



Sen. Denny Jacobs

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1 AMENDMENT TO HOUSE BILL 378

2 AMENDMENT NO. _____. Amend House Bill 378 on page 1, by
3 replacing all of line 5 with the following:

4 "Sections 6-142 and 6-210.1 as follows:

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

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

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

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

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

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19 withdrawn from service, and (3) has withdrawn or applied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

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23 service after he has withdrawn before age 63, and who has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

25 (e) A wife whose marriage was dissolved or widow of a

1 fireman whose judgment of dissolution of marriage from her
2 fireman husband is annulled, vacated or set aside by
3 proceedings in court subsequent to the death of the
4 fireman, unless (1) such proceedings are filed within 5
5 years after the date of the dissolution of marriage and
6 within one year after the death of the fireman and (2) the
7 board is made a party to the proceedings;

8 (f) A wife or widow who married the fireman while he
9 was in receipt of disability benefit or disability pension
10 from this fund, unless he returned to the service
11 subsequent to the marriage and remained therein for a
12 period or periods aggregating one year, or died while in
13 service.

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

29 If the widow of a fireman who died before January 16, 2004
30 ~~the effective date of this amendatory Act~~ becomes eligible for
31 a widow's annuity because of Public Act 93-654 ~~this amendatory~~
32 ~~Act,~~ the annuity shall begin to accrue on the date of
33 application for the annuity, but in no event sooner than
34 January 16, 2004 ~~the effective date of this amendatory Act.~~

1 The changes to this Section made by this amendatory Act of
2 the 93rd General Assembly apply without regard to whether the
3 deceased fireman was in service on or after its effective date.
4 If the widow of a fireman who died before the effective date of
5 this amendatory Act of the 93rd General Assembly becomes
6 eligible for a widow's annuity because of this amendatory Act,
7 the annuity shall begin to accrue on the date of application
8 for the annuity, but in no event sooner than January 16, 2004.
9 (Source: P.A. 93-654, eff. 1-16-04.)".