

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 changing Sections 2-121, 14-120, 14-128, 15-145, 16-143, and
6 18-128 as follows:

7 (40 ILCS 5/2-121) (from Ch. 108 1/2, par. 2-121)

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

9 (a) A survivor's annuity shall be payable to a surviving
10 spouse or eligible child (1) upon the death in service of a
11 participant with at least 2 years of service credit, or (2)
12 upon the death of an annuitant in receipt of a retirement
13 annuity, or (3) upon the death of a participant who
14 terminated service with at least 4 years of service credit.

15 The change in this subsection (a) made by this amendatory
16 Act of 1995 applies to survivors of participants who die on
17 or after December 1, 1994, without regard to whether or not
18 the participant was in service on or after the effective date
19 of this amendatory Act of 1995.

20 (b) To be eligible for the survivor's annuity, the
21 spouse and the participant or annuitant must have been
22 married for a continuous period of at least one year
23 immediately preceding the date of death, but need not have
24 been married on the day of the participant's last termination
25 of service, regardless of whether such termination occurred
26 prior to the effective date of this amendatory Act of 1985.

27 (c) The annuity shall be payable beginning on the date
28 of a participant's death, or the first of the month following
29 an annuitant's death, if the spouse is then age 50 or over,
30 or beginning at age 50 if the spouse is then under age 50.
31 If an eligible child or children of the participant or

1 annuitant (or a child or children of the eligible spouse
2 meeting the criteria of item (1), (2), or (3) of subsection
3 (d) of this Section) also survive, and the child or children
4 are under the care of the eligible spouse, the annuity shall
5 begin as of the date of a participant's death, or the first
6 of the month following an annuitant's death, without regard
7 to the spouse's age.

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

14 (d) For the purposes of this Section and Section
15 2-121.1, "eligible child" means a child of the deceased
16 participant or annuitant who is at least one of the
17 following:

- 18 (1) unmarried and under the age of 18;
- 19 (2) unmarried, a full-time student, and under the
20 age of 22;
- 21 (3) dependent by reason of physical or mental
22 disability.

23 The inclusion of unmarried students under age 22 in the
24 calculation of survivor's annuities by this amendatory Act of
25 1991 shall apply to all eligible students beginning January
26 1, 1992, without regard to whether the deceased participant
27 or annuitant was in service on or after the effective date of
28 this amendatory Act of 1991.

29 Adopted children shall have the same status as children
30 of the participant or annuitant, but only if the proceedings
31 for adoption are commenced at least one year prior to the
32 date of the participant's or annuitant's death.

33 (e) Remarriage of a surviving spouse prior to attainment
34 of age 55 shall disqualify the surviving spouse from the

1 receipt of a survivor's annuity until July 6, 2000,~~---if---the~~
2 ~~remarriage---occurs---before---the---effective---date---of---this~~
3 ~~amendatory Act of the 91st General Assembly.~~ A surviving
4 spouse whose survivor's annuity has been terminated due to
5 remarriage may apply for reinstatement of that annuity. The
6 reinstated annuity shall begin to accrue on July 6, 2000,
7 except that if, on July 6, 2000, the annuity is payable to an
8 eligible surviving child, payment of the annuity to the
9 surviving spouse shall not be reinstated until the annuity is
10 no longer payable to any eligible surviving child. The
11 reinstated annuity shall include any one-time or annual
12 increases received prior to the date of termination, as well
13 as any increases that would otherwise have accrued from the
14 date of termination to the date of reinstatement. An
15 eligible surviving spouse whose expectation of receiving a
16 survivor's annuity was lost due to remarriage before
17 attainment of age 50 shall also be entitled to reinstatement
18 under this subsection, but the resulting survivor's annuity
19 shall not begin to accrue sooner than upon the surviving
20 spouse's attainment of age 50.

21 The changes made to this subsection by Public Act 91-887
22 and this amendatory Act of the 92nd 91st General Assembly
23 (pertaining to remarriage ~~prier--to--age-55~~) apply without
24 regard to whether the deceased participant or annuitant was
25 in service on or after the effective date of either this
26 amendatory Act.

