



**Rep. Kelly Burke**

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1 AMENDMENT TO HOUSE BILL 1447

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1447 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 2-108.1, 2-119.1, 2-121.1, 18-125, 18-125.1,  
6 and 18-128.01 as follows:

7 (40 ILCS 5/2-108.1) (from Ch. 108 1/2, par. 2-108.1)

8 Sec. 2-108.1. Highest salary for annuity purposes.

9 (a) "Highest salary for annuity purposes" means whichever  
10 of the following is applicable to the participant:

11 For a participant who first becomes a participant of this  
12 System before August 10, 2009 (the effective date of Public Act  
13 96-207):

14 (1) For a participant who is a member of the General  
15 Assembly on his or her last day of service: the highest  
16 salary that is prescribed by law, on the participant's last

1           day of service, for a member of the General Assembly who is  
2       not an officer; plus, if the participant was elected or  
3       appointed to serve as an officer of the General Assembly  
4       for 2 or more years and has made contributions as required  
5       under subsection (d) of Section 2-126, the highest  
6       additional amount of compensation prescribed by law, at the  
7       time of the participant's service as an officer, for  
8       members of the General Assembly who serve in that office.

9           (2) For a participant who holds one of the State  
10      executive offices specified in Section 2-105 on his or her  
11      last day of service: the highest salary prescribed by law  
12      for service in that office on the participant's last day of  
13      service.

14           (3) For a participant who is Clerk or Assistant Clerk  
15      of the House of Representatives or Secretary or Assistant  
16      Secretary of the Senate on his or her last day of service:  
17      the salary received for service in that capacity on the  
18      last day of service, but not to exceed the highest salary  
19      (including additional compensation for service as an  
20      officer) that is prescribed by law on the participant's  
21      last day of service for the highest paid officer of the  
22      General Assembly.

23           (4) For a participant who is a continuing participant  
24      under Section 2-117.1 on his or her last day of service:  
25      the salary received for service in that capacity on the  
26      last day of service, but not to exceed the highest salary

1                   (including additional compensation for service as an  
2                   officer) that is prescribed by law on the participant's  
3                   last day of service for the highest paid officer of the  
4                   General Assembly.

5                   For a participant who first becomes a participant of this  
6                   System on or after August 10, 2009 (the effective date of  
7                   Public Act 96-207) and before January 1, 2011 (the effective  
8                   date of Public Act 96-889), the average monthly salary obtained  
9                   by dividing the total salary of the participant during the  
10                  period of: (1) the 48 consecutive months of service within the  
11                  last 120 months of service in which the total compensation was  
12                  the highest, or (2) the total period of service, if less than  
13                  48 months, by the number of months of service in that period.

14                  For a participant who first becomes a participant of this  
15                  System on or after January 1, 2011 (the effective date of  
16                  Public Act 96-889), the average monthly salary obtained by  
17                  dividing the total salary of the participant during the 96  
18                  consecutive months of service within the last 120 months of  
19                  service in which the total compensation was the highest by the  
20                  number of months of service in that period; however, beginning  
21                  January 1, 2011, the highest salary for annuity purposes may  
22                  not exceed \$106,800, except that that amount shall annually  
23                  thereafter be increased by the lesser of (i) 3% of that amount,  
24                  including all previous adjustments, or (ii) the annual  
25                  unadjusted percentage increase (but not less than zero) in the  
26                  consumer price index-u for the 12 months ending with the

1 September preceding each November 1.

2       For a participant who is a participant on the effective  
3       date of this amendatory Act of the 97th General Assembly and  
4       who irrevocably elects the reduced benefits under this  
5       paragraph and for a participant who first becomes a participant  
6       of this System after the effective date of this amendatory Act  
7       of the 97th General Assembly, the average monthly salary  
8       obtained by dividing the total salary of the participant during  
9       the 96 consecutive months of service within the last 120 months  
10      of service in which the total compensation was the highest by  
11      the number of months of service in that period; however,  
12      beginning on the effective date of this amendatory Act of the  
13      97th General Assembly, the highest salary for annuity purposes  
14      may not, for the affected persons, exceed \$106,800, except that  
15      that amount shall annually thereafter be increased by the  
16      lesser of (i) 3% of that amount, including all previous  
17      adjustments, or (ii) one-half the annual unadjusted percentage  
18      increase (but not less than zero) in the consumer price index-u  
19      for the 12 months ending with the September preceding each  
20      November 1.

