



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0049

Introduced 1/19/2007, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code. Provides that, beginning on the effective date, legally adopted children shall be entitled to the same benefits as other children, and no child's or survivor's benefit shall be disallowed because the child is an adopted child. Makes related changes throughout the Code. Includes language exempting any benefit increase as a result from the new benefit increase provisions in the General Assembly, State Employees, State Universities, and Judges Articles of the Code. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 03657 AMC 23683 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 changing  
5 Sections 1-104.3, 2-121, 2-162, 3-108, 4-114, 4-115.1, 5-152,  
6 6-148, 6-151, 7-145.2, 7-160, 8-120, 8-243.3, 9-115, 9-121.7,  
7 11-153, 12-137, 13-308, 13-314, 14-119, 14-120, 14-128,  
8 14-152.1, 15-129, 15-198, 18-128, 18-169, and 19-115 as  
9 follows:

10 (40 ILCS 5/1-104.3 new)

11 Sec. 1-104.3. Adopted children. Notwithstanding any other  
12 provision of this Code to the contrary, beginning on the  
13 effective date of this amendatory Act of the 95th General  
14 Assembly, legally adopted children shall be entitled to the  
15 same benefits as other children, and no child's or survivor's  
16 benefit shall be disallowed because the child is an adopted  
17 child. The provisions of this Section apply without regard to  
18 whether the employee or member was in service on or after the  
19 date of the adoption of the child.

20 (40 ILCS 5/2-121) (from Ch. 108 1/2, par. 2-121)

21 Sec. 2-121. Survivor's annuity - conditions for payment.

22 (a) A survivor's annuity shall be payable to a surviving

1 spouse or eligible child (1) upon the death in service of a  
2 participant with at least 2 years of service credit, or (2)  
3 upon the death of an annuitant in receipt of a retirement  
4 annuity, or (3) upon the death of a participant who terminated  
5 service with at least 4 years of service credit.

6 The change in this subsection (a) made by this amendatory  
7 Act of 1995 applies to survivors of participants who die on or  
8 after December 1, 1994, without regard to whether or not the  
9 participant was in service on or after the effective date of  
10 this amendatory Act of 1995.

11 (b) To be eligible for the survivor's annuity, the spouse  
12 and the participant or annuitant must have been married for a  
13 continuous period of at least one year immediately preceding  
14 the date of death, but need not have been married on the day of  
15 the participant's last termination of service, regardless of  
16 whether such termination occurred prior to the effective date  
17 of this amendatory Act of 1985.

18 (c) The annuity shall be payable beginning on the date of a  
19 participant's death, or the first of the month following an  
20 annuitant's death, if the spouse is then age 50 or over, or  
21 beginning at age 50 if the spouse is then under age 50. If an  
22 eligible child or children of the participant or annuitant (or  
23 a child or children of the eligible spouse meeting the criteria  
24 of item (1), (2), or (3) of subsection (d) of this Section)  
25 also survive, and the child or children are under the care of  
26 the eligible spouse, the annuity shall begin as of the date of

1 a participant's death, or the first of the month following an  
2 annuitant's death, without regard to the spouse's age.

3 The change to this subsection made by this amendatory Act  
4 of 1998 (relating to children of an eligible spouse) applies to  
5 the eligible spouse of a participant or annuitant who dies on  
6 or after the effective date of this amendatory Act, without  
7 regard to whether the participant or annuitant is in service on  
8 or after that effective date.

9 (d) For the purposes of this Section and Section 2-121.1,  
10 "eligible child" means a child of the deceased participant or  
11 annuitant who is at least one of the following:

12 (1) unmarried and under the age of 18;

13 (2) unmarried, a full-time student, and under the age  
14 of 22;

15 (3) dependent by reason of physical or mental  
16 disability.

17 The inclusion of unmarried students under age 22 in the  
18 calculation of survivor's annuities by this amendatory Act of  
19 1991 shall apply to all eligible students beginning January 1,  
20 1992, without regard to whether the deceased participant or  
21 annuitant was in service on or after the effective date of this  
22 amendatory Act of 1991.

23 ~~Adopted children shall have the same status as children of~~  
24 ~~the participant or annuitant, but only if the proceedings for~~  
25 ~~adoption are commenced at least one year prior to the date of~~  
26 ~~the participant's or annuitant's death.~~

1 (e) Remarriage of a surviving spouse prior to attainment of  
2 age 55 shall disqualify the surviving spouse from the receipt  
3 of a survivor's annuity, if the remarriage occurs before the  
4 effective date of this amendatory Act of the 91st General  
5 Assembly.

6 The changes made to this subsection by this amendatory Act  
7 of the 91st General Assembly (pertaining to remarriage prior to  
8 age 55) apply without regard to whether the deceased  
9 participant or annuitant was in service on or after the  
10 effective date of this amendatory Act.

11 (Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

12 (40 ILCS 5/2-162)

13 Sec. 2-162. Application and expiration of new benefit  
14 increases.

15 (a) As used in this Section, "new benefit increase" means  
16 an increase in the amount of any benefit provided under this  
17 Article, or an expansion of the conditions of eligibility for  
18 any benefit under this Article, that results from an amendment  
19 to this Code that takes effect after June 1, 2005 (the  
20 effective date of Public Act 94-4 ~~this amendatory Act of the~~  
21 ~~94th General Assembly~~. "New benefit increase", however, does  
22 not include any benefit increase resulting from the changes  
23 made by this amendatory Act of the 95th General Assembly.

24 (b) Notwithstanding any other provision of this Code or any  
25 subsequent amendment to this Code, every new benefit increase

1 is subject to this Section and shall be deemed to be granted  
2 only in conformance with and contingent upon compliance with  
3 the provisions of this Section.

4 (c) The Public Act enacting a new benefit increase must  
5 identify and provide for payment to the System of additional  
6 funding at least sufficient to fund the resulting annual  
7 increase in cost to the System as it accrues.

8 Every new benefit increase is contingent upon the General  
9 Assembly providing the additional funding required under this  
10 subsection. The Commission on Government Forecasting and  
11 Accountability shall analyze whether adequate additional  
12 funding has been provided for the new benefit increase and  
13 shall report its analysis to the Public Pension Division of the  
14 Department of Financial and Professional Regulation. A new  
15 benefit increase created by a Public Act that does not include  
16 the additional funding required under this subsection is null  
17 and void. If the Public Pension Division determines that the  
18 additional funding provided for a new benefit increase under  
19 this subsection is or has become inadequate, it may so certify  
20 to the Governor and the State Comptroller and, in the absence  
21 of corrective action by the General Assembly, the new benefit  
22 increase shall expire at the end of the fiscal year in which  
23 the certification is made.

24 (d) Every new benefit increase shall expire 5 years after  
25 its effective date or on such earlier date as may be specified  
26 in the language enacting the new benefit increase or provided

1 under subsection (c). This does not prevent the General  
2 Assembly from extending or re-creating a new benefit increase  
3 by law.

4 (e) Except as otherwise provided in the language creating  
5 the new benefit increase, a new benefit increase that expires  
6 under this Section continues to apply to persons who applied  
7 and qualified for the affected benefit while the new benefit  
8 increase was in effect and to the affected beneficiaries and  
9 alternate payees of such persons, but does not apply to any  
10 other person, including without limitation a person who  
11 continues in service after the expiration date and did not  
12 apply and qualify for the affected benefit while the new  
13 benefit increase was in effect.

14 (Source: P.A. 94-4, eff. 6-1-05.)

15 (40 ILCS 5/3-108) (from Ch. 108 1/2, par. 3-108)

16 Sec. 3-108. Child or children. "Child" or "children":  
17 "Child" or "children" includes a police officer's natural and  
18 legally adopted children. ~~Adopted children shall be eligible  
19 for benefits only if the judicial proceedings for adoption were  
20 commenced at least one year prior to the death or disability of  
21 the police officer and in any event prior to his or her  
22 attainment of age 50.~~

23 (Source: P.A. 83-1440.)

24 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

1           Sec. 4-114. Pension to survivors. If a firefighter who is  
2 not receiving a disability pension under Section 4-110 or  
3 4-110.1 dies (1) as a result of any illness or accident, or (2)  
4 from any cause while in receipt of a disability pension under  
5 this Article, or (3) during retirement after 20 years service,  
6 or (4) while vested for or in receipt of a pension payable  
7 under subsection (b) of Section 4-109, or (5) while a deferred  
8 pensioner, having made all required contributions, a pension  
9 shall be paid to his or her survivors, based on the monthly  
10 salary attached to the firefighter's rank on the last day of  
11 service in the fire department, as follows:

12           (a) (1) To the surviving spouse, a monthly pension of  
13 40% of the monthly salary, and to the guardian of any minor  
14 child or children including a child which has been  
15 conceived but not yet born, 12% of such monthly salary for  
16 each such child until attainment of age 18 or until the  
17 child's marriage, whichever occurs first. Beginning July  
18 1, 1993, the monthly pension to the surviving spouse shall  
19 be 54% of the monthly salary for all persons receiving a  
20 surviving spouse pension under this Article, regardless of  
21 whether the deceased firefighter was in service on or after  
22 the effective date of this amendatory Act of 1993.

23           (2) Beginning July 1, 2004, unless the amount provided  
24 under paragraph (1) of this subsection (a) is greater, the  
25 total monthly pension payable under this paragraph (a),  
26 including any amount payable on account of children, to the



1 surviving spouse of a firefighter who died (i) while  
2 receiving a retirement pension, (ii) while he or she was a  
3 deferred pensioner with at least 20 years of creditable  
4 service, or (iii) while he or she was in active service  
5 having at least 20 years of creditable service, regardless  
6 of age, shall be no less than 100% of the monthly  
7 retirement pension earned by the deceased firefighter at  
8 the time of death, regardless of whether death occurs  
9 before or after attainment of age 50, including any  
10 increases under Section 4-109.1. This minimum applies to  
11 all such surviving spouses who are eligible to receive a  
12 surviving spouse pension, regardless of whether the  
13 deceased firefighter was in service on or after the  
14 effective date of this amendatory Act of the 93rd General  
15 Assembly, and notwithstanding any limitation on maximum  
16 pension under paragraph (d) or any other provision of this  
17 Article.