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

28 (40 ILCS 5/14-120) (from Ch. 108 1/2, par. 14-120)
29 Sec. 14-120. Survivors annuities - Conditions for
30 payments. A survivors annuity is established for all members
31 of the System. Upon the death of any male person who was a
32 member on July 19, 1961, however, his widow may have the
33 option of receiving the widow's annuity provided in this

1 Article, in lieu of the survivors annuity.

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

6 (1) while in service;

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

10 (3) while in receipt of a non-occupational
11 disability or an occupational disability benefit.

12 (b) If death of the member occurs after withdrawal, the
13 survivors annuity beneficiary is eligible for such annuity
14 only if the member had fulfilled at the date of withdrawal
15 the prescribed service conditions for establishing a right in
16 a retirement annuity.

17 (c) Payment of the survivors annuity shall begin
18 immediately if the beneficiary is 50 years or over, or upon
19 attainment of age 50 if the beneficiary is under that age at
20 the date of the member's death. In the case of survivors of a
21 member whose death occurred between November 1, 1970 and July
22 15, 1971, the payment of the survivors annuity shall begin
23 upon October 1, 1977, if the beneficiary is then 50 years of
24 age or older, or upon the attainment of age 50 if the
25 beneficiary is under that age on October 1, 1977.

26 If an eligible child or children, under the care of the
27 spouse also survive the member, the survivors annuity shall
28 begin immediately without regard to whether the beneficiary
29 has attained age 50.

30 Benefits under this Section shall accrue and be payable
31 for whole calendar months, beginning on the first day of the
32 month after the initiating event occurs and ending on the
33 last day of the month in which the terminating event occurs.

34 (d) A survivor annuity beneficiary means:

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

2 (i) in the case of a member or annuitant who
3 dies before the effective date of this amendatory
4 Act of the 91st General Assembly, the current
5 marriage with the member or annuitant was in effect
6 for at least one year at the date of death or
7 withdrawal, whichever first occurs; or

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

15 (2) An unmarried child under age 18 (under age 22
16 if a full-time student) of the member or annuitant; an
17 unmarried stepchild under age 18 (under age 22 if a
18 full-time student) who has been such for at least one
19 year at the date of the member's death or at least one
20 year at the date of withdrawal, whichever first occurs;
21 an unmarried adopted child under age 18 (under age 22 if
22 a full-time student) if the adoption proceedings were
23 initiated at least one year prior to the death or
24 withdrawal of the member or annuitant, whichever first
25 occurs; and an unmarried child over age 18 if he or she
26 is dependent by reason of a physical or mental
27 disability, so long as the physical or mental disability
28 continues. For purposes of this subsection, disability
29 means inability to engage in any substantial gainful
30 activity by reason of any medically determinable physical
31 or mental impairment which can be expected to result in
32 death or which has lasted or can be expected to last for
33 a continuous period of not less than 12 months.

34 (3) A dependent parent of the member or annuitant;

1 a dependent step-parent by a marriage contracted before
2 the member or annuitant attained age 18; or a dependent
3 adopting parent by whom the member or annuitant was
4 adopted before he or she attained age 18.

5 (e) Payment of a survivors annuity to a beneficiary
6 terminates upon: (1) remarriage before age 55 (for periods
7 prior to July 6, 2000) ~~that-occurs-before-the-effective-date~~
8 ~~of-this-amendatory-Act-of-the-91st-General-Assembly~~ or death,
9 if the beneficiary is a spouse; (2) marriage or death, if the
10 beneficiary is a child; or (3) remarriage before age 55 or
11 death, if the beneficiary is a parent. Remarriage of a
12 prospective beneficiary prior to the attainment of age 50
13 disqualifies the beneficiary for the annuity expectancy
14 hereunder until July 6, 2000, ~~if-the-remarriage-occurs-before~~
15 ~~the-effective-date-of-this-amendatory-Act-of-the-91st-General~~
16 ~~Assembly.~~ Termination due to marriage or remarriage of a
17 child or parent shall be permanent, regardless of any future
18 changes in marital status.