21       "Consumer price index-u" means the index published by the  
22      Bureau of Labor Statistics of the United States Department of  
23      Labor that measures the average change in prices of goods and  
24      services purchased by all urban consumers, United States city  
25      average, all items, 1982-84 = 100. The new amount resulting  
26      from each annual adjustment shall be determined by the Public

1      Pension Division of the Department of Insurance and made  
2      available to the Board by November 1 of each year.

3                (b) The earnings limitations of subsection (a) apply to  
4      earnings under any other participating system under the  
5      Retirement Systems Reciprocal Act that are considered in  
6      calculating a proportional annuity under this Article, except  
7      in the case of a person who first became a member of this  
8      System before August 22, 1994.

9                (c) In calculating the subsection (a) earnings limitation  
10     to be applied to earnings under any other participating system  
11     under the Retirement Systems Reciprocal Act for the purpose of  
12     calculating a proportional annuity under this Article, the  
13     participant's last day of service shall be deemed to mean the  
14     last day of service in any participating system from which the  
15     person has applied for a proportional annuity under the  
16     Retirement Systems Reciprocal Act.

17               (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;  
18               96-1490, eff. 1-1-11.)

19               (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

20               Sec. 2-119.1. Automatic increase in retirement annuity.

21               (a) A participant who retires after June 30, 1967, and who  
22      has not received an initial increase under this Section before  
23      the effective date of this amendatory Act of 1991, shall, in  
24      January or July next following the first anniversary of  
25      retirement, whichever occurs first, and in the same month of

each year thereafter, but in no event prior to age 60, have the amount of the originally granted retirement annuity increased as follows: for each year through 1971, 1 1/2%; for each year from 1972 through 1979, 2%; and for 1980 and each year thereafter, 3%. Annuitants who have received an initial increase under this subsection prior to the effective date of this amendatory Act of 1991 shall continue to receive their annual increases in the same month as the initial increase.

(b) Beginning January 1, 1990, for eligible participants who remain in service after attaining 20 years of creditable service, the 3% increases provided under subsection (a) shall begin to accrue on the January 1 next following the date upon which the participant (1) attains age 55, or (2) attains 20 years of creditable service, whichever occurs later, and shall continue to accrue while the participant remains in service; such increases shall become payable on January 1 or July 1, whichever occurs first, next following the first anniversary of retirement. For any person who has service credit in the System for the entire period from January 15, 1969 through December 31, 1992, regardless of the date of termination of service, the reference to age 55 in clause (1) of this subsection (b) shall be deemed to mean age 50.

This subsection (b) does not apply to any person who first becomes a member of the System after the effective date of this amendatory Act of the 93rd General Assembly.

(b-5) Notwithstanding any other provision of this Article,

1       a participant who first becomes a participant on or after  
2       January 1, 2011 (the effective date of Public Act 96-889)  
3       shall, in January or July next following the first anniversary  
4       of retirement, whichever occurs first, and in the same month of  
5       each year thereafter, but in no event prior to age 67, have the  
6       amount of the retirement annuity then being paid increased by  
7       3% or the annual unadjusted percentage increase in the Consumer  
8       Price Index for All Urban Consumers as determined by the Public  
9       Pension Division of the Department of Insurance under  
10      subsection (a) of Section 2-108.1, whichever is less.

11           (b-10) Notwithstanding any other provision of this  
12          Article, a participant who is a participant on the effective  
13          date of this amendatory Act of the 97th General Assembly and  
14          who irrevocably elects the reduced benefits under this  
15          subsection (b-10) and a participant who first becomes a  
16          participant after the effective date of this amendatory Act of  
17          the 97th General Assembly shall, in January or July next  
18          following the first anniversary of retirement, whichever  
19          occurs first, and in the same month of each year thereafter,  
20          but in no event prior to age 67, have the annuity increased by  
21          3% or one-half the annual unadjusted percentage increase (but  
22          not less than zero) in the Consumer Price Index for All Urban  
23          Consumers as determined by the Public Pension Division of the  
24          Department of Insurance under subsection (a) of Section  
25          2-108.1, whichever is less, of the originally granted  
26          retirement annuity.