18 (3) If the pension paid on and after July 1, 2004 to  
19 the surviving spouse of a firefighter who died on or after  
20 July 1, 2004 and before the effective date of this  
21 amendatory Act of the 93rd General Assembly was less than  
22 the minimum pension payable under paragraph (1) or (2) of  
23 this subsection (a), the fund shall pay a lump sum equal to  
24 the difference within 90 days after the effective date of  
25 this amendatory Act of the 93rd General Assembly.

26 The pension to the surviving spouse shall terminate in the

1 event of the surviving spouse's remarriage prior to July 1,  
2 1993; remarriage on or after that date does not affect the  
3 surviving spouse's pension, regardless of whether the deceased  
4 firefighter was in service on or after the effective date of  
5 this amendatory Act of 1993.

6 The surviving spouse's pension shall be subject to the  
7 minimum established in Section 4-109.2.

8 (b) Upon the death of the surviving spouse leaving one or  
9 more minor children, to the duly appointed guardian of each  
10 such child, for support and maintenance of each such child  
11 until the child reaches age 18 or marries, whichever occurs  
12 first, a monthly pension of 20% of the monthly salary.

13 (c) If a deceased firefighter leaves no surviving spouse or  
14 unmarried minor children under age 18, but leaves a dependent  
15 father or mother, to each dependent parent a monthly pension of  
16 18% of the monthly salary. To qualify for the pension, a  
17 dependent parent must furnish satisfactory proof that the  
18 deceased firefighter was at the time of his or her death the  
19 sole supporter of the parent or that the parent was the  
20 deceased's dependent for federal income tax purposes.

21 (d) The total pension provided under paragraphs (a), (b)  
22 and (c) of this Section shall not exceed 75% of the monthly  
23 salary of the deceased firefighter (1) when paid to the  
24 survivor of a firefighter who has attained 20 or more years of  
25 service credit and who receives or is eligible to receive a  
26 retirement pension under this Article, or (2) when paid to the

1 survivor of a firefighter who dies as a result of illness or  
2 accident, or (3) when paid to the survivor of a firefighter who  
3 dies from any cause while in receipt of a disability pension  
4 under this Article, or (4) when paid to the survivor of a  
5 deferred pensioner. For all other survivors of deceased  
6 firefighters, the total pension provided under paragraphs (a),  
7 (b) and (c) of this Section shall not exceed 50% of the  
8 retirement annuity the firefighter would have received on the  
9 date of death.

10 The maximum pension limitations in this paragraph (d) do  
11 not control over any contrary provision of this Article  
12 explicitly establishing a minimum amount of pension or granting  
13 a one-time or annual increase in pension.

14 (e) If a firefighter leaves no eligible survivors under  
15 paragraphs (a), (b) and (c), the board shall refund to the  
16 firefighter's estate the amount of his or her accumulated  
17 contributions, less the amount of pension payments, if any,  
18 made to the firefighter while living.

19 (f) (Blank) ~~An adopted child is eligible for the pension~~  
20 ~~provided under paragraph (a) if the child was adopted before~~  
21 ~~the firefighter attained age 50.~~

22 (g) If a judgment of dissolution of marriage between a  
23 firefighter and spouse is judicially set aside subsequent to  
24 the firefighter's death, the surviving spouse is eligible for  
25 the pension provided in paragraph (a) only if the judicial  
26 proceedings are filed within 2 years after the date of the

1 dissolution of marriage and within one year after the  
2 firefighter's death and the board is made a party to the  
3 proceedings. In such case the pension shall be payable only  
4 from the date of the court's order setting aside the judgment  
5 of dissolution of marriage.

6 (h) Benefits payable on account of a child under this  
7 Section shall not be reduced or terminated by reason of the  
8 child's attainment of age 18 if he or she is then dependent by  
9 reason of a physical or mental disability but shall continue to  
10 be paid as long as such dependency continues. Individuals over  
11 the age of 18 and adjudged as a disabled person pursuant to  
12 Article XIa of the Probate Act of 1975, except for persons  
13 receiving benefits under Article III of the Illinois Public Aid  
14 Code, shall be eligible to receive benefits under this Act.

15 (i) Beginning January 1, 2000, the pension of the surviving  
16 spouse of a firefighter who dies on or after January 1, 1994 as  
17 a result of sickness, accident, or injury incurred in or  
18 resulting from the performance of an act of duty or from the  
19 cumulative effects of acts of duty shall not be less than 100%  
20 of the salary attached to the rank held by the deceased  
21 firefighter on the last day of service, notwithstanding  
22 subsection (d) or any other provision of this Article.

23 (j) Beginning July 1, 2004, the pension of the surviving  
24 spouse of a firefighter who dies on or after January 1, 1988 as  
25 a result of sickness, accident, or injury incurred in or  
26 resulting from the performance of an act of duty or from the

1 cumulative effects of acts of duty shall not be less than 100%  
2 of the salary attached to the rank held by the deceased  
3 firefighter on the last day of service, notwithstanding  
4 subsection (d) or any other provision of this Article.

5 (Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

6 (40 ILCS 5/4-115.1) (from Ch. 108 1/2, par. 4-115.1)

7 Sec. 4-115.1. Eligibility of children. Dependent benefits  
8 shall be paid to each natural child of a deceased firefighter,  
9 and to each child legally adopted ~~before the firefighter~~  
10 ~~attains age 50~~, until the child's attainment of age 18 or  
11 marriage, whichever occurs first, whether or not the death of  
12 the firefighter occurred prior to November 21, 1975.

13 Benefits payable to or on account of a child under this  
14 Article shall not be reduced or terminated by reason of the  
15 child's adoption by a third party after the firefighter's  
16 death.

17 Benefits payable to or on account of a child under this  
18 Article shall not be reduced or terminated by reason of the  
19 child's attainment of age 18 if he or she is then dependent by  
20 reason of a physical or mental disability but shall continue to  
21 be paid as long as such dependency continues. Individuals over  
22 the age of 18 and adjudged as a disabled person pursuant to  
23 Article XIa of the Probate Act of 1975, except for persons  
24 receiving benefits under Article III of the Illinois Public Aid  
25 Code, shall be eligible to receive benefits under this Act.

1 (Source: P.A. 90-32, eff. 6-27-97.)

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

3 Sec. 5-152. Child's annuity - Conditions - Amount. A  
4 child's annuity shall be payable in the following cases of  
5 policemen who die on or after the effective date: (a) A  
6 policeman whose death results from injury incurred in the  
7 performance of an act or acts of duty; (b) a policeman who dies  
8 in service from any cause; (c) a policeman who withdraws upon  
9 or after attainment of age 50 and who enters upon or is  
10 eligible for annuity; (d) a present employee with at least 20  
11 years of service who dies after withdrawal, whether or not he  
12 has entered upon annuity.

13 ~~A child to be eligible must have been born or legally~~  
14 ~~adopted before the policeman has withdrawn from service. In the~~  
15 ~~case of an adopted child, the policeman shall be married and~~  
16 ~~living with his wife at the time of the adoption, and the~~  
17 ~~proceedings for adoption must have been initiated at least 6~~  
18 ~~months prior to the policeman's death. The requirement that the~~  
19 ~~proceedings for adoption be initiated at least 6 months prior~~  
20 ~~to the policeman's death does not apply where death occurs as a~~  
21 ~~result of an act of duty.~~

22 Only one annuity shall be granted and paid for the benefit  
23 of any child if both parents have been policemen.

24 The annuity shall be paid, without regard to the fact that  
25 the death of the deceased policeman parent may have occurred

1 prior to the effective date of this amendatory Act of 1975, in  
2 an amount equal to 10% of the annual maximum salary attached to  
3 the classified civil service position of a first class  
4 patrolman on July 1, 1975, or the date of the policeman's  
5 death, whichever is later, for each child while a widow or  
6 widower of the deceased policeman survives and in an amount  
7 equal to 15% of the annual maximum salary attached to the  
8 classified civil service position of a first class patrolman on  
9 July 1, 1975, or the date of the policeman's death, whichever  
10 is later, while no widow or widower shall survive, provided  
11 that if the combined annuities for the widow and children of a  
12 policeman who dies on or after September 26, 1969, as the  
13 result of an act of duty, or for the children of such policeman  
14 in any case wherein a widow or widower does not exist, exceed  
15 the salary that would ordinarily have been paid to him if he  
16 had been in the active discharge of his duties, all such  
17 annuities shall be reduced pro rata so that the combined  
18 annuities for the family shall not exceed such limitation. The  
19 compensation portion of the annuity of the widow shall not be  
20 considered in making such reduction. Benefits payable under  
21 this Section shall not be reduced or terminated by reason of  
22 any child's attainment of age 18 if he is then dependent by  
23 reason of a physical or mental disability but shall continue to  
24 be paid as long as such dependency continues. For the purposes  
25 of this subsection, "disability" means inability to engage in  
26 any substantial gainful activity by reason of any medically

1 determinable physical or mental impairment which can be  
2 expected to result in death or which has lasted or can be  
3 expected to last for a continuous period of not less than 12  
4 months.

5 In the case of a family of a policeman who dies on or after  
6 September 26, 1969, as the result of any cause other than the  
7 performance of an act of duty, in which annuities for such  
8 family exceed an amount equal to 60% of the salary that would  
9 ordinarily have been paid to him if he had been in the active  
10 discharge of his duties, all such annuities shall be reduced  
11 pro rata so that the combined annuities shall not exceed such  
12 limitation.

13 Child's annuity shall be paid to the parent providing for  
14 the child, unless another person is appointed by a court of law  
15 as the child's guardian.

16 (Source: P.A. 79-699; 79-881; 79-1454.)

17 (40 ILCS 5/6-148) (from Ch. 108 1/2, par. 6-148)

18 Sec. 6-148. A child's annuity, shall be paid for the  
19 benefit of any unmarried child, less than age 18, of any  
20 following described firemen:

21 (a) A fireman whose death results from the performance of  
22 any act or acts of duty; (b) a fireman who dies in service from  
23 any cause; (c) a fireman who withdraws subsequent to age 50 and  
24 who enters upon or is eligible for annuity; and (d) a fireman  
25 having at least 20 years of service who withdraws and dies



1 before he enters upon annuity.