19 A surviving spouse whose survivor's annuity has been
20 terminated due to remarriage may apply for reinstatement of
21 that annuity. The reinstated annuity shall begin to accrue
22 on July 6, 2000, except that if, on July 6, 2000, the annuity
23 is payable to an eligible surviving child or parent, payment
24 of the annuity to the surviving spouse shall not be
25 reinstated until the annuity is no longer payable to any
26 eligible surviving child or parent. The reinstated annuity
27 shall include any one-time or annual increases received prior
28 to the date of termination, as well as any increases that
29 would otherwise have accrued from the date of termination to
30 the date of reinstatement. An eligible surviving spouse
31 whose expectation of receiving a survivor's annuity was lost
32 due to remarriage before attainment of age 50 shall also be
33 entitled to reinstatement under this subsection, but the
34 resulting survivor's annuity shall not begin to accrue sooner

1 than upon the surviving spouse's attainment of age 50.

2 The substantive changes made to this subsection by Public
3 Act 91-887 and this amendatory Act of the 92nd ~~91st~~ General
4 Assembly (pertaining to remarriage ~~prior-to-age-55-or-50~~)
5 apply without regard to whether the deceased participant or
6 annuitant was in service on or after the effective date of
7 either this amendatory Act.

8 Any person whose survivors annuity was terminated during
9 1978 or 1979 due to remarriage at age 55 or over shall be
10 eligible to apply, not later than July 1, 1990, for a
11 resumption of that annuity, to begin on July 1, 1990.

12 (f) The term "dependent" relating to a survivors annuity
13 means a beneficiary of a survivors annuity who was receiving
14 from the member at the date of the member's death at least
15 1/2 of the support for maintenance including board, lodging,
16 medical care and like living costs.

17 (g) If there is no eligible spouse surviving the member,
18 or if a survivors annuity beneficiary includes a spouse who
19 dies or is disqualified by remarriage, the annuity is payable
20 to an unmarried child or children. If at the date of death
21 of the member there is no spouse or unmarried child, payments
22 shall be made to a dependent parent or parents. If no
23 eligible survivors annuity beneficiary survives the member,
24 the non-occupational death benefit is payable in the manner
25 provided in this Article.

26 (h) Survivor benefits do not affect any reversionary
27 annuity.

28 (i) If a survivors annuity beneficiary becomes entitled
29 to a widow's annuity or one or more survivors annuities or
30 both such annuities, the beneficiary shall elect to receive
31 only one of such annuities.

32 (j) Contributing creditable service under the State
33 Universities Retirement System and the Teachers' Retirement
34 System of the State of Illinois shall be considered in

1 determining whether the member has met the contributing
2 service requirements of this Section.

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

8 (l) The changes made to this Section and Sections
9 14-118, 14-119, and 14-128 by this amendatory Act of 1997,
10 relating to benefits for certain unmarried children who are
11 full-time students under age 22, apply without regard to
12 whether the deceased member was in service on or after the
13 effective date of this amendatory Act of 1997. These changes
14 do not authorize the repayment of a refund or a re-election
15 of benefits, and any benefit or increase in benefits
16 resulting from these changes is not payable retroactively for
17 any period before the effective date of this amendatory Act
18 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
23 occupational death benefit is provided for a member of the
24 System whose death, prior to retirement, is the proximate
25 result of bodily injuries sustained or a hazard undergone
26 while in the performance and within the scope of the member's
27 duties.

28 (a) Conditions for payment.

29 Exclusive of the lump sum payment provided for herein,
30 all annuities under this Section shall accrue and be payable
31 for complete calendar months, beginning on the first day of
32 the month next following the month in which the initiating
33 event occurs and ending on the last day of the month in which

1 the terminating event occurs.

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

4 (i) The member's spouse.

5 (ii) An unmarried child of the member under age 18
6 (under age 22 if a full-time student); an unmarried
7 stepchild under age 18 (under age 22 if a full-time
8 student) who has been such for at least one year at the
9 date of the member's death; an unmarried adopted child
10 under age 18 (under age 22 if a full-time student) if the
11 adoption proceedings were initiated at least one year
12 prior to the death of the member; and an unmarried child
13 over age 18 who is dependent by reason of a physical or
14 mental disability, for so long as such physical or mental
15 disability continues. For the purposes of this Section
16 disability means inability to engage in any substantial
17 gainful activity by reason of any medically determinable
18 physical or mental impairment which can be expected to
19 result in death or which has lasted or can be expected to
20 last for a continuous period of not less than 12 months.