1                   (c) The foregoing provisions relating to automatic  
2 increases are not applicable to a participant who retires  
3 before having made contributions (at the rate prescribed in  
4 Section 2-126) for automatic increases for less than the  
5 equivalent of one full year. However, in order to be eligible  
6 for the automatic increases, such a participant may make  
7 arrangements to pay to the system the amount required to bring  
8 the total contributions for the automatic increase to the  
9 equivalent of one year's contributions based upon his or her  
10 last salary.

11                  (d) A participant who terminated service prior to July 1,  
12 1967, with at least 14 years of service is entitled to an  
13 increase in retirement annuity beginning January, 1976, and to  
14 additional increases in January of each year thereafter.

15                  The initial increase shall be 1 1/2% of the originally  
16 granted retirement annuity multiplied by the number of full  
17 years that the annuitant was in receipt of such annuity prior  
18 to January 1, 1972, plus 2% of the originally granted  
19 retirement annuity for each year after that date. The  
20 subsequent annual increases shall be at the rate of 2% of the  
21 originally granted retirement annuity for each year through  
22 1979 and at the rate of 3% for 1980 and thereafter.

23                  (e) Beginning January 1, 1990, all automatic annual  
24 increases payable under this Section shall be calculated as a  
25 percentage of the total annuity payable at the time of the  
26 increase, including previous increases granted under this

1 Article.

2 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

3 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

4 Sec. 2-121.1. Survivor's annuity - amount.

5 (a) A surviving spouse shall be entitled to 66 2/3% of the  
6 amount of retirement annuity to which the participant or  
7 annuitant was entitled on the date of death, without regard to  
8 whether the participant had attained age 55 prior to his or her  
9 death, subject to a minimum payment of 10% of salary. If a  
10 surviving spouse, regardless of age, has in his or her care at  
11 the date of death any eligible child or children of the  
12 participant, the survivor's annuity shall be the greater of the  
13 following: (1) 66 2/3% of the amount of retirement annuity to  
14 which the participant or annuitant was entitled on the date of  
15 death, or (2) 30% of the participant's salary increased by 10%  
16 of salary on account of each such child, subject to a total  
17 payment for the surviving spouse and children of 50% of salary.  
18 If eligible children survive but there is no surviving spouse,  
19 or if the surviving spouse dies or becomes disqualified by  
20 remarriage while eligible children survive, each eligible  
21 child shall be entitled to an annuity of 20% of salary, subject  
22 to a maximum total payment for all such children of 50% of  
23 salary.

24 However, the survivor's annuity payable under this Section  
25 shall not be less than 100% of the amount of retirement annuity

1 to which the participant or annuitant was entitled on the date  
2 of death, if he or she is survived by a dependent disabled  
3 child.

4 The salary to be used for determining these benefits shall  
5 be the salary used for determining the amount of retirement  
6 annuity as provided in Section 2-119.01.

7 (b) Upon the death of a participant after the termination  
8 of service or upon death of an annuitant, the maximum total  
9 payment to a surviving spouse and eligible children, or to  
10 eligible children alone if there is no surviving spouse, shall  
11 be 75% of the retirement annuity to which the participant or  
12 annuitant was entitled, unless there is a dependent disabled  
13 child among the survivors.

14 (c) When a child ceases to be an eligible child, the  
15 annuity to that child, or to the surviving spouse on account of  
16 that child, shall thereupon cease, and the annuity payable to  
17 the surviving spouse or other eligible children shall be  
18 recalculated if necessary.

19 Upon the ineligibility of the last eligible child, the  
20 annuity shall immediately revert to the amount payable upon  
21 death of a participant or annuitant who leaves no eligible  
22 children. If the surviving spouse is then under age 50, the  
23 annuity as revised shall be deferred until the attainment of  
24 age 50.

