payroll deductions, in accordance with
16 such procedures and limitations as may be established by Board
17 rule and any applicable rules or ordinances of the employer.

18 (d) Employer contributions shall be transferred as
19 provided in Sections 6-210.2 and 8-172.1. The employer shall
20 not be responsible for making any additional employer
21 contributions for any credit established under this Section.

22 (Source: P.A. 93-654, eff. 1-16-04.)

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.28 as follows:

25 (30 ILCS 805/8.28 new)

26 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
27 of this Act, no reimbursement by the State is required for the
28 implementation of any mandate created by this amendatory Act of
29 the 93rd General Assembly.

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