21 (iii) If no spouse or eligible children survive: a
22 dependent parent of the member; a dependent step-parent
23 by a marriage contracted before the member attained age
24 18; or a dependent adopting parent by whom the member was
25 adopted before he or she attained age 18.

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

31 Payment of the annuity shall continue until the
32 occurrence of the following:

33 (1) remarriage before age 55 (for periods prior to
34 July 6, 2000) ~~that-occurs-before-the--effective--date--of~~

1 this--amendatory--Act--of--the--91st--General-Assembly or
2 death, in the case of a surviving spouse;

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

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

8 If none of the aforementioned beneficiaries is living at
9 the date of death of the member, no occupational death
10 benefit shall be payable, but the nonoccupational death
11 benefit shall be payable as provided in this Article.

12 A surviving spouse whose occupational death benefit
13 annuity has been terminated due to remarriage may apply for
14 reinstatement of that annuity. The reinstated annuity shall
15 begin to accrue on July 6, 2000, except that if, on July 6,
16 2000, the annuity is payable to an eligible surviving child
17 or parent, payment of the annuity to the surviving spouse
18 shall not be reinstated until the annuity is no longer
19 payable to any eligible surviving child or parent. The
20 reinstated annuity shall include any one-time or annual
21 increases received prior to the date of termination, as well
22 as any increases that would otherwise have accrued from the
23 date of termination to the date of reinstatement.

24 The changes change made to this subsection by Public Act
25 91-887 and this amendatory Act of the 92nd 91st General
26 Assembly (pertaining to remarriage ~~prior-to-age-55~~) apply
27 ~~applies~~ without regard to whether the deceased member was in
28 service on or after the effective date of either this
29 amendatory Act.

30 (b) Amount of benefit.

31 The member's accumulated contributions plus credited
32 interest shall be payable in a lump sum to such person as the
33 member has nominated by written direction, duly acknowledged
34 and filed with the Board, or if no such nomination to the

1 estate of the member. When an annuitant is re-employed by a
2 Department, the accumulated contributions plus credited
3 interest payable on the member's account shall, if the member
4 has not previously elected a reversionary annuity, consist of
5 the excess, if any, of the member's total accumulated
6 contributions plus credited interest for all creditable
7 service over the total amount of all retirement annuity
8 payments received by the member prior to death.

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

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

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

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

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

29 If any annuity payable under this Section is less than
30 the corresponding survivors annuity, the beneficiary or
31 beneficiaries of the annuity under this Section may elect to
32 receive the survivors annuity and the nonoccupational death
33 benefit provided for in this Article in lieu of the annuity
34 provided under this Section.

1 (c) Occupational death claims pending adjudication by
2 the Industrial Commission or a ruling by the agency
3 responsible for determining the liability of the State under
4 the "Workers' Compensation Act" or "Workers' Occupational
5 Diseases Act" shall be payable under Sections 14-120 and
6 14-121 until a ruling or adjudication occurs, if the
7 beneficiary or beneficiaries: (1) meet all conditions for
8 payment as prescribed in this Article; and (2) execute an
9 assignment of benefits payable as a result of adjudication by
10 the Industrial Commission or a ruling by the agency
11 responsible for determining the liability of the State under
12 such Acts. The assignment shall be made to the System and
13 shall be for an amount equal to the excess of benefits paid
14 under Sections 14-120 and 14-121 over benefits payable as a
15 result of adjudication of the workers' compensation claim
16 computed from the date of death of the member.

17 (d) Every occupational death annuity payable under this
18 Section shall be increased on each January 1 occurring on or
19 after (i) January 1, 1990, or (ii) the first anniversary of
20 the commencement of the annuity, whichever occurs later, by
21 an amount equal to 3% of the current amount of the annuity,
22 including any previous increases under this Article, without
23 regard to whether the deceased member was in service on the
24 effective date of this amendatory Act of 1991.

25 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

26 (40 ILCS 5/15-145) (from Ch. 108 1/2, par. 15-145)
27 Sec. 15-145. Survivors insurance benefits; conditions
28 and amounts.