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

1       the commencement of the annuity if the deceased member died  
2       while receiving a retirement annuity, or (2) in other cases, on  
3       each January 1 occurring on or after the first anniversary of  
4       the commencement of the annuity, by an amount equal to 3% of  
5       the current amount of the annuity, including any previous  
6       increases under this Article. Such increases shall apply  
7       without regard to whether the deceased member was in service on  
8       or after the effective date of this amendatory Act of 1991, but  
9       shall not accrue for any period prior to January 1, 1990.

10           (d-5) Notwithstanding any other provision of this Article,  
11       the initial survivor's annuity of a survivor of a participant  
12       who first becomes a participant on or after January 1, 2011  
13       (the effective date of Public Act 96-889) shall be in the  
14       amount of 66 2/3% of the amount of the retirement annuity to  
15       which the participant or annuitant was entitled on the date of  
16       death and shall be increased (1) on each January 1 occurring on  
17       or after the commencement of the annuity if the deceased member  
18       died while receiving a retirement annuity or (2) in other  
19       cases, on each January 1 occurring on or after the first  
20       anniversary of the commencement of the annuity, by an amount  
21       equal to 3% or the annual unadjusted percentage increase in the  
22       Consumer Price Index for All Urban Consumers as determined by  
23       the Public Pension Division of the Department of Insurance  
24       under subsection (a) of Section 2-108.1, whichever is less, of  
25       the survivor's annuity then being paid.

26           (d-10) Notwithstanding any other provision of this

1       Article, the initial survivor's annuity of a survivor of (i) a  
2       participant who is a participant on the effective date of this  
3       amendatory Act of the 97th General Assembly and who irrevocably  
4       elects the reduced benefits under this subsection (d-10) and  
5       (ii) a participant who first becomes a participant after the  
6       effective date of this amendatory Act of the 97th General  
7       Assembly shall be in the amount of 66 2/3% of the amount of the  
8       retirement annuity to which the participant or annuitant was  
9       entitled on the date of death and shall be increased (1) on  
10      each January 1 occurring on or after the commencement of the  
11      annuity if the deceased member died while receiving a  
12      retirement annuity or (2) in other cases, on each January 1  
13      occurring on or after the first anniversary of the commencement  
14      of the annuity, by an amount equal to 3% or one-half the annual  
15      unadjusted percentage increase (but not less than zero) in the  
16      Consumer Price Index for All Urban Consumers as determined by  
17      the Public Pension Division of the Department of Insurance  
18      under subsection (a) of Section 2-108.1, whichever is less, of  
19      the originally granted survivor's annuity.

20           (e) Notwithstanding any other provision of this Article,  
21       beginning January 1, 1990, the minimum survivor's annuity  
22       payable to any person who is entitled to receive a survivor's  
23       annuity under this Article shall be \$300 per month, without  
24       regard to whether or not the deceased participant was in  
25       service on the effective date of this amendatory Act of 1989.

26           (f) In the case of a proportional survivor's annuity

1       arising under the Retirement Systems Reciprocal Act where the  
2       amount payable by the System on January 1, 1993 is less than  
3       \$300 per month, the amount payable by the System shall be  
4       increased beginning on that date by a monthly amount equal to  
5       \$2 for each full year that has expired since the annuity began.

6       (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

7                     (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

8       Sec. 18-125. Retirement annuity amount.

9               (a) The annual retirement annuity for a participant who  
10          terminated service as a judge prior to July 1, 1971 shall be  
11          based on the law in effect at the time of termination of  
12          service.

13               (b) Except as provided in subsection (b-5), effective July  
14          1, 1971, the retirement annuity for any participant in service  
15          on or after such date shall be 3 1/2% of final average salary,  
16          as defined in this Section, for each of the first 10 years of  
17          service, and 5% of such final average salary for each year of  
18          service on excess of 10.

19               For purposes of this Section, final average salary for a  
20          participant who first serves as a judge before August 10, 2009  
21          (the effective date of Public Act 96-207) shall be:

22               (1) the average salary for the last 4 years of credited  
23          service as a judge for a participant who terminates service  
24          before July 1, 1975.