2 ~~A child to be eligible must have been born or in esse~~  
3 ~~before the fireman withdrew, or legally adopted by a fireman at~~  
4 ~~least one year prior to the fireman's death or withdrawal. The~~  
5 ~~requirement that the adoption take place at least 1 year prior~~  
6 ~~to the fireman's death does not apply where death occurs as a~~  
7 ~~result of an act or acts of duty or as the result of any~~  
8 ~~accident.~~

9 The annuity shall be paid without regard to the fact that  
10 the death of the deceased fireman parent may have occurred  
11 prior to the effective date of this amendatory Act and shall be  
12 paid monthly in an amount equal to 15% of the current annual  
13 maximum salary attached to the classified civil service  
14 position of fire fighter if no widow survives and 10% of such  
15 salary while the widow survives and no age limitation in this  
16 Section shall apply to a child who is so physically or mentally  
17 handicapped as to be unable to support himself; provided, if  
18 annuities for the widow and children of a fireman who dies on  
19 or after the effective date and whose death has been the result  
20 of an act or acts of duty performed on or after said date, or  
21 for the children in any such case wherein a widow shall not  
22 exist, computed at the rates hereinbefore stated, would exceed  
23 the final annual salary of a first class fireman, (one who  
24 receives maximum salary for classified civil service rank of  
25 fire fighter), the annuity for each child shall be reduced pro  
26 rata so that the combined annuities for the family of the

1 fireman shall not exceed such amount; and in the case of the  
2 family of a fireman who dies on or after said date and whose  
3 death is the result of any cause or causes other than injury  
4 incurred in the performance of an act or acts of duty in which  
5 annuities for such family, computed at the rates hereinbefore  
6 stated would exceed 60% of the final annual salary of a first  
7 class fireman, the annuity of each child shall be reduced pro  
8 rata so that the combined annuities for the family do not  
9 exceed such limitation.

10 Child's annuity shall be paid to the parent who is  
11 providing for the child, unless another person is appointed by  
12 a court of law as the child's guardian.

13 (Source: P.A. 84-11.)

14 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

15 Sec. 6-151. An active fireman who is or becomes disabled on  
16 or after the effective date as the result of a specific injury,  
17 or of cumulative injuries, or of specific sickness incurred in  
18 or resulting from an act or acts of duty, shall have the right  
19 to receive duty disability benefit during any period of such  
20 disability for which he does not receive or have a right to  
21 receive salary, equal to 75% of his salary at the time the  
22 disability is allowed. However, beginning January 1, 1994, no  
23 duty disability benefit that has been payable under this  
24 Section for at least 10 years shall be less than 50% of the  
25 current salary attached from time to time to the rank and grade

1 held by the fireman at the time of his removal from the  
2 Department payroll, regardless of whether that removal  
3 occurred before the effective date of this amendatory Act of  
4 1993.

5 Whenever an active fireman is or becomes so injured or  
6 sick, as to require medical or hospital attention, the chief  
7 officer of the fire department of the city shall file, or cause  
8 to be filed, with the board a report of the nature and cause of  
9 his disability, together with the certificate or report of the  
10 physician attending or treating, or who attended or treated the  
11 fireman, and a copy of any hospital record concerning the  
12 disability. Any injury or sickness not reported to the board in  
13 time to permit the board's physician to examine the fireman  
14 before his recovery, and any injury or sickness for which a  
15 physician's report or copy of the hospital record is not on  
16 file with the board shall not be considered for the payment of  
17 duty disability benefit.

18 Such fireman shall also receive a child's disability  
19 benefit of \$30 per month on account of each unmarried child,  
20 the issue of the fireman or legally adopted by him ~~prior to the~~  
21 ~~date of disability~~, who is less than 18 years of age or  
22 handicapped and dependent upon the fireman for support. The  
23 total amount of child's disability benefit shall not exceed 25%  
24 of his salary at the time the disability is allowed.

25 The first payment of duty disability or child's disability  
26 benefit shall be made not later than one month after the

1 benefit is granted. Each subsequent payment shall be made not  
2 later than one month after the date of the latest payment.

3 Duty disability benefit shall be payable during the period  
4 of the disability until the fireman reaches the age of  
5 compulsory retirement. Child's disability benefit shall be  
6 paid to such a fireman during the period of disability until  
7 such child or children attain age 18 or marries, whichever  
8 event occurs first; except that attainment of age 18 by a child  
9 who is so physically or mentally handicapped as to be dependent  
10 upon the fireman for support, shall not render the child  
11 ineligible for child's disability benefit. The fireman shall  
12 thereafter receive such annuity or annuities as are provided  
13 for him in accordance with other provisions of this Article.

14 (Source: P.A. 88-528.)

15 (40 ILCS 5/7-145.2)

16 Sec. 7-145.2. Alternative survivor's benefits for  
17 survivors of county officers. In lieu of the survivor's  
18 benefits otherwise payable under this Article, the spouse or  
19 eligible child of any deceased elected county officer who (1)  
20 had elected to participate in the Fund, and (2) was either  
21 making additional optional contributions in accordance with  
22 Section 7-145.1 on the date of death, or was receiving an  
23 annuity calculated under that Section at the time of death, may  
24 elect to receive an annuity beginning on the date of the  
25 elected county officer's death, provided that the spouse and

1 officer must have been married on the date of the last  
2 termination of his or her service as an elected county officer  
3 and for a continuous period of at least one year immediately  
4 preceding his or her death.

5 The annuity shall be payable beginning on the date of the  
6 elected county officer's death if the spouse is then age 50 or  
7 over, or beginning at age 50 if the age of the spouse is less  
8 than 50 years. If a minor unmarried child or children of the  
9 county officer, under age 18, also survive, and the child or  
10 children are under the care of the eligible spouse, the annuity  
11 shall begin as of the date of death of the elected county  
12 officer without regard to the spouse's age.

13 The annuity to a spouse shall be  $66 \frac{2}{3}\%$  of the amount of  
14 retirement annuity earned by the elected county officer on the  
15 date of death, subject to a minimum payment of 10% of salary,  
16 provided that if an eligible spouse, regardless of age, has in  
17 his or her care at the date of death of the elected county  
18 officer any unmarried child or children of the county officer,  
19 under age 18, the minimum annuity shall be 30% of the elected  
20 officer's salary, plus 10% of salary on account of each minor  
21 child of the elected county officer, subject to a combined  
22 total payment on account of a spouse and minor children not to  
23 exceed 50% of the deceased officer's salary. In the event there  
24 shall be no spouse of the elected county officer surviving, or  
25 should a spouse remarry or die while eligible minor children  
26 still survive the elected county officer, each such child shall

1 be entitled to an annuity equal to 20% of salary of the elected  
2 officer subject to a combined total payment on account of all  
3 such children not to exceed 50% of salary of the elected county  
4 officer. The salary to be used in the calculation of these  
5 benefits shall be the same as that prescribed for determining a  
6 retirement annuity as provided in Section 7-145.1.

7 Upon the death of an elected county officer occurring after  
8 termination of service or while in receipt of a retirement  
9 annuity, the combined total payment to a spouse and minor  
10 children, or to minor children alone if no eligible spouse  
11 survives, shall be limited to 75% of the amount of retirement  
12 annuity earned by the county officer.

13 ~~Adopted children shall have status as children of the~~  
14 ~~elected county officer only if the proceedings for adoption~~  
15 ~~were commenced at least one year prior to the date of the~~  
16 ~~elected county officer's death.~~

17 Marriage of a child or attainment of age 18, whichever  
18 first occurs, shall render the child ineligible for further  
19 consideration in the payment of an annuity to a spouse or in  
20 the increase in the amount thereof. Upon attainment of  
21 ineligibility of the youngest minor child of the elected county  
22 officer, the annuity shall immediately revert to the amount  
23 payable upon death of an elected county officer leaving no  
24 minor children surviving him or her. If the spouse is under age  
25 50 at such time, the annuity as revised shall be deferred until  
26 such age is attained. Remarriage of a widow or widower prior to

1 attainment of age 55 shall disqualify the spouse from the  
2 receipt of an annuity.

3 (Source: P.A. 90-32, eff. 6-27-97.)

4 (40 ILCS 5/7-160) (from Ch. 108 1/2, par. 7-160)

5 Sec. 7-160. Child annuities-eligibility.

6 Child annuities shall be payable to each child of an  
7 employee annuitant who dies with no surviving spouse and whose  
8 spouse would have been eligible to receive a surviving spouse  
9 annuity, and each child of a deceased employee whose surviving  
10 spouse dies and whose spouse, immediately prior to death, was  
11 receiving or would have been eligible to receive, a surviving  
12 spouse annuity, or who left no surviving spouse, is eligible to  
13 receive a child annuity, provided:

14 a. The child is less than age 18 and unmarried;

15 b. The child is the natural born or legally adopted child  
16 of the employee and was born prior to the date of the  
17 employee's latest resignation or discharge from the service of  
18 the participating municipality;

19 c. (Blank) ~~If the child is legally adopted, the legal~~  
20 ~~proceedings therefor were commenced at least 1 year before the~~  
21 ~~death of the participating employee or employee annuitant.~~

22 (Source: P.A. 78-255.)

23 (40 ILCS 5/8-120) (from Ch. 108 1/2, par. 8-120)

24 Sec. 8-120. Child or children. "Child" or "children": The

1 natural child or children, or any child or children legally  
2 adopted by an employee ~~at least one year prior to the date any~~  
3 ~~benefit for the child or children accrues.~~

4 (Source: P.A. 92-599, eff. 6-28-02.)

5 (40 ILCS 5/8-243.3) (from Ch. 108 1/2, par. 8-243.3)

6 Sec. 8-243.3. Alternative survivor's benefits for  
7 survivors of city officers. In lieu of the survivor's benefits  
8 otherwise payable under this Article, the spouse or eligible  
9 child of any deceased city officer elected by vote of the  
10 people who (1) had elected to participate in the Fund, and (2)  
11 was either making additional optional contributions in  
12 accordance with Section 8-243.2 on the date of death, or was  
13 receiving an annuity calculated under that Section at the time  
14 of death, may elect to receive an annuity beginning on the date  
15 of the elected city officer's death, provided that the spouse  
16 and officer must have been married on the date of the last  
17 termination of his or her service as an elected city officer  
18 and for a continuous period of at least one year immediately  
19 preceding his or her death.

20 The annuity shall be payable beginning on the date of the  
21 elected city officer's death if the spouse is then age 50 or  
22 over, or beginning at age 50 if the age of the spouse is less  
23 than 50 years. If a minor unmarried child or children of the  
24 city officer, under age 18, also survive, and the child or  
25 children are under the care of the eligible spouse, the annuity



1 shall begin as of the date of death of the elected city officer  
2 without regard to the spouse's age.