29 (a) The survivors insurance benefits provided under this
30 Section shall be payable to the eligible survivors of a
31 participant covered under the traditional benefit package
32 upon the death of (1) a participating employee with at least
33 1 1/2 years of service, (2) a participant who terminated

1 employment with at least 10 years of service, and (3) an
2 annuitant in receipt of a retirement annuity or disability
3 retirement annuity under this Article.

4 Service under the State Employees' Retirement System of
5 Illinois, the Teachers' Retirement System of the State of
6 Illinois and the Public School Teachers' Pension and
7 Retirement Fund of Chicago shall be considered in determining
8 eligibility for survivors benefits under this Section.

9 If by law, a function of a governmental unit, as defined
10 by Section 20-107, is transferred in whole or in part to an
11 employer, and an employee transfers employment from this
12 governmental unit to such employer within 6 months after the
13 transfer of this function, the service credits in the
14 governmental unit's retirement system which have been
15 validated under Section 20-109 shall be considered in
16 determining eligibility for survivors benefits under this
17 Section.

18 (b) A surviving spouse of a deceased participant, or of
19 a deceased annuitant who did not take a refund or additional
20 annuity consisting of accumulated survivors insurance
21 contributions, shall receive a survivors annuity of 30% of
22 the final rate of earnings. Payments shall begin on the day
23 following the participant's or annuitant's death or the date
24 the surviving spouse attains age 50, whichever is later, and
25 continue until the death of the surviving spouse. The
26 annuity shall be payable to the surviving spouse prior to
27 attainment of age 50 if the surviving spouse has in his or
28 her care a deceased participant's or annuitant's dependent
29 unmarried child under age 18 (under age 22 if a full-time
30 student) who is eligible for a survivors annuity.

31 Remarriage of a surviving spouse prior to attainment of
32 age 55 that occurs before the effective date of this
33 amendatory Act of the 91st General Assembly shall disqualify
34 him or her for the receipt of a survivors annuity until July

1 6, 2000.

2 A surviving spouse whose survivors annuity has been
3 terminated due to remarriage may apply for reinstatement of
4 that annuity. The reinstated annuity shall begin to accrue
5 on July 6, 2000, except that if, on July 6, 2000, the annuity
6 is payable to an eligible surviving child or parent, payment
7 of the annuity to the surviving spouse shall not be
8 reinstated until the annuity is no longer payable to any
9 eligible surviving child or parent. The reinstated annuity
10 shall include any one-time or annual increases received prior
11 to the date of termination, as well as any increases that
12 would otherwise have accrued from the date of termination to
13 the date of reinstatement. An eligible surviving spouse
14 whose expectation of receiving a survivors annuity was lost
15 due to remarriage before attainment of age 50 shall also be
16 entitled to reinstatement under this subsection, but the
17 resulting survivors annuity shall not begin to accrue sooner
18 than upon the surviving spouse's attainment of age 50.

19 The changes made to this subsection by this amendatory
20 Act of the 92nd General Assembly (pertaining to remarriage)
21 apply without regard to whether the deceased participant or
22 annuitant was in service on or after the effective date of
23 this amendatory Act.

24 (c) Each dependent unmarried child under age 18 (under
25 age 22 if a full-time student) of a deceased participant, or
26 of a deceased annuitant who did not take a refund or
27 additional annuity consisting of accumulated survivors
28 insurance contributions, shall receive a survivors annuity
29 equal to the sum of (1) 20% of the final rate of earnings,
30 and (2) 10% of the final rate of earnings divided by the
31 number of children entitled to this benefit. Payments shall
32 begin on the day following the participant's or annuitant's
33 death and continue until the child marries, dies, or attains
34 age 18 (age 22 if a full-time student). If the child is in

1 the care of a surviving spouse who is eligible for survivors
2 insurance benefits, the child's benefit shall be paid to the
3 surviving spouse.