25               (2) for a participant who terminates service after June

1           30, 1975 and before July 1, 1982, the salary on the last  
2 day of employment as a judge.

3           (3) for any participant who terminates service after  
4 June 30, 1982 and before January 1, 1990, the average  
5 salary for the final year of service as a judge.

6           (4) for a participant who terminates service on or  
7 after January 1, 1990 but before the effective date of this  
8 amendatory Act of 1995, the salary on the last day of  
9 employment as a judge.

10          (5) for a participant who terminates service on or  
11 after the effective date of this amendatory Act of 1995,  
12 the salary on the last day of employment as a judge, or the  
13 highest salary received by the participant for employment  
14 as a judge in a position held by the participant for at  
15 least 4 consecutive years, whichever is greater.

16          However, in the case of a participant who elects to  
17 discontinue contributions as provided in subdivision (a)(2) of  
18 Section 18-133, the time of such election shall be considered  
19 the last day of employment in the determination of final  
20 average salary under this subsection.

21          For a participant who first serves as a judge on or after  
22 August 10, 2009 (the effective date of Public Act 96-207) and  
23 before January 1, 2011 (the effective date of Public Act  
24 96-889), final average salary shall be the average monthly  
25 salary obtained by dividing the total salary of the participant  
26 during the period of: (1) the 48 consecutive months of service

1       within the last 120 months of service in which the total  
2       compensation was the highest, or (2) the total period of  
3       service, if less than 48 months, by the number of months of  
4       service in that period.

5              The maximum retirement annuity for any participant shall be  
6       85% of final average salary.

7              (b-5) Notwithstanding any other provision of this Article,  
8       for a participant who first serves as a judge on or after  
9       January 1, 2011 (the effective date of Public Act 96-889), the  
10      annual retirement annuity is 3% of the participant's final  
11      average salary for each year of service. The maximum retirement  
12      annuity payable shall be 60% of the participant's final average  
13      salary.

14             For a participant who first serves as a judge on or after  
15       January 1, 2011 (the effective date of Public Act 96-889),  
16       final average salary shall be the average monthly salary  
17       obtained by dividing the total salary of the judge during the  
18       96 consecutive months of service within the last 120 months of  
19       service in which the total salary was the highest by the number  
20       of months of service in that period; however, beginning January  
21       1, 2011, the annual salary may not exceed \$106,800, except that  
22       that amount shall annually thereafter be increased by the  
23       lesser of (i) 3% of that amount, including all previous  
24       adjustments, or (ii) the annual unadjusted percentage increase  
25       (but not less than zero) in the consumer price index-u for the  
26       12 months ending with the September preceding each November 1.

1       For a participant who serves as a judge on the effective  
2       date of this amendatory Act of the 97th General Assembly and  
3       who irrevocably elects the reduced benefits under this  
4       paragraph and for a participant who first serves as a judge  
5       after the effective date of this amendatory Act of the 97th  
6       General Assembly, final average salary shall be the average  
7       monthly salary obtained by dividing the total salary of the  
8       judge during the 96 consecutive months of service within the  
9       last 120 months of service in which the total salary was the  
10       highest by the number of months of service in that period;  
11       however, beginning on the effective date of this amendatory Act  
12       of the 97th General Assembly, the annual salary may not, for  
13       affected judges, exceed \$106,800, except that that amount shall  
14       annually thereafter be increased by the lesser of (1) 3% of  
15       that amount, including all previous adjustments, or (2)  
16       one-half the annual unadjusted percentage increase (but not  
17       less than zero) in the consumer price index-u for the 12 months  
18       ending with the September preceding each November 1.

19       "Consumer price index-u" means the index published by the  
20       Bureau of Labor Statistics of the United States Department of  
21       Labor that measures the average change in prices of goods and  
22       services purchased by all urban consumers, United States city  
23       average, all items, 1982-84 = 100. The new amount resulting  
24       from each annual adjustment shall be determined by the Public  
25       Pension Division of the Department of Insurance and made  
26       available to the Board by November 1st of each year.