3 The annuity to a spouse shall be 66 2/3% of the amount of  
4 retirement annuity earned by the elected city officer on the  
5 date of death, subject to a minimum payment of 10% of salary,  
6 provided that if an eligible spouse, regardless of age, has in  
7 his or her care at the date of death of the elected city  
8 officer any unmarried child or children of the city officer,  
9 under age 18, the minimum annuity shall be 30% of the elected  
10 officer's salary, plus 10% of salary on account of each minor  
11 child of the elected city officer, subject to a combined total  
12 payment on account of a spouse and minor children not to exceed  
13 50% of the deceased officer's salary. In the event there shall  
14 be no spouse of the elected city officer surviving, or should a  
15 spouse remarry or die while eligible minor children still  
16 survive the elected city officer, each such child shall be  
17 entitled to an annuity equal to 20% of salary of the elected  
18 officer subject to a combined total payment on account of all  
19 such children not to exceed 50% of salary of the elected city  
20 officer. The salary to be used in the calculation of these  
21 benefits shall be the same as that prescribed for determining a  
22 retirement annuity as provided in Section 8-243.2.

23 Upon the death of an elected city officer occurring after  
24 termination of service or while in receipt of a retirement  
25 annuity, the combined total payment to a spouse and minor  
26 children, or to minor children alone if no eligible spouse

1 survives, shall be limited to 75% of the amount of retirement  
2 annuity earned by the city officer.

3 ~~Adopted children shall have status as children of the~~  
4 ~~elected city officer only if the proceedings for adoption were~~  
5 ~~commenced at least one year prior to the date of the elected~~  
6 ~~city officer's death.~~

7 Marriage of a child or attainment of age 18, whichever  
8 first occurs, shall render the child ineligible for further  
9 consideration in the payment of an annuity to a spouse or in  
10 the increase in the amount thereof. Upon attainment of  
11 ineligibility of the youngest minor child of the elected city  
12 officer, the annuity shall immediately revert to the amount  
13 payable upon death of an elected city officer leaving no minor  
14 children surviving him or her. If the spouse is under age 50 at  
15 such time, the annuity as revised shall be deferred until such  
16 age is attained. Remarriage of a widow or widower prior to  
17 attainment of age 55 shall disqualify the spouse from the  
18 receipt of an annuity.

19 (Source: P.A. 86-1488.)

20 (40 ILCS 5/9-115) (from Ch. 108 1/2, par. 9-115)

21 Sec. 9-115. Child or children.

22 "Child" or "children": The natural child or children or any  
23 child or children legally adopted by an employee ~~at least 1~~  
24 ~~year prior to the date any benefit for the child or children~~  
25 ~~accrues, and so adopted prior to the employee's attainment of~~

1 ~~age 55.~~

2 (Source: Laws 1963, p. 161.)

3 (40 ILCS 5/9-121.7) (from Ch. 108 1/2, par. 9-121.7)

4 Sec. 9-121.7. Alternative survivor's benefits for  
5 survivors of county officers. In lieu of the survivor's  
6 benefits otherwise payable under this Article, the spouse or  
7 eligible child of any deceased county officer elected by vote  
8 of the people who (1) had elected to participate in the Fund,  
9 and (2) was either making additional optional contributions in  
10 accordance with Section 9-121.6 on the date of death, or was  
11 receiving an annuity calculated under that Section at the time  
12 of death, may elect to receive an annuity beginning on the date  
13 of the elected county officer's death, provided that the spouse  
14 and officer must have been married on the date of the last  
15 termination of his or her service as an elected county officer  
16 and for a continuous period of at least one year immediately  
17 preceding his or her death.

18 The annuity shall be payable beginning on the date of the  
19 elected county officer's death if the spouse is then age 50 or  
20 over, or beginning at age 50 if the age of the spouse is less  
21 than 50 years. If a minor unmarried child or children of the  
22 county officer, under age 18, also survive, and the child or  
23 children are under the care of the eligible spouse, the annuity  
24 shall begin as of the date of death of the elected county  
25 officer without regard to the spouse's age.

1           The annuity to a spouse shall be 66 2/3% of the amount of  
2 retirement annuity earned by the elected county officer on the  
3 date of death, subject to a minimum payment of 10% of salary,  
4 provided that if an eligible spouse, regardless of age, has in  
5 his or her care at the date of death of the elected county  
6 officer any unmarried child or children of the county officer,  
7 under age 18, the minimum annuity shall be 30% of the elected  
8 officer's salary, plus 10% of salary on account of each minor  
9 child of the elected county officer, subject to a combined  
10 total payment on account of a spouse and minor children not to  
11 exceed 50% of the deceased officer's salary. In the event there  
12 shall be no spouse of the elected county officer surviving, or  
13 should a spouse remarry or die while eligible minor children  
14 still survive the elected county officer, each such child shall  
15 be entitled to an annuity equal to 20% of salary of the elected  
16 officer subject to a combined total payment on account of all  
17 such children not to exceed 50% of salary of the elected county  
18 officer. The salary to be used in the calculation of these  
19 benefits shall be the same as that prescribed for determining a  
20 retirement annuity as provided in Section 9-121.6.

21           Upon the death of an elected county officer occurring after  
22 termination of service or while in receipt of a retirement  
23 annuity, the combined total payment to a spouse and minor  
24 children, or to minor children alone if no eligible spouse  
25 survives, shall be limited to 75% of the amount of retirement  
26 annuity earned by the county officer.

1       ~~Adopted children shall have status as children of the~~  
2       ~~elected county officer only if the proceedings for adoption~~  
3       ~~were commenced at least one year prior to the date of the~~  
4       ~~elected county officer's death.~~

5       Marriage of a child or attainment of age 18, whichever  
6       first occurs, shall render the child ineligible for further  
7       consideration in the payment of an annuity to a spouse or in  
8       the increase in the amount thereof. Upon attainment of  
9       ineligibility of the youngest minor child of the elected county  
10      officer, the annuity shall immediately revert to the amount  
11      payable upon death of an elected county officer leaving no  
12      minor children surviving him or her. If the spouse is under age  
13      50 at such time, the annuity as revised shall be deferred until  
14      such age is attained. Remarriage of a widow or widower prior to  
15      attainment of age 55 shall disqualify the spouse from the  
16      receipt of an annuity.

17      (Source: P.A. 85-964.)

18           (40 ILCS 5/11-153) (from Ch. 108 1/2, par. 11-153)

19           Sec. 11-153. Child's annuity.

20           (a) A "Child's Annuity" shall be payable monthly after the  
21      death of an employee parent to an unmarried child until the  
22      child's attainment of age 18 or marriage, whichever event shall  
23      first occur, under the following conditions, if the child was  
24      born or in esse before the employee attained age 65, and before  
25      he withdrew from service:

1 (1) upon death in service from any cause;

2 (2) upon death of an employee who withdraws from  
3 service after age 55 (or after age 50 with at least 30  
4 years of service if withdrawal is on or after June 27,  
5 1997) and who has entered upon or is eligible for annuity.

6 Payment shall be made as provided in Section 11-124.

7 (b) After July 24, 1967, an adopted child shall be entitled  
8 to the same child's annuity benefits provided for natural  
9 children in this Article, if:

10 (1) (Blank) ~~the child was legally adopted by the~~  
11 ~~employee at least one year prior to the death of the~~  
12 ~~employee; and~~

13 (2) the child was adopted before the employee withdrew  
14 from service.

15 (Source: P.A. 92-599, eff. 6-28-02.)

16 (40 ILCS 5/12-137) (from Ch. 108 1/2, par. 12-137)

17 Sec. 12-137. Eligibility for child's benefit. A benefit  
18 shall be granted to any child of the employee under 18 years of  
19 age or any child under such age legally adopted by the employee  
20 ~~provided the legal proceedings for such adoption shall have~~  
21 ~~been commenced at least one year prior to: (1) the death or~~  
22 ~~disability of the employee; and (2) the attainment of age 55 by~~  
23 ~~the employee,~~ whose death occurred under the following  
24 conditions:

25 (a) from injury incurred in the performance of duty

1 regardless of length of service;

2 (b) from any other cause after completion of at least 2  
3 years of service;

4 (c) after the employee withdraws from service subsequent to  
5 age 55 and entered upon or is eligible for annuity.

6 In the case of an employee whose death occurs after  
7 withdrawal subsequent to age 55, if eligible for an annuity,  
8 birth of a child must have occurred before the date of the  
9 employee's latest withdrawal.

10 No annuity shall be payable to any child after such child's  
11 marriage. The termination date of any child's annuity due to  
12 the attainment of age 18 or marriage shall be the due date of  
13 the last annuity payment for the child, next preceding such due  
14 date with no proration for any period which is less than a full  
15 month.

16 A posthumous child shall be regarded as a child of the  
17 employee entitled to an annuity.

18 (Source: P.A. 86-272.)

19 (40 ILCS 5/13-308) (from Ch. 108 1/2, par. 13-308)

20 Sec. 13-308. Child's annuity.

21 (a) Eligibility. A child's annuity shall be provided for  
22 each unmarried child under the age of 18 years (under the age  
23 of 23 years in the case of a full-time student) whose employee  
24 parent dies while in service, or whose deceased parent is an  
25 annuitant or former employee with at least 10 years of

1 creditable service who did not take a refund of employee  
2 contributions. Eligibility for benefits to unmarried children  
3 over the age of 18 but under the age of 23 begins no earlier  
4 than the first day of the month following the month in which  
5 this amendatory Act of the 94th General Assembly takes effect.

6 For purposes of this Section, "employee" includes a former  
7 employee, and "child" means the issue of an employee, or a  
8 child adopted by an employee ~~if the proceedings for adoption~~  
9 ~~were instituted at least one year prior to the employee's~~  
10 ~~death.~~

11 Payments shall cease when a child attains the age of 18  
12 years (age of 23 years in the case of a full-time student) or  
13 marries, whichever first occurs. The annuity shall not be  
14 payable unless the employee has been employed as an employee  
15 for at least 36 months from the date of the employee's original  
16 entry into service (at least 24 months in the case of an  
17 employee who first entered service before June 13, 1997) and at  
18 least 12 months from the date of the employee's latest re-entry  
19 into service; provided, however, that if death arises out of  
20 and in the course of service to the employer and is compensable  
21 under either the Illinois Workers' Compensation Act or Illinois  
22 Workers' Occupational Diseases Act, the annuity is payable  
23 regardless of the employee's length of service.