4 Each unmarried child over age 18 of a deceased
5 participant or of a deceased annuitant who had a survivor's
6 insurance beneficiary at the time of his or her retirement,
7 and who was dependent upon the participant or annuitant by
8 reason of a physical or mental disability which began prior
9 to the date the child attained age 18 (age 22 if a full-time
10 student), shall receive a survivor's annuity equal to the sum
11 of (1) 20% of the final rate of earnings, and (2) 10% of the
12 final rate of earnings divided by the number of children
13 entitled to survivors benefits. Payments shall begin on the
14 day following the participant's or annuitant's death and
15 continue until the child marries, dies, or is no longer
16 disabled. If the child is in the care of a surviving spouse
17 who is eligible for survivors insurance benefits, the child's
18 benefit may be paid to the surviving spouse. For the
19 purposes of this Section, disability means inability to
20 engage in any substantial gainful activity by reason of any
21 medically determinable physical or mental impairment that can
22 be expected to result in death or that has lasted or can be
23 expected to last for a continuous period of at least one
24 year.

25 (d) Each dependent parent of a deceased participant, or
26 of a deceased annuitant who did not take a refund or
27 additional annuity consisting of accumulated survivors
28 insurance contributions, shall receive a survivors annuity
29 equal to the sum of (1) 20% of final rate of earnings, and
30 (2) 10% of final rate of earnings divided by the number of
31 parents who qualify for the benefit. Payments shall begin
32 when the parent reaches age 55 or the day following the
33 participant's or annuitant's death, whichever is later, and
34 continue until the parent dies. Remarriage of a parent prior

1 to attainment of age 55 shall disqualify the parent for the
2 receipt of a survivors annuity.

3 (e) In addition to the survivors annuity provided above,
4 each survivors insurance beneficiary shall, upon death of the
5 participant or annuitant, receive a lump sum payment of
6 \$1,000 divided by the number of such beneficiaries.

7 (f) The changes made in this Section by Public Act
8 81-712 pertaining to survivors annuities in cases of
9 remarriage prior to age 55 shall apply to each survivors
10 insurance beneficiary who remarries after June 30, 1979,
11 regardless of the date that the participant or annuitant
12 terminated his employment or died.

13 The change made to this Section by this amendatory Act of
14 the 91st General Assembly, pertaining to remarriage prior to
15 age 55, applies without regard to whether the deceased
16 participant or annuitant was in service on or after the
17 effective date of this amendatory Act of the 91st General
18 Assembly.

19 (g) On January 1, 1981, any person who was receiving a
20 survivors annuity on or before January 1, 1971 shall have the
21 survivors annuity then being paid increased by 1% for each
22 full year which has elapsed from the date the annuity began.
23 On January 1, 1982, any survivor whose annuity began after
24 January 1, 1971, but before January 1, 1981, shall have the
25 survivor's annuity then being paid increased by 1% for each
26 year which has elapsed from the date the survivor's annuity
27 began. On January 1, 1987, any survivor who began receiving a
28 survivor's annuity on or before January 1, 1977, shall have
29 the monthly survivor's annuity increased by \$1 for each full
30 year which has elapsed since the date the survivor's annuity
31 began.

32 (h) If the sum of the lump sum and total monthly
33 survivor benefits payable under this Section upon the death
34 of a participant amounts to less than the sum of the death

1 benefits payable under items (2) and (3) of Section 15-141,
2 the difference shall be paid in a lump sum to the beneficiary
3 of the participant who is living on the date that this
4 additional amount becomes payable.

5 (i) If the sum of the lump sum and total monthly
6 survivor benefits payable under this Section upon the death
7 of an annuitant receiving a retirement annuity or disability
8 retirement annuity amounts to less than the death benefit
9 payable under Section 15-142, the difference shall be paid to
10 the beneficiary of the annuitant who is living on the date
11 that this additional amount becomes payable.

12 (j) Effective on the later of (1) January 1, 1990, or
13 (2) the January 1 on or next after the date on which the
14 survivor annuity begins, if the deceased member died while
15 receiving a retirement annuity, or in all other cases the
16 January 1 nearest the first anniversary of the date the
17 survivor annuity payments begin, every survivors insurance
18 beneficiary shall receive an increase in his or her monthly
19 survivors annuity of 3%. On each January 1 after the initial
20 increase, the monthly survivors annuity shall be increased by
21 3% of the total survivors annuity provided under this
22 Article, including previous increases provided by this
23 subsection. Such increases shall apply to the survivors
24 insurance beneficiaries of each participant and annuitant,
25 whether or not the employment status of the participant or
26 annuitant terminates before the effective date of this
27 amendatory Act of 1990. This subsection (j) also applies to
28 persons receiving a survivor annuity under the portable
29 benefit package.