1                   (c) The retirement annuity for a participant who retires  
2 prior to age 60 with less than 28 years of service in the  
3 System shall be reduced 1/2 of 1% for each month that the  
4 participant's age is under 60 years at the time the annuity  
5 commences. However, for a participant who retires on or after  
6 the effective date of this amendatory Act of the 91st General  
7 Assembly, the percentage reduction in retirement annuity  
8 imposed under this subsection shall be reduced by 5/12 of 1%  
9 for every month of service in this System in excess of 20  
10 years, and therefore a participant with at least 26 years of  
11 service in this System may retire at age 55 without any  
12 reduction in annuity.

13                  The reduction in retirement annuity imposed by this  
14 subsection shall not apply in the case of retirement on account  
15 of disability.

16                  (d) Notwithstanding any other provision of this Article,  
17 for a participant who first serves as a judge on or after  
18 January 1, 2011 (the effective date of Public Act 96-889) and  
19 who is retiring after attaining age 62, the retirement annuity  
20 shall be reduced by 1/2 of 1% for each month that the  
21 participant's age is under age 67 at the time the annuity  
22 commences.

23                  (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;  
24 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

1           Sec. 18-125.1. Automatic increase in retirement annuity. A  
2 participant who retires from service after June 30, 1969,  
3 shall, in January of the year next following the year in which  
4 the first anniversary of retirement occurs, and in January of  
5 each year thereafter, have the amount of his or her originally  
6 granted retirement annuity increased as follows: for each year  
7 up to and including 1971, 1 1/2%; for each year from 1972  
8 through 1979 inclusive, 2%; and for 1980 and each year  
9 thereafter, 3%.

10          Notwithstanding any other provision of this Article, a  
11 retirement annuity for a participant who first serves as a  
12 judge on or after January 1, 2011 (the effective date of Public  
13 Act 96-889) shall be increased in January of the year next  
14 following the year in which the first anniversary of retirement  
15 occurs, but in no event prior to age 67, and in January of each  
16 year thereafter, by an amount equal to 3% or the annual  
17 percentage increase in the consumer price index-u as determined  
18 by the Public Pension Division of the Department of Insurance  
19 under subsection (b-5) of Section 18-125, whichever is less, of  
20 the retirement annuity then being paid.

21          Notwithstanding any other provision of this Article, a  
22 retirement annuity for a participant who serves as a judge on  
23 the effective date of this amendatory Act of the 97th General  
24 Assembly and who irrevocably elects the reduced benefits under  
25 this paragraph and for a participant who first serves as a  
26 judge after the effective date of this amendatory Act of the

1       97th General Assembly shall be increased in January of the year  
2       next following the year in which the first anniversary of  
3       retirement occurs, but in no event prior to age 67, and in  
4       January of each year thereafter, by an amount equal to 3% or  
5       one-half the annual unadjusted percentage increase (but not  
6       less than zero) in the consumer price index-u as determined by  
7       the Public Pension Division of the Department of Insurance  
8       under subsection (b-5) of Section 18-125, whichever is less, of  
9       the originally granted retirement annuity.

10      This Section is not applicable to a participant who retires  
11     before he or she has made contributions at the rate prescribed  
12     in Section 18-133 for automatic increases for not less than the  
13     equivalent of one full year, unless such a participant arranges  
14     to pay the system the amount required to bring the total  
15     contributions for the automatic increase to the equivalent of  
16     one year's contribution based upon his or her last year's  
17     salary.

18      This Section is applicable to all participants in service  
19     after June 30, 1969 unless a participant has elected, prior to  
20     September 1, 1969, in a written direction filed with the board  
21     not to be subject to the provisions of this Section. Any  
22     participant in service on or after July 1, 1992 shall have the  
23     option of electing prior to April 1, 1993, in a written  
24     direction filed with the board, to be covered by the provisions  
25     of the 1969 amendatory Act. Such participant shall be required  
26     to make the aforesaid additional contributions with compound

1 interest at 4% per annum.