24 (b) Amount. A child's annuity shall be \$500 per month for  
25 one child and \$350 per month for each additional child, up to a  
26 maximum of \$2,500 per month for all children of the employee,



1 as provided in this Section, if a parent of the child is  
2 living. The child's annuity shall be \$1,000 per month for one  
3 child and \$500 per month for each additional child, up to a  
4 maximum of \$2,500 for all children of the employee, when  
5 neither parent is alive. The total amount payable to all  
6 children of the employee shall be divided equally among those  
7 children. Any child's annuity which commenced prior to July 12,  
8 2001 shall be increased upon the first day of the month  
9 following the month in which that effective date occurs, to the  
10 amount set forth herein.

11 (c) Payment. Until a child attains the age of 18 years, a  
12 child's annuity shall be paid to the child's parent or other  
13 person who shall be providing for the child without requiring  
14 formal letters of guardianship, unless another person shall be  
15 appointed by a court of law as guardian.

16 (Source: P.A. 94-621, eff. 8-18-05.)

17 (40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)

18 Sec. 13-314. Alternative provisions for Water Reclamation  
19 District commissioners.

20 (a) Transfer of credits. Any Water Reclamation District  
21 commissioner elected by vote of the people and who has elected  
22 to participate in this Fund may transfer to this Fund credits  
23 and creditable service accumulated under any other pension fund  
24 or retirement system established under Articles 2 through 18 of  
25 this Code, upon payment to the Fund of (1) the amount by which

1 the employer and employee contributions that would have been  
2 required if he had participated in this Fund during the period  
3 for which credit is being transferred, plus interest, exceeds  
4 the amounts actually transferred from such other fund or system  
5 to this Fund, plus (2) interest thereon at 6% per year  
6 compounded annually from the date of transfer to the date of  
7 payment.

8 (b) Alternative annuity. Any participant commissioner may  
9 elect to establish alternative credits for an alternative  
10 annuity by electing in writing to make additional optional  
11 contributions in accordance with this Section and procedures  
12 established by the Board. Unless and until such time as the  
13 U.S. Internal Revenue Service or the federal courts provide a  
14 favorable ruling as described in Section 13-502(f), a  
15 commissioner may discontinue making the additional optional  
16 contributions by notifying the Fund in writing in accordance  
17 with this Section and procedures established by the Board.

18 Additional optional contributions for the alternative  
19 annuity shall be as follows:

20 (1) For service after the option is elected, an  
21 additional contribution of 3% of salary shall be  
22 contributed to the Fund on the same basis and under the  
23 same conditions as contributions required under Section  
24 13-502.

25 (2) For contributions on past service, the additional  
26 contribution shall be 3% of the salary for the applicable

1 period of service, plus interest at the annual rate from  
2 time to time as determined by the Board, compounded  
3 annually from the date of service to the date of payment.  
4 Contributions for service before the option is elected may  
5 be made in a lump sum payment to the Fund or by  
6 contributing to the Fund on the same basis and under the  
7 same conditions as contributions required under Section  
8 13-502. All payments for past service must be paid in full  
9 before credit is given. No additional optional  
10 contributions may be made for any period of service for  
11 which credit has been previously forfeited by acceptance of  
12 a refund, unless the refund is repaid in full with interest  
13 at the rate specified in Section 13-603, from the date of  
14 refund to the date of repayment.

15 In lieu of the retirement annuity otherwise payable under  
16 this Article, any commissioner who has elected to participate  
17 in the Fund and make additional optional contributions in  
18 accordance with this Section, has attained age 55, and has at  
19 least 6 years of service credit, may elect to have the  
20 retirement annuity computed as follows: 3% of the participant's  
21 average final salary as a commissioner for each of the first 8  
22 years of service credit, plus 4% of such salary for each of the  
23 next 4 years of service credit, plus 5% of such salary for each  
24 year of service credit in excess of 12 years, subject to a  
25 maximum of 80% of such salary. To the extent such commissioner  
26 has made additional optional contributions with respect to only

1 a portion of years of service credit, the retirement annuity  
2 will first be determined in accordance with this Section to the  
3 extent such additional optional contributions were made, and  
4 then in accordance with the remaining Sections of this Article  
5 to the extent of years of service credit with respect to which  
6 additional optional contributions were not made. The change in  
7 minimum retirement age (from 60 to 55) made by this amendatory  
8 Act of 1993 applies to persons who begin receiving a retirement  
9 annuity under this Section on or after the effective date of  
10 this amendatory Act, without regard to whether they are in  
11 service on or after that date.

12 (c) Disability benefits. In lieu of the disability benefits  
13 otherwise payable under this Article, any commissioner who (1)  
14 has elected to participate in the Fund, and (2) has become  
15 permanently disabled and as a consequence is unable to perform  
16 the duties of office, and (3) was making optional contributions  
17 in accordance with this Section at the time the disability was  
18 incurred, may elect to receive a disability annuity calculated  
19 in accordance with the formula in subsection (b). For the  
20 purposes of this subsection, such commissioner shall be  
21 considered permanently disabled only if: (i) disability occurs  
22 while in service as a commissioner and is of such a nature as  
23 to prevent the reasonable performance of the duties of office  
24 at the time; and (ii) the Board has received a written  
25 certification by at least 2 licensed physicians appointed by it  
26 stating that such commissioner is disabled and that the

1 disability is likely to be permanent.

2 (d) Alternative survivor's benefits. In lieu of the  
3 survivor's benefits otherwise payable under this Article, the  
4 spouse or eligible child of any deceased commissioner who (1)  
5 had elected to participate in the Fund, and (2) was either  
6 making (or had already made) additional optional contributions  
7 on the date of death, or was receiving an annuity calculated  
8 under this Section at the time of death, may elect to receive  
9 an annuity beginning on the date of the commissioner's death,  
10 provided that the spouse and commissioner must have been  
11 married on the date of the last termination of a service as  
12 commissioner and for a continuous period of at least one year  
13 immediately preceding death.

14 The annuity shall be payable beginning on the date of the  
15 commissioner's death if the spouse is then age 50 or over, or  
16 beginning at age 50 if the age of the spouse is less than 50  
17 years. If a minor unmarried child or children of the  
18 commissioner, under age 18 (age 23 in the case of a full-time  
19 student), also survive, and the child or children are under the  
20 care of the eligible spouse, the annuity shall begin as of the  
21 date of death of the commissioner without regard to the  
22 spouse's age.

23 The annuity to a spouse shall be the greater of (i) 66 2/3%  
24 of the amount of retirement annuity earned by the commissioner  
25 on the date of death, subject to a minimum payment of 10% of  
26 salary, provided that if an eligible spouse, regardless of age,

1 has in his or her care at the date of death of the commissioner  
2 any unmarried child or children of the commissioner under age  
3 18, the minimum annuity shall be 30% of the commissioner's  
4 salary, plus 10% of salary on account of each minor child of  
5 the commissioner, subject to a combined total payment on  
6 account of a spouse and minor children not to exceed 50% of the  
7 deceased commissioner's salary or (ii) for the spouse of a  
8 commissioner whose death occurs on or after the effective date  
9 of this amendatory Act of the 94th General Assembly, the  
10 surviving spouse annuity shall be computed in the same manner  
11 as described in Section 13-306(a). The number of total service  
12 years used to calculate the commissioner's annuity shall be the  
13 number of service years used to calculate the annuity for that  
14 commissioner's surviving spouse. In the event there shall be no  
15 spouse of the commissioner surviving, or should a spouse die  
16 while eligible minor children still survive the commissioner,  
17 each such child shall be entitled to an annuity equal to 20% of  
18 salary of the commissioner subject to a combined total payment  
19 on account of all such children not to exceed 50% of salary of  
20 the commissioner. The salary to be used in the calculation of  
21 these benefits shall be the same as that prescribed for  
22 determining a retirement annuity as provided in subsection (b)  
23 of this Section.

24 Upon the death of a commissioner occurring after  
25 termination of a service or while in receipt of a retirement  
26 annuity, the combined total payment to a spouse and minor

1 children, or to minor children alone if no eligible spouse  
2 survives, shall be limited to 85% of the amount of retirement  
3 annuity earned by the commissioner.

4 ~~Adopted children shall have status as natural children of~~  
5 ~~the commissioner only if the proceedings for adoption were~~  
6 ~~commenced at least one year prior to the date of the~~  
7 ~~commissioner's death.~~

8 Marriage of a child or attainment of age 18 (age 23 in the  
9 case of a full-time student), whichever first occurs, shall  
10 render the child ineligible for further consideration in the  
11 payment of annuity to a spouse or in the increase in the amount  
12 thereof. Upon attainment of ineligibility of the youngest minor  
13 child of the commissioner, the annuity shall immediately revert  
14 to the amount payable upon death of a commissioner leaving no  
15 minor children surviving. If the spouse is under age 50 at such  
16 time, the annuity as revised shall be deferred until such age  
17 is attained.

18 (e) Refunds. Refunds of additional optional contributions  
19 shall be made on the same basis and under the same conditions  
20 as provided under Section 13-601. Interest shall be credited on  
21 the same basis and under the same conditions as for other  
22 contributions.

23 Optional contributions shall be accounted for in a separate  
24 Commission's Optional Contribution Reserve. Optional  
25 contributions under this Section shall be included in the  
26 amount of employee contributions used to compute the tax levy

1 under Section 13-503.

2 (f) Effective date. The effective date of this plan of  
3 optional alternative benefits and contributions shall be the  
4 date upon which approval was received from the U.S. Internal  
5 Revenue Service. The plan of optional alternative benefits and  
6 contributions shall not be available to any former employee  
7 receiving an annuity from the Fund on the effective date,  
8 unless said former employee re-enters service and renders at  
9 least 3 years of additional service after the date of re-entry  
10 as a commissioner.

11 (Source: P.A. 94-621, eff. 8-18-05.)