30 (k) If the Internal Revenue Code of 1986, as amended,
31 requires that the survivors benefits be payable at an age
32 earlier than that specified in this Section the benefits
33 shall begin at the earlier age, in which event, the
34 survivor's beneficiary shall be entitled only to that amount

1 which is equal to the actuarial equivalent of the benefits
2 provided by this Section.

3 (1) The changes made to this Section and Section 15-131
4 by this amendatory Act of 1997, relating to benefits for
5 certain unmarried children who are full-time students under
6 age 22, apply without regard to whether the deceased member
7 was in service on or after the effective date of this
8 amendatory Act of 1997. These changes do not authorize the
9 repayment of a refund or a re-election of benefits, and any
10 benefit or increase in benefits resulting from these changes
11 is not payable retroactively for any period before the
12 effective date of this amendatory Act of 1997.

13 (Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98;
14 91-887, eff. 7-6-00.)

15 (40 ILCS 5/16-143) (from Ch. 108 1/2, par. 16-143)
16 Sec. 16-143. Survivors' benefits - other conditions and
17 limitations. The benefits provided under Sections 16-141 and
18 16-142, shall be subject to the following further conditions
19 and limitations:

20 (1) The period during which a member was in receipt of a
21 disability or occupational disability benefit shall be
22 considered as creditable service at the annual salary rate on
23 which the member last made contributions.

24 (2) All service prior to July 24, 1959, for which
25 creditable service is granted towards a retirement annuity
26 shall be considered as creditable service.

27 (3) No benefits shall be payable unless a member, or a
28 disabled member, returning to service, has made contributions
29 to the system for at least one month after July 24, 1959,
30 except that an annuitant must have contributed to the system
31 for at least 1 year of creditable service after July 24,
32 1959.

33 (4) Creditable service under the State Employees'

1 Retirement System of Illinois, the State Universities
2 Retirement System and the Public School Teachers' Pension and
3 Retirement Fund of Chicago shall be considered in determining
4 whether the member has met the creditable service
5 requirement.

6 (5) If an eligible beneficiary qualifies for a
7 survivors' benefit because of pension credits established by
8 the participant or annuitant in another system covered by
9 Article 20, and the combined survivors' benefits exceed the
10 highest survivors' benefit payable by either system based
11 upon the combined pension credits, the survivors' benefit
12 payable by this system shall be reduced to that amount which
13 when added to the survivors' benefit payable by the other
14 system would equal this highest survivors' benefit. If the
15 other system has a similar provision for adjustment of the
16 survivors' benefit, the respective proportional survivors'
17 benefits shall be reduced proportionately according to the
18 ratio which the amount of each proportional survivors'
19 benefit bears to the aggregate of all proportional survivors'
20 benefits. If a survivors' benefit is payable by another
21 system covered by Article 20, and the survivor elects to
22 waive the monthly survivors' benefit and accept a lump sum
23 payment or death benefit in lieu of the monthly survivors'
24 benefit, this system shall, for the purpose of adjusting the
25 monthly survivors' benefit under this paragraph, assume that
26 the survivor had been entitled to a monthly survivors'
27 benefit which, in accordance with actuarial tables of this
28 system, is the actuarial equivalent of the amount of the lump
29 sum payment or death benefit.

30 (6) Remarriage of a surviving spouse prior to attainment
31 of age 55 that occurs before the effective date of this
32 amendatory Act of the 91st General Assembly shall terminate
33 his or her survivors' benefits until July 6, 2000.

34 A surviving spouse whose survivors' benefit has been

1 terminated due to remarriage may apply for reinstatement of
 2 that benefit. The reinstated benefit shall begin to accrue
 3 on July 6, 2000, except that if, on July 6, 2000, the benefit
 4 is payable to an eligible surviving child or parent, payment
 5 of the benefit to the surviving spouse shall not be
 6 reinstated until the benefit is no longer payable to any
 7 eligible surviving child or parent. The reinstated benefit
 8 shall include any one-time or annual increases received prior
 9 to the date of termination, as well as any increases that
 10 would otherwise have accrued from the date of termination to
 11 the date of reinstatement. An eligible surviving spouse
 12 whose expectation of receiving a survivors' benefit was lost
 13 due to remarriage before attainment of age 50 shall also be
 14 entitled to reinstatement under this subsection, but the
 15 resulting survivors' benefit shall not begin to accrue sooner
 16 than upon the surviving spouse's attainment of age 50.

