



Sen. Robert F. Martwick

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10100SB2795sam001

LRB101 19188 RPS 70141 a

1 AMENDMENT TO SENATE BILL 2795

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2795 as follows:

3 on page 1, line 5, by replacing "7-141," with "2-121.3, 7-141,  
4 14-121.1,"; and

5 on page 1, line 5, by replacing "and 16-142.3" with "16-142.3,  
6 and 18-128.3"; and

7 on page 1, immediately below line 5, by inserting the  
8 following:

9 "(40 ILCS 5/2-121.3) (from Ch. 108 1/2, par. 2-121.3)

10 Sec. 2-121.3. Required distributions. (a) A person who  
11 would be eligible to receive a survivor's annuity under this  
12 Article but for the fact that the person has not yet attained  
13 age 50, shall be eligible for a monthly distribution under this  
14 subsection (a), provided that the payment of such distribution

1 is required by federal law.

2 The distribution shall become payable on (i) July 1, 1987,  
3 (ii) December 1 of the calendar year immediately following the  
4 calendar year in which the deceased spouse died, or (iii)  
5 December 1 of the calendar year in which the deceased spouse  
6 would have attained age 72 ~~70-1/2~~, whichever occurs last, and  
7 shall remain payable until the first of the following to occur:  
8 (1) the person becomes eligible to receive a survivor's annuity  
9 under this Article; (2) the end of the month in which the  
10 person ceases to be eligible to receive a survivor's annuity  
11 upon attainment of age 50, due to remarriage or death; or (3)  
12 the end of the month in which such distribution ceases to be  
13 required by federal law.

14 The amount of the distribution shall be fixed at the time  
15 the distribution first becomes payable, and shall be calculated  
16 in the same manner as a survivor's annuity under Sections  
17 2-121, 2-121.1 and 2-121.2, but excluding: (A) any requirement  
18 for an application for the distribution; (B) any automatic  
19 annual increases, supplemental increases, or one-time  
20 increases that may be provided by law for survivor's annuities;  
21 and (C) any lump-sum or death benefit.

22 (b) For the purpose of this Section, a distribution shall  
23 be deemed to be required by federal law if: (1) directly  
24 mandated by federal statute, rule, or administrative or court  
25 decision; or (2) indirectly mandated through imposition of  
26 substantial tax or other penalties for noncompliance.

1 (c) Notwithstanding Section 1-103.1 of this Code, a member  
2 need not be in service on or after the effective date of this  
3 amendatory Act of 1989 for the member's surviving spouse to be  
4 eligible for a distribution under this Section.

5 (Source: P.A. 86-273.)"; and

6 on page 2, immediately below line 17, by inserting the  
7 following:

8 "(40 ILCS 5/14-121.1) (from Ch. 108 1/2, par. 14-121.1)

9 Sec. 14-121.1. Required distributions. (a) A person who  
10 would be eligible to receive a widow's or survivor's annuity  
11 under this Article but for the fact that the person has not yet  
12 attained age 50, shall be eligible for a monthly distribution  
13 under this subsection (a), provided that the payment of such  
14 distribution is required by federal law.

15 The distribution shall become payable on (i) July 1, 1987,  
16 (ii) December 1 of the calendar year immediately following the  
17 calendar year in which the deceased spouse died, or (iii)  
18 December 1 of the calendar year in which the deceased spouse  
19 would have attained age 72 ~~70-1/2~~, whichever occurs last, and  
20 shall remain payable until the first of the following to occur:  
21 (1) the person becomes eligible to receive a widow's or  
22 survivor's annuity under this Article; (2) the end of the month  
23 in which the person ceases to be eligible to receive a widow's  
24 or survivor's annuity upon attainment of age 50, due to

1 remarriage or death; or (3) the end of the month in which such  
2 distribution ceases to be required by federal law.

3       The amount of the distribution shall be fixed at the time  
4 the distribution first becomes payable, and shall be calculated  
5 in the same manner as a survivor's annuity under Sections  
6 14-120, 14-121 and 14-122 (or, in the case of a person who has  
7 elected to receive a widow's annuity instead of a survivor's  
8 annuity, in the same manner as the widow's annuity under  
9 Sections 14-118 and 14-119), but excluding: (A) any requirement  
10 for an application for the distribution; (B) any automatic  
11 annual increases, supplemental increases, or one-time  
12 increases that may be provided by law for survivor's or widow's  
13 annuities; and (C) any lump-sum or death benefit.

14       (b) For the purpose of this Section, a distribution shall  
15 be deemed to be required by federal law if: (1) directly  
16 mandated by federal statute, rule, or administrative or court  
17 decision; or (2) indirectly mandated through imposition of  
18 substantial tax or other penalties for noncompliance.

19       (c) Notwithstanding Section 1-103.1 of this Code, a member  
20 need not be in service on or after the effective date of this  
21 amendatory Act of 1989 for the member's surviving spouse to be  
22 eligible for a distribution under this Section.

23 (Source: P.A. 86-273.)"; and

24 on page 6, immediately below line 12, by inserting the  
25 following:

1           "(40 ILCS 5/18-128.3) (from Ch. 108 1/2, par. 18-128.3)

2           Sec. 18-128.3. Required distributions. (a) A person who  
3 would be eligible to receive a survivor's annuity under this  
4 Article but for the fact that the person has not yet attained  
5 age 50, shall be eligible for a monthly distribution under this  
6 subsection (a), provided that the payment of such distribution  
7 is required by federal law.

8           The distribution shall become payable on (i) July 1, 1987,  
9 (ii) December 1 of the calendar year immediately following the  
10 calendar year in which the deceased spouse died, or (iii)  
11 December 1 of the calendar year in which the deceased spouse  
12 would have attained age 72 ~~70-1/2~~, whichever occurs last, and  
13 shall remain payable until the first of the following to occur:  
14 (1) the person becomes eligible to receive a survivor's annuity  
15 under this Article; (2) the end of the month in which the  
16 person ceases to be eligible to receive a survivor's annuity  
17 upon attainment of age 50, due to remarriage or death; or (3)  
18 the end of the month in which such distribution ceases to be  
19 required by federal law.

20           The amount of the distribution shall be fixed at the time  
21 the distribution first becomes payable, and shall be calculated  
22 in the same manner as a survivor's annuity under Sections  
23 18-128 through 18-128.2, but excluding: (A) any requirement for  
24 an application for the distribution; (B) any automatic annual  
25 increases, supplemental increases, or one-time increases that

1 may be provided by law for survivor's annuities; and (C) any  
2 lump-sum or death benefit.

3 (b) For the purpose of this Section, a distribution shall  
4 be deemed to be required by federal law if: (1) directly  
5 mandated by federal statute, rule, or administrative or court  
6 decision; or (2) indirectly mandated through imposition of  
7 substantial tax or other penalties for noncompliance.

8 (c) Notwithstanding Section 1-103.1 of this Code, a member  
9 need not be in service on or after the effective date of this  
10 amendatory Act of 1989 for the member's surviving spouse to be  
11 eligible for a distribution under this Section.

12 (Source: P.A. 86-273.)".