12 (40 ILCS 5/14-119) (from Ch. 108 1/2, par. 14-119)

13 Sec. 14-119. Amount of widow's annuity.

14 (a) The widow's annuity shall be 50% of the amount of  
15 retirement annuity payable to the member on the date of death  
16 while on retirement if an annuitant, or on the date of his  
17 death while in service if an employee, regardless of his age on  
18 such date, or on the date of withdrawal if death occurred after  
19 termination of service under the conditions prescribed in the  
20 preceding Section.

21 (b) If an eligible widow, regardless of age, has in her  
22 care any unmarried child or children of the member under age 18  
23 (under age 22 if a full-time student), the widow's annuity  
24 shall be increased in the amount of 5% of the retirement  
25 annuity for each such child, but the combined payments for a



1 widow and children shall not exceed 66 2/3% of the member's  
2 earned retirement annuity.

3 The amount of retirement annuity from which the widow's  
4 annuity is derived shall be that earned by the member without  
5 regard to whether he attained age 60 prior to his withdrawal  
6 under the conditions stated or prior to his death.

7 (c) ~~Adopted children shall be considered as children of the~~  
8 ~~member only if the proceedings for adoption were commenced at~~  
9 ~~least 1 year prior to the member's death.~~

10 Marriage of a child shall render the child ineligible for  
11 further consideration in the increase in the amount of the  
12 widow's annuity.

13 Attainment of age 18 (age 22 if a full-time student) shall  
14 render a child ineligible for further consideration in the  
15 increase of the widow's annuity, but the annuity to the widow  
16 shall be continued thereafter, without regard to her age at  
17 that time.

18 (d) A widow's annuity payable on account of any covered  
19 employee who shall have been a covered employee for at least 18  
20 months shall be reduced by 1/2 of the amount of survivors  
21 benefits to which his beneficiaries are eligible under the  
22 provisions of the Federal Social Security Act, except that (1)  
23 the amount of any widow's annuity payable under this Article  
24 shall not be reduced by reason of any increase under that Act  
25 which occurs after the offset required by this subsection is  
26 first applied to that annuity, and (2) for benefits granted on

1 or after January 1, 1992, the offset under this subsection (d)  
2 shall not exceed 50% of the amount of widow's annuity otherwise  
3 payable.

4 (e) Upon the death of a recipient of a widow's annuity the  
5 excess, if any, of the member's accumulated contributions plus  
6 credited interest over all annuity payments to the member and  
7 widow, exclusive of the \$500 lump sum payment, shall be paid to  
8 the named beneficiary of the widow, or if none has been named,  
9 to the estate of the widow, provided no reversionary annuity is  
10 payable.

11 (f) On January 1, 1981, any recipient of a widow's annuity  
12 who was receiving a widow's annuity on or before January 1,  
13 1971, shall have her widow's annuity then being paid increased  
14 by 1% for each full year which has elapsed from the date the  
15 widow's annuity began. On January 1, 1982, any recipient of a  
16 widow's annuity who began receiving a widow's annuity after  
17 January 1, 1971, but before January 1, 1981, shall have her  
18 widow's annuity then being paid increased by 1% for each full  
19 year which has elapsed from the date the widow's annuity began.  
20 On January 1, 1987, any recipient of a widow's annuity who  
21 began receiving the widow's annuity on or before January 1,  
22 1977, shall have the monthly widow's annuity increased by \$1  
23 for each full year which has elapsed since the date the annuity  
24 began.

25 (g) Beginning January 1, 1990, every widow's annuity shall  
26 be increased (1) on each January 1 occurring on or after the

1 commencement of the annuity if the deceased member died while  
2 receiving a retirement annuity, or (2) in other cases, on each  
3 January 1 occurring on or after the first anniversary of the  
4 commencement of the annuity, by an amount equal to 3% of the  
5 current amount of the annuity, including any previous increases  
6 under this Article. Such increases shall apply without regard  
7 to whether the deceased member was in service on or after the  
8 effective date of Public Act 86-1488, but shall not accrue for  
9 any period prior to January 1, 1990.

10 (Source: P.A. 90-448, eff. 8-16-97.)

11 (40 ILCS 5/14-120) (from Ch. 108 1/2, par. 14-120)

12 Sec. 14-120. Survivors annuities - Conditions for  
13 payments. A survivors annuity is established for all members of  
14 the System. Upon the death of any male person who was a member  
15 on July 19, 1961, however, his widow may have the option of  
16 receiving the widow's annuity provided in this Article, in lieu  
17 of the survivors annuity.

18 (a) A survivors annuity beneficiary, as herein defined, is  
19 eligible for a survivors annuity if the deceased member had  
20 completed at least 1 1/2 years of contributing creditable  
21 service if death occurred:

22 (1) while in service;

23 (2) while on an approved or authorized leave of absence  
24 from service, not exceeding one year continuously; or

25 (3) while in receipt of a non-occupational disability

1 or an occupational disability benefit.

2 (b) If death of the member occurs after withdrawal, the  
3 survivors annuity beneficiary is eligible for such annuity only  
4 if the member had fulfilled at the date of withdrawal the  
5 prescribed service conditions for establishing a right in a  
6 retirement annuity.

7 (c) Payment of the survivors annuity shall begin  
8 immediately if the beneficiary is 50 years or over, or upon  
9 attainment of age 50 if the beneficiary is under that age at  
10 the date of the member's death. In the case of survivors of a  
11 member whose death occurred between November 1, 1970 and July  
12 15, 1971, the payment of the survivors annuity shall begin upon  
13 October 1, 1977, if the beneficiary is then 50 years of age or  
14 older, or upon the attainment of age 50 if the beneficiary is  
15 under that age on October 1, 1977.

16 If an eligible child or children, under the care of the  
17 spouse also survive the member, the survivors annuity shall  
18 begin immediately without regard to whether the beneficiary has  
19 attained age 50.

20 Benefits under this Section shall accrue and be payable for  
21 whole calendar months, beginning on the first day of the month  
22 after the initiating event occurs and ending on the last day of  
23 the month in which the terminating event occurs.

24 (d) A survivor annuity beneficiary means:

25 (1) A spouse of a member or annuitant if:

26 (i) in the case of a member or annuitant who dies

1 before the effective date of this amendatory Act of the  
2 91st General Assembly, the current marriage with the  
3 member or annuitant was in effect for at least one year  
4 at the date of death or withdrawal, whichever first  
5 occurs; or

6 (ii) in the case of a member or annuitant who dies  
7 on or after the effective date of this amendatory Act  
8 of the 91st General Assembly, the current marriage with  
9 the member or annuitant was in effect for at least one  
10 year immediately prior to the date of death, regardless  
11 of the date of withdrawal.

12 (2) An unmarried child under age 18 (under age 22 if a  
13 full-time student) of the member or annuitant; an unmarried  
14 stepchild under age 18 (under age 22 if a full-time  
15 student) who has been such for at least one year at the  
16 date of the member's death or at least one year at the date  
17 of withdrawal, whichever first occurs; an unmarried  
18 adopted child under age 18 (under age 22 if a full-time  
19 student) ~~if the adoption proceedings were initiated at~~  
20 ~~least one year prior to the death or withdrawal of the~~  
21 ~~member or annuitant, whichever first occurs;~~ and an  
22 unmarried child over age 18 if he or she is dependent by  
23 reason of a physical or mental disability, so long as the  
24 physical or mental disability continues. For purposes of  
25 this subsection, disability means inability to engage in  
26 any substantial gainful activity by reason of any medically

1           determinable physical or mental impairment which can be  
2           expected to result in death or which has lasted or can be  
3           expected to last for a continuous period of not less than  
4           12 months.

5           (3) A dependent parent of the member or annuitant; a  
6           dependent step-parent by a marriage contracted before the  
7           member or annuitant attained age 18; or a dependent  
8           adopting parent by whom the member or annuitant was adopted  
9           before he or she attained age 18.

10          (e) Payment of a survivors annuity to a beneficiary  
11          terminates upon: (1) remarriage before age 55 that occurs  
12          before the effective date of this amendatory Act of the 91st  
13          General Assembly or death, if the beneficiary is a spouse; (2)  
14          marriage or death, if the beneficiary is a child; or (3)  
15          remarriage before age 55 or death, if the beneficiary is a  
16          parent. Remarriage of a prospective beneficiary prior to the  
17          attainment of age 50 disqualifies the beneficiary for the  
18          annuity expectancy hereunder, if the remarriage occurs before  
19          the effective date of this amendatory Act of the 91st General  
20          Assembly. Termination due to marriage or remarriage shall be  
21          permanent, regardless of any future changes in marital status.

22          The substantive changes made to this subsection by this  
23          amendatory Act of the 91st General Assembly (pertaining to  
24          remarriage prior to age 55 or 50) apply without regard to  
25          whether the deceased participant or annuitant was in service on  
26          or after the effective date of this amendatory Act.

1 Any person whose survivors annuity was terminated during  
2 1978 or 1979 due to remarriage at age 55 or over shall be  
3 eligible to apply, not later than July 1, 1990, for a  
4 resumption of that annuity, to begin on July 1, 1990.

5 (f) The term "dependent" relating to a survivors annuity  
6 means a beneficiary of a survivors annuity who was receiving  
7 from the member at the date of the member's death at least 1/2  
8 of the support for maintenance including board, lodging,  
9 medical care and like living costs.

10 (g) If there is no eligible spouse surviving the member, or  
11 if a survivors annuity beneficiary includes a spouse who dies  
12 or is disqualified by remarriage, the annuity is payable to an  
13 unmarried child or children. If at the date of death of the  
14 member there is no spouse or unmarried child, payments shall be  
15 made to a dependent parent or parents. If no eligible survivors  
16 annuity beneficiary survives the member, the non-occupational  
17 death benefit is payable in the manner provided in this  
18 Article.

19 (h) Survivor benefits do not affect any reversionary  
20 annuity.

21 (i) If a survivors annuity beneficiary becomes entitled to  
22 a widow's annuity or one or more survivors annuities or both  
23 such annuities, the beneficiary shall elect to receive only one  
24 of such annuities.

25 (j) Contributing creditable service under the State  
26 Universities Retirement System and the Teachers' Retirement

1 System of the State of Illinois shall be considered in  
2 determining whether the member has met the contributing service  
3 requirements of this Section.

4 (k) In lieu of the Survivor's Annuity described in this  
5 Section, the spouse of the member has the option to select the  
6 Nonoccupational Death Benefit described in this Article,  
7 provided the spouse is the sole survivor and the sole nominated  
8 beneficiary of the member.