17 The changes echange made to this item (6) by Public Act
 18 91-887 and this amendatory Act of the 92nd ~~91st~~ General
 19 Assembly apply ~~applies~~ without regard to whether the deceased
 20 member or annuitant was in service on or after the effective
 21 date of either this amendatory Act ~~of--the-91st-General~~
 22 Assembly.

23 (7) The benefits payable to an eligible child shall
 24 terminate when the eligible child marries, dies, or attains
 25 age 18 (age 22 if a full-time student); except that benefits
 26 payable to a dependent disabled eligible child shall
 27 terminate only when the eligible child dies or ceases to be
 28 disabled.

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

30 (40 ILCS 5/18-128) (from Ch. 108 1/2, par. 18-128)
 31 Sec. 18-128. Survivor's annuities; Conditions for
 32 payment.

33 (a) A survivor's annuity shall be payable upon the death

1 of a participant while in service after June 30, 1967 if the
2 participant had at least 1 1/2 years of service credit as a
3 judge, or upon death of an inactive participant who had
4 terminated service as a judge on or after June 30, 1967 with
5 at least 10 years of service credit, or upon the death of an
6 annuitant whose retirement becomes effective after June 30,
7 1967.

8 (b) The surviving spouse of a deceased participant or
9 annuitant is entitled to a survivor's annuity beginning at
10 the date of death if the surviving spouse (1) has been
11 married to the participant or annuitant for a continuous
12 period of at least one year immediately preceding the date of
13 death, and (2) has attained age 50, or, regardless of age,
14 has in his or her care an eligible child or children of the
15 decedent as provided under subsections (c) and (d) of this
16 Section. If the surviving spouse has no such child in his or
17 her care and has not attained age 50, the survivor's annuity
18 shall begin upon attainment of age 50. When all such
19 children of the deceased who are in the care of the surviving
20 spouse no longer qualify for benefits and the surviving
21 spouse is under 50 years of age, the surviving spouse's
22 annuity shall be suspended until he or she attains age 50.

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

32 (d) Adopted children shall have the same status as
33 natural children, but only if the proceedings for adoption
34 were commenced at least 6 months prior to the death of the

1 annuitant or participant.

2 (e) Remarriage prior to attainment of age 50 that occurs
3 before the effective date of this amendatory Act of the 91st
4 General Assembly shall disqualify a surviving spouse for the
5 receipt of a survivor's annuity until July 6, 2000.

6 A surviving spouse whose survivor's annuity has been
7 terminated due to remarriage may apply for reinstatement of
8 that annuity. The reinstated annuity shall begin to accrue
9 on July 6, 2000, except that if, on July 6, 2000, the annuity
10 is payable to an eligible surviving child, payment of the
11 annuity to the surviving spouse shall not be reinstated until
12 the annuity is no longer payable to any eligible surviving
13 child. The reinstated annuity shall include any one-time or
14 annual increases received prior to the date of termination,
15 as well as any increases that would otherwise have accrued
16 from the date of termination to the date of reinstatement.
17 An eligible surviving spouse whose expectation of receiving a
18 survivor's annuity was lost due to remarriage before
19 attainment of age 50 shall also be entitled to reinstatement
20 under this subsection, but the resulting survivor's annuity
21 shall not begin to accrue sooner than upon the surviving
22 spouse's attainment of age 50.

23 The changes echange made to this subsection by Public Act
24 91-887 and this amendatory Act of the 92nd 91st General
25 Assembly apply applies without regard to whether the deceased
26 judge was in service on or after the effective date of either
27 ~~this amendatory Act of the 91st General Assembly.~~

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

33 The provision of child's annuities for dependent students
34 under age 22 by this amendatory Act of 1991 shall apply to

1 all eligible students beginning January 1, 1992, without
2 regard to whether the deceased judge was in service on or
3 after the effective date of this amendatory Act.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.