



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4053

Introduced 1/21/2022, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-167.4	from Ch. 108 1/2, par. 5-167.4
40 ILCS 5/6-128.4	from Ch. 108 1/2, par. 6-128.4
30 ILCS 805/8.46 new	

Amends the Chicago Police and Chicago Firefighter Articles of the Illinois Pension Code. Provides that beginning January 1, 2023, the minimum widow's annuity shall be no less than 150% (rather than 125%) of the Federal Poverty Level for all persons receiving widow's annuities on or after that date, without regard to whether the deceased policeman or fireman is in service on or after the effective date of the amendatory Act. Makes a conforming change. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB102 24736 RPS 33976 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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  
5 changing Sections 5-167.4 and 6-128.4 as follows:

6 (40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

7 Sec. 5-167.4. Widow annuitant minimum annuity.

8 (a) Notwithstanding any other provision of this Article,  
9 beginning January 1, 1996, the minimum amount of widow's  
10 annuity payable to any person who is entitled to receive a  
11 widow's annuity under this Article is \$700 per month, without  
12 regard to whether the deceased policeman is in service on or  
13 after the effective date of this amendatory Act of 1995.

14 Notwithstanding any other provision of this Article,  
15 beginning January 1, 1999, the minimum amount of widow's  
16 annuity payable to any person who is entitled to receive a  
17 widow's annuity under this Article is \$800 per month, without  
18 regard to whether the deceased policeman is in service on or  
19 after the effective date of this amendatory Act of 1998.

20 Notwithstanding any other provision of this Article,  
21 beginning January 1, 2004, the minimum amount of widow's  
22 annuity payable to any person who is entitled to receive a  
23 widow's annuity under this Article is \$900 per month, without

1 regard to whether the deceased policeman is in service on or  
2 after the effective date of this amendatory Act of the 93rd  
3 General Assembly.

4 Notwithstanding any other provision of this Article,  
5 beginning January 1, 2005, the minimum amount of widow's  
6 annuity payable to any person who is entitled to receive a  
7 widow's annuity under this Article is \$1,000 per month,  
8 without regard to whether the deceased policeman is in service  
9 on or after the effective date of this amendatory Act of the  
10 93rd General Assembly.

11 (b) Effective January 1, 1994, the minimum amount of  
12 widow's annuity shall be \$700 per month for the following  
13 classes of widows, without regard to whether the deceased  
14 policeman is in service on or after the effective date of this  
15 amendatory Act of 1993: (1) the widow of a policeman who dies  
16 in service with at least 10 years of service credit, or who  
17 dies in service after June 30, 1981; and (2) the widow of a  
18 policeman who withdraws from service with 20 or more years of  
19 service credit and does not withdraw a refund, provided that  
20 the widow is married to the policeman before he withdraws from  
21 service.

22 (b-5) Notwithstanding any other provision of this Article,  
23 beginning January 1, 2017 and until January 1, 2023, the  
24 minimum widow's annuity under this Article shall be no less  
25 than 125% of the Federal Poverty Level for all persons  
26 receiving widow's annuities on or after that date, without

1 regard to whether the deceased policeman is in service on or  
2 after the effective date of this amendatory Act of the 99th  
3 General Assembly.

4 Notwithstanding any other provision of this Article,  
5 beginning January 1, 2023, the minimum widow's annuity under  
6 this Article shall be no less than 150% of the Federal Poverty  
7 Level for all persons receiving widow's annuities on or after  
8 that date, without regard to whether the deceased policeman is  
9 in service on or after the effective date of this amendatory  
10 Act of the 102nd General Assembly.

11 For purposes of this Section, "Federal Poverty Level"  
12 means the poverty guidelines applicable to an individual in a  
13 single-person household located in Illinois, as updated  
14 periodically in the Federal Register by the United States  
15 Department of Health and Human Services under the authority of  
16 42 U.S.C. 9902(2).

17 (c) The city, in addition to the contributions otherwise  
18 made by it under the other provisions of this Article, shall  
19 make such contributions as are necessary for the minimum  
20 widow's annuities provided under this Section in the manner  
21 prescribed in Section 5-175.

22 (Source: P.A. 99-905, eff. 11-29-16.)

23 (40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

24 Sec. 6-128.4. Minimum widow's annuities.

25 (a) Notwithstanding any other provision of this Article,

1 beginning January 1, 1996, the minimum amount of widow's  
2 annuity payable to any person who is entitled to receive a  
3 widow's annuity under this Article is \$700 per month, without  
4 regard to whether the deceased fireman is in service on or  
5 after the effective date of this amendatory Act of 1995.

6 (b) Notwithstanding Section 6-128.3, beginning January 1,  
7 1994, the minimum widow's annuity under this Article shall be  
8 \$700 per month for (1) all persons receiving widow's annuities  
9 on that date who are survivors of employees who retired at age  
10 50 or over with at least 20 years of service, and (2) persons  
11 who become eligible for widow's annuities and are survivors of  
12 employees who retired at age 50 or over with at least 20 years  
13 of service.

14 (c) Notwithstanding Section 6-128.3, beginning January 1,  
15 1999, the minimum widow's annuity under this Article shall be  
16 \$800 per month for (1) all persons receiving widow's annuities  
17 on that date who are survivors of employees who retired at age  
18 50 or over with at least 20 years of service, and (2) persons  
19 who become eligible for widow's annuities and are survivors of  
20 employees who retired at age 50 or over with at least 20 years  
21 of service.

22 (d) Notwithstanding Section 6-128.3, beginning January 1,  
23 2004, the minimum widow's annuity under this Article shall be  
24 \$900 per month for all persons receiving widow's annuities on  
25 or after that date, without regard to whether the deceased  
26 fireman is in service on or after the effective date of this

1 amendatory Act of the 93rd General Assembly.

2 (e) Notwithstanding Section 6-128.3, beginning January 1,  
3 2005, the minimum widow's annuity under this Article shall be  
4 \$1,000 per month for all persons receiving widow's annuities  
5 on or after that date, without regard to whether the deceased  
6 fireman is in service on or after the effective date of this  
7 amendatory Act of the 93rd General Assembly.

8 (f) Notwithstanding Section 6-128.3, beginning January 1,  
9 2017 and until January 1, 2023, the minimum widow's annuity  
10 under this Article shall be no less than 125% of the Federal  
11 Poverty Level for all persons receiving widow's annuities on  
12 or after that date, without regard to whether the deceased  
13 fireman is in service on or after the effective date of this  
14 amendatory Act of the 99th General Assembly.

15 Notwithstanding Section 6-128.3, beginning January 1,  
16 2023, the minimum widow's annuity under this Article shall be  
17 no less than 150% of the Federal Poverty Level for all persons  
18 receiving widow's annuities on or after that date, without  
19 regard to whether the deceased fireman is in service on or  
20 after the effective date of this amendatory Act of the 102nd  
21 General Assembly.

22 For purposes of this Section, "Federal Poverty Level"  
23 means the poverty guidelines applicable to an individual in a  
24 single-person household located in Illinois, as updated  
25 periodically in the Federal Register by the United States  
26 Department of Health and Human Services under the authority of

1 42 U.S.C. 9902(2) .

2 (Source: P.A. 99-905, eff. 11-29-16.)

3 Section 90. The State Mandates Act is amended by adding  
4 Section 8.46 as follows:

5 (30 ILCS 805/8.46 new)

6 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and  
7 8 of this Act, no reimbursement by the State is required for  
8 the implementation of any mandate created by this amendatory  
9 Act of the 102nd General Assembly.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.