9 (l) The changes made to this Section and Sections 14-118,  
10 14-119, and 14-128 by this amendatory Act of 1997, relating to  
11 benefits for certain unmarried children who are full-time  
12 students under age 22, apply without regard to whether the  
13 deceased member was in service on or after the effective date  
14 of this amendatory Act of 1997. These changes do not authorize  
15 the repayment of a refund or a re-election of benefits, and any  
16 benefit or increase in benefits resulting from these changes is  
17 not payable retroactively for any period before the effective  
18 date of this amendatory Act of 1997.

19 (Source: P.A. 90-448, eff. 8-16-97; 91-357, eff. 7-29-99;  
20 91-887, eff. 7-6-00.)

21 (40 ILCS 5/14-128) (from Ch. 108 1/2, par. 14-128)

22 Sec. 14-128. Occupational death benefit. An occupational  
23 death benefit is provided for a member of the System whose  
24 death, prior to retirement, is the proximate result of bodily  
25 injuries sustained or a hazard undergone while in the



1 performance and within the scope of the member's duties.

2 (a) Conditions for payment.

3 Exclusive of the lump sum payment provided for herein, all  
4 annuities under this Section shall accrue and be payable for  
5 complete calendar months, beginning on the first day of the  
6 month next following the month in which the initiating event  
7 occurs and ending on the last day of the month in which the  
8 terminating event occurs.

9 The following named survivors of the member may be eligible  
10 for an annuity under this Section:

11 (i) The member's spouse.

12 (ii) An unmarried child of the member under age 18  
13 (under age 22 if a full-time student); an unmarried  
14 stepchild under age 18 (under age 22 if a full-time  
15 student) who has been such for at least one year at the  
16 date of the member's death; an unmarried adopted child  
17 under age 18 (under age 22 if a full-time student) ~~if the~~  
18 ~~adoption proceedings were initiated at least one year prior~~  
19 ~~to the death of the member;~~ and an unmarried child over age  
20 18 who is dependent by reason of a physical or mental  
21 disability, for so long as such physical or mental  
22 disability continues. For the purposes of this Section  
23 disability means inability to engage in any substantial  
24 gainful activity by reason of any medically determinable  
25 physical or mental impairment which can be expected to  
26 result in death or which has lasted or can be expected to

1 last for a continuous period of not less than 12 months.

2 (iii) If no spouse or eligible children survive: a  
3 dependent parent of the member; a dependent step-parent by  
4 a marriage contracted before the member attained age 18; or  
5 a dependent adopting parent by whom the member was adopted  
6 before he or she attained age 18.

7 The term "dependent" relating to an occupational death  
8 benefit means a survivor of the member who was receiving from  
9 the member at the date of the member's death at least 1/2 of  
10 the support for maintenance including board, lodging, medical  
11 care and like living costs.

12 Payment of the annuity shall continue until the occurrence  
13 of the following:

14 (1) remarriage before age 55 that occurs before the  
15 effective date of this amendatory Act of the 91st General  
16 Assembly or death, in the case of a surviving spouse;

17 (2) attainment of age 18 or termination of disability,  
18 death, or marriage, in the case of an eligible child;

19 (3) remarriage before age 55 or death, in the case of a  
20 dependent parent.

21 If none of the aforementioned beneficiaries is living at  
22 the date of death of the member, no occupational death benefit  
23 shall be payable, but the nonoccupational death benefit shall  
24 be payable as provided in this Article.

25 The change made to this subsection by this amendatory Act  
26 of the 91st General Assembly (pertaining to remarriage prior to

1 age 55) applies without regard to whether the deceased member  
2 was in service on or after the effective date of this  
3 amendatory Act.

4 (b) Amount of benefit.

5 The member's accumulated contributions plus credited  
6 interest shall be payable in a lump sum to such person as the  
7 member has nominated by written direction, duly acknowledged  
8 and filed with the Board, or if no such nomination to the  
9 estate of the member. When an annuitant is re-employed by a  
10 Department, the accumulated contributions plus credited  
11 interest payable on the member's account shall, if the member  
12 has not previously elected a reversionary annuity, consist of  
13 the excess, if any, of the member's total accumulated  
14 contributions plus credited interest for all creditable  
15 service over the total amount of all retirement annuity  
16 payments received by the member prior to death.

17 In addition to the foregoing payment, an annuity is  
18 provided for eligible survivors as follows:

19 (1) If the survivor is a spouse only, the annuity shall  
20 be 50% of the member's final average compensation.

21 (2) If the spouse has in his or her care an eligible  
22 child or children, the annuity shall be increased by an  
23 amount equal to 15% of the final average compensation on  
24 account of each such child, subject to a limitation on the  
25 combined annuities to a surviving spouse and children of  
26 75% of final average compensation.

1           (3) If there is no surviving spouse, or if the  
2 surviving spouse dies or remarries while a child remains  
3 eligible, then each such child shall be entitled to an  
4 annuity of 15% of the deceased member's final average  
5 compensation, subject to a limitation of 50% of final  
6 average compensation to all such children.

7           (4) If there is no surviving spouse or eligible  
8 children, then an annuity shall be payable to the member's  
9 dependent parents, equal to 25% of final average  
10 compensation to each such beneficiary.

11           If any annuity payable under this Section is less than the  
12 corresponding survivors annuity, the beneficiary or  
13 beneficiaries of the annuity under this Section may elect to  
14 receive the survivors annuity and the nonoccupational death  
15 benefit provided for in this Article in lieu of the annuity  
16 provided under this Section.

17           (c) Occupational death claims pending adjudication by the  
18 Illinois Workers' Compensation Commission or a ruling by the  
19 agency responsible for determining the liability of the State  
20 under the "Workers' Compensation Act" or "Workers'  
21 Occupational Diseases Act" shall be payable under Sections  
22 14-120 and 14-121 until a ruling or adjudication occurs, if the  
23 beneficiary or beneficiaries: (1) meet all conditions for  
24 payment as prescribed in this Article; and (2) execute an  
25 assignment of benefits payable as a result of adjudication by  
26 the Illinois Workers' Compensation Commission or a ruling by

1 the agency responsible for determining the liability of the  
2 State under such Acts. The assignment shall be made to the  
3 System and shall be for an amount equal to the excess of  
4 benefits paid under Sections 14-120 and 14-121 over benefits  
5 payable as a result of adjudication of the workers'  
6 compensation claim computed from the date of death of the  
7 member.

8 (d) Every occupational death annuity payable under this  
9 Section shall be increased on each January 1 occurring on or  
10 after (i) January 1, 1990, or (ii) the first anniversary of the  
11 commencement of the annuity, whichever occurs later, by an  
12 amount equal to 3% of the current amount of the annuity,  
13 including any previous increases under this Article, without  
14 regard to whether the deceased member was in service on the  
15 effective date of this amendatory Act of 1991.

16 (Source: P.A. 93-721, eff. 1-1-05.)

17 (40 ILCS 5/14-152.1)

18 Sec. 14-152.1. Application and expiration of new benefit  
19 increases.

20 (a) As used in this Section, "new benefit increase" means  
21 an increase in the amount of any benefit provided under this  
22 Article, or an expansion of the conditions of eligibility for  
23 any benefit under this Article, that results from an amendment  
24 to this Code that takes effect after June 1, 2005 (the  
25 effective date of Public Act 94-4) ~~this amendatory Act of the~~

1 ~~94th General Assembly.~~ "New benefit increase", however, does  
2 not include any benefit increase resulting from the changes  
3 made by this amendatory Act of the 95th General Assembly.

4 (b) Notwithstanding any other provision of this Code or any  
5 subsequent amendment to this Code, every new benefit increase  
6 is subject to this Section and shall be deemed to be granted  
7 only in conformance with and contingent upon compliance with  
8 the provisions of this Section.

9 (c) The Public Act enacting a new benefit increase must  
10 identify and provide for payment to the System of additional  
11 funding at least sufficient to fund the resulting annual  
12 increase in cost to the System as it accrues.

13 Every new benefit increase is contingent upon the General  
14 Assembly providing the additional funding required under this  
15 subsection. The Commission on Government Forecasting and  
16 Accountability shall analyze whether adequate additional  
17 funding has been provided for the new benefit increase and  
18 shall report its analysis to the Public Pension Division of the  
19 Department of Financial and Professional Regulation. A new  
20 benefit increase created by a Public Act that does not include  
21 the additional funding required under this subsection is null  
22 and void. If the Public Pension Division determines that the  
23 additional funding provided for a new benefit increase under  
24 this subsection is or has become inadequate, it may so certify  
25 to the Governor and the State Comptroller and, in the absence  
26 of corrective action by the General Assembly, the new benefit

1 increase shall expire at the end of the fiscal year in which  
2 the certification is made.

3 (d) Every new benefit increase shall expire 5 years after  
4 its effective date or on such earlier date as may be specified  
5 in the language enacting the new benefit increase or provided  
6 under subsection (c). This does not prevent the General  
7 Assembly from extending or re-creating a new benefit increase  
8 by law.

9 (e) Except as otherwise provided in the language creating  
10 the new benefit increase, a new benefit increase that expires  
11 under this Section continues to apply to persons who applied  
12 and qualified for the affected benefit while the new benefit  
13 increase was in effect and to the affected beneficiaries and  
14 alternate payees of such persons, but does not apply to any  
15 other person, including without limitation a person who  
16 continues in service after the expiration date and did not  
17 apply and qualify for the affected benefit while the new  
18 benefit increase was in effect.

19 (Source: P.A. 94-4, eff. 6-1-05.)

20 (40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)

21 Sec. 15-129. Child.

22 "Child": The child of a participant or an annuitant,  
23 including a child born out of wedlock, a stepchild who has been  
24 such for not less than 1 year immediately preceding the death  
25 of the participant or annuitant, and an adopted child, ~~if the~~

1 ~~proceedings for adoption were initiated at least 1 year before~~  
2 ~~the death or retirement of the participant or annuitant.~~

3 (Source: P.A. 94-229, eff. 1-1-06.)