2 Any participant who has become eligible to receive the  
3 maximum rate of annuity and who resumes service as a judge  
4 after receiving a retirement annuity under this Article shall  
5 have the amount of his or her retirement annuity increased by  
6 3% of the originally granted annuity amount for each year of  
7 such resumed service, beginning in January of the year next  
8 following the date of such resumed service, upon subsequent  
9 termination of such resumed service.

10 Beginning January 1, 1990, all automatic annual increases  
11 payable under this Section shall be calculated as a percentage  
12 of the total annuity payable at the time of the increase,  
13 including previous increases granted under this Article.

14 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

15 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)

16 Sec. 18-128.01. Amount of survivor's annuity.

17 (a) Upon the death of an annuitant, his or her surviving  
18 spouse shall be entitled to a survivor's annuity of 66 2/3% of  
19 the annuity the annuitant was receiving immediately prior to  
20 his or her death, inclusive of annual increases in the  
21 retirement annuity to the date of death.

22 (b) Upon the death of an active participant, his or her  
23 surviving spouse shall receive a survivor's annuity of 66 2/3%  
24 of the annuity earned by the participant as of the date of his  
25 or her death, determined without regard to whether the

1 participant had attained age 60 as of that time, or 7 1/2% of  
2 the last salary of the decedent, whichever is greater.

3 (c) Upon the death of a participant who had terminated  
4 service with at least 10 years of service, his or her surviving  
5 spouse shall be entitled to a survivor's annuity of 66 2/3% of  
6 the annuity earned by the deceased participant at the date of  
7 death.

8 (d) Upon the death of an annuitant, active participant, or  
9 participant who had terminated service with at least 10 years  
10 of service, each surviving child under the age of 18 or  
11 disabled as defined in Section 18-128 shall be entitled to a  
12 child's annuity in an amount equal to 5% of the decedent's  
13 final salary, not to exceed in total for all such children the  
14 greater of 20% of the decedent's last salary or 66 2/3% of the  
15 annuity received or earned by the decedent as provided under  
16 subsections (a) and (b) of this Section. This child's annuity  
17 shall be paid whether or not a survivor's annuity was elected  
18 under Section 18-123.

19 (e) The changes made in the survivor's annuity provisions  
20 by Public Act 82-306 shall apply to the survivors of a deceased  
21 participant or annuitant whose death occurs on or after August  
22 21, 1981.

23 (f) Beginning January 1, 1990, every survivor's annuity  
24 shall be increased (1) on each January 1 occurring on or after  
25 the commencement of the annuity if the deceased member died  
26 while receiving a retirement annuity, or (2) in other cases, on

each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1991, but shall not accrue for any period prior to January 1, 1990.

(g) Notwithstanding any other provision of this Article, the initial survivor's annuity for a survivor of a participant who first serves as a judge after January 1, 2011 (the effective date of Public Act 96-889) shall be in the amount of 66 2/3% of the annuity received or earned by the decedent, and shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased participant died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, but in no event prior to age 67, by an amount equal to 3% or the annual unadjusted percentage increase in the consumer price index-u as determined by the Public Pension Division of the Department of Insurance under subsection (b-5) of Section 18-125, whichever is less, of the survivor's annuity then being paid.

(h) Notwithstanding any other provision of this Article, the initial survivor's annuity for (i) a participant who serves as a judge on the effective date of this amendatory Act of the 97th General Assembly and who irrevocably elects the reduced

1       benefits under this subsection (h) and (ii) a survivor of a  
2       participant who first serves as a judge after the effective  
3       date of this amendatory Act of the 97th General Assembly shall  
4       be in the amount of 66 2/3% of the annuity received or earned  
5       by the decedent, and shall be increased (1) on each January 1  
6       occurring on or after the commencement of the annuity if the  
7       deceased participant died while receiving a retirement  
8       annuity, or (2) in other cases, on each January 1 occurring on  
9       or after the first anniversary of the commencement of the  
10      annuity, but in no event prior to age 67, by an amount equal to  
11      3% or one-half the annual unadjusted percentage increase (but  
12      not less than zero) in the consumer price index-u as determined  
13      by the Public Pension Division of the Department of Insurance  
14      under subsection (b-5) of Section 18-125, whichever is less, of  
15      the originally granted survivor's annuity.

16      (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)".