4 (40 ILCS 5/15-198)

5 Sec. 15-198. Application and expiration of new benefit  
6 increases.

7 (a) As used in this Section, "new benefit increase" means  
8 an increase in the amount of any benefit provided under this  
9 Article, or an expansion of the conditions of eligibility for  
10 any benefit under this Article, that results from an amendment  
11 to this Code that takes effect after June 1, 2005 (the  
12 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
13 ~~94th General Assembly~~. "New benefit increase", however, does  
14 not include any benefit increase resulting from the changes  
15 made by this amendatory Act of the 95th General Assembly.

16 (b) Notwithstanding any other provision of this Code or any  
17 subsequent amendment to this Code, every new benefit increase  
18 is subject to this Section and shall be deemed to be granted  
19 only in conformance with and contingent upon compliance with  
20 the provisions of this Section.

21 (c) The Public Act enacting a new benefit increase must  
22 identify and provide for payment to the System of additional  
23 funding at least sufficient to fund the resulting annual  
24 increase in cost to the System as it accrues.

25 Every new benefit increase is contingent upon the General



1 Assembly providing the additional funding required under this  
2 subsection. The Commission on Government Forecasting and  
3 Accountability shall analyze whether adequate additional  
4 funding has been provided for the new benefit increase and  
5 shall report its analysis to the Public Pension Division of the  
6 Department of Financial and Professional Regulation. A new  
7 benefit increase created by a Public Act that does not include  
8 the additional funding required under this subsection is null  
9 and void. If the Public Pension Division determines that the  
10 additional funding provided for a new benefit increase under  
11 this subsection is or has become inadequate, it may so certify  
12 to the Governor and the State Comptroller and, in the absence  
13 of corrective action by the General Assembly, the new benefit  
14 increase shall expire at the end of the fiscal year in which  
15 the certification is made.

16 (d) Every new benefit increase shall expire 5 years after  
17 its effective date or on such earlier date as may be specified  
18 in the language enacting the new benefit increase or provided  
19 under subsection (c). This does not prevent the General  
20 Assembly from extending or re-creating a new benefit increase  
21 by law.

22 (e) Except as otherwise provided in the language creating  
23 the new benefit increase, a new benefit increase that expires  
24 under this Section continues to apply to persons who applied  
25 and qualified for the affected benefit while the new benefit  
26 increase was in effect and to the affected beneficiaries and

1 alternate payees of such persons, but does not apply to any  
2 other person, including without limitation a person who  
3 continues in service after the expiration date and did not  
4 apply and qualify for the affected benefit while the new  
5 benefit increase was in effect.

6 (Source: P.A. 94-4, eff. 6-1-05.)

7 (40 ILCS 5/18-128) (from Ch. 108 1/2, par. 18-128)

8 Sec. 18-128. Survivor's annuities; Conditions for payment.

9 (a) A survivor's annuity shall be payable upon the death of  
10 a participant while in service after June 30, 1967 if the  
11 participant had at least 1 1/2 years of service credit as a  
12 judge, or upon death of an inactive participant who had  
13 terminated service as a judge on or after June 30, 1967 with at  
14 least 10 years of service credit, or upon the death of an  
15 annuitant whose retirement becomes effective after June 30,  
16 1967.

17 (b) The surviving spouse of a deceased participant or  
18 annuitant is entitled to a survivor's annuity beginning at the  
19 date of death if the surviving spouse (1) has been married to  
20 the participant or annuitant for a continuous period of at  
21 least one year immediately preceding the date of death, and (2)  
22 has attained age 50, or, regardless of age, has in his or her  
23 care an eligible child or children of the decedent as provided  
24 under subsections (c) and (d) of this Section. If the surviving  
25 spouse has no such child in his or her care and has not

1 attained age 50, the survivor's annuity shall begin upon  
2 attainment of age 50. When all such children of the deceased  
3 who are in the care of the surviving spouse no longer qualify  
4 for benefits and the surviving spouse is under 50 years of age,  
5 the surviving spouse's annuity shall be suspended until he or  
6 she attains age 50.

7 (c) A child's annuity is payable for an unmarried child of  
8 an annuitant or participant so long as the child is (i) under  
9 age 18, (ii) under age 22 and a full time student, or (iii) age  
10 18 or over if dependent by reason of physical or mental  
11 disability. Disability means inability to engage in any  
12 substantial gainful activity by reason of any medically  
13 determinable physical or mental impairment which can expected  
14 to result in death or which has lasted or can be expected to  
15 last for a continuous period of not less than 12 months.

16 (d) (Blank) ~~Adopted children shall have the same status as~~  
17 ~~natural children, but only if the proceedings for adoption were~~  
18 ~~commenced at least 6 months prior to the death of the annuitant~~  
19 ~~or participant.~~

20 (e) Remarriage prior to attainment of age 50 that occurs  
21 before the effective date of this amendatory Act of the 91st  
22 General Assembly shall disqualify a surviving spouse for the  
23 receipt of a survivor's annuity.

24 The change made to this subsection by this amendatory Act  
25 of the 91st General Assembly applies without regard to whether  
26 the deceased judge was in service on or after the effective

1 date of this amendatory Act of the 91st General Assembly.

2 (f) The changes made in survivor's annuity provisions by  
3 Public Act 82-306 shall apply to the survivors of a deceased  
4 participant or annuitant whose death occurs on or after August  
5 21, 1981 and whose service as a judge terminates on or after  
6 July 1, 1967.

7 The provision of child's annuities for dependent students  
8 under age 22 by this amendatory Act of 1991 shall apply to all  
9 eligible students beginning January 1, 1992, without regard to  
10 whether the deceased judge was in service on or after the  
11 effective date of this amendatory Act.

12 (Source: P.A. 91-887, eff. 7-6-00.)

13 (40 ILCS 5/18-169)

14 Sec. 18-169. Application and expiration of new benefit  
15 increases.

16 (a) As used in this Section, "new benefit increase" means  
17 an increase in the amount of any benefit provided under this  
18 Article, or an expansion of the conditions of eligibility for  
19 any benefit under this Article, that results from an amendment  
20 to this Code that takes effect after June 1, 2005 (the  
21 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
22 ~~94th General Assembly~~. "New benefit increase", however, does  
23 not include any benefit increase resulting from the changes  
24 made by this amendatory Act of the 95th General Assembly.

25 (b) Notwithstanding any other provision of this Code or any

1 subsequent amendment to this Code, every new benefit increase  
2 is subject to this Section and shall be deemed to be granted  
3 only in conformance with and contingent upon compliance with  
4 the provisions of this Section.

5 (c) The Public Act enacting a new benefit increase must  
6 identify and provide for payment to the System of additional  
7 funding at least sufficient to fund the resulting annual  
8 increase in cost to the System as it accrues.

9 Every new benefit increase is contingent upon the General  
10 Assembly providing the additional funding required under this  
11 subsection. The Commission on Government Forecasting and  
12 Accountability shall analyze whether adequate additional  
13 funding has been provided for the new benefit increase and  
14 shall report its analysis to the Public Pension Division of the  
15 Department of Financial and Professional Regulation. A new  
16 benefit increase created by a Public Act that does not include  
17 the additional funding required under this subsection is null  
18 and void. If the Public Pension Division determines that the  
19 additional funding provided for a new benefit increase under  
20 this subsection is or has become inadequate, it may so certify  
21 to the Governor and the State Comptroller and, in the absence  
22 of corrective action by the General Assembly, the new benefit  
23 increase shall expire at the end of the fiscal year in which  
24 the certification is made.

25 (d) Every new benefit increase shall expire 5 years after  
26 its effective date or on such earlier date as may be specified

1 in the language enacting the new benefit increase or provided  
2 under subsection (c). This does not prevent the General  
3 Assembly from extending or re-creating a new benefit increase  
4 by law.

5 (e) Except as otherwise provided in the language creating  
6 the new benefit increase, a new benefit increase that expires  
7 under this Section continues to apply to persons who applied  
8 and qualified for the affected benefit while the new benefit  
9 increase was in effect and to the affected beneficiaries and  
10 alternate payees of such persons, but does not apply to any  
11 other person, including without limitation a person who  
12 continues in service after the expiration date and did not  
13 apply and qualify for the affected benefit while the new  
14 benefit increase was in effect.

15 (Source: P.A. 94-4, eff. 6-1-05.)

16 (40 ILCS 5/19-115) (from Ch. 108 1/2, par. 19-115)

17 Sec. 19-115. Marriage of beneficiary.

18 When any contributor to said fund, who has been in the  
19 service of the house of correction for a period of 20 years,  
20 has contributed to said fund for the same period and has  
21 retired and become a beneficiary under "The 1911 Act" or this  
22 Division, shall then marry, such wife of such marriage shall  
23 after his death receive no benefit nor annuity from said fund.

24 Any widow or child or children receiving benefits or  
25 annuities, under "The 1911 Act", shall continue to receive such

1 benefits or annuities, which shall be increased from \$480 per  
2 year to not more than \$720 per year and paid in accordance with  
3 the provisions of Section 19--110 of this Division.

4 The term "child" or "children" under this Division shall  
5 not include adopted child or children, nor shall it include a  
6 stepchild or stepchildren of any contributor to aforesaid  
7 pension fund.

8 (Source: Laws 1963, p. 161.)

9 Section 90. The State Mandates Act is amended by adding  
10 Section 8.31 as follows:

11 (30 ILCS 805/8.31 new)

12 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
13 of this Act, no reimbursement by the State is required for the  
14 implementation of any mandate created by this amendatory Act of  
15 the 95th General Assembly.

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40 ILCS 5/1-104.3 new

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40 ILCS 5/2-162

6

40 ILCS 5/3-108

from Ch. 108 1/2, par. 3-108

7

40 ILCS 5/4-114

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40 ILCS 5/4-115.1

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40 ILCS 5/5-152

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40 ILCS 5/6-148

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40 ILCS 5/6-151

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40 ILCS 5/7-145.2

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40 ILCS 5/7-160

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40 ILCS 5/8-120

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40 ILCS 5/9-115

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40 ILCS 5/11-153

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40 ILCS 5/13-308

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40 ILCS 5/14-120

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40 ILCS 5/14-128

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40 ILCS 5/14-152.1



- 1 40 ILCS 5/15-129 from Ch. 108 1/2, par. 15-129
- 2 40 ILCS 5/15-198
- 3 40 ILCS 5/18-128 from Ch. 108 1/2, par. 18-128
- 4 40 ILCS 5/18-169
- 5 40 ILCS 5/19-115 from Ch. 108 1/2, par. 19-115
- 6 30 ILCS 805/8.31 new