



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB3961

Introduced 12/15/2003, by Brent Hassert - Tom Cross

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-154
30 ILCS 805/8.28 new

from Ch. 108 1/2, par. 7-154

Amends the IMRF Article of the Illinois Pension Code. Makes a provision added by Public Act 87-850, providing survivor eligibility for certain spouses who were married during the member's retirement, apply to a member who retired before March 26, 1992 but dies on or after the effective date of this amendatory Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 14722 LRD 40265 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing
5 Section 7-154 as follows:

6 (40 ILCS 5/7-154) (from Ch. 108 1/2, par. 7-154)

7 Sec. 7-154. Surviving spouse annuities - Eligibility.

8 (a) A surviving spouse annuity shall be payable to the
9 eligible surviving spouse of a participating employee, an
10 employee annuitant, or a person who on the date of death would
11 have been entitled to a retirement annuity, had he applied for
12 such annuity, and who dies at any time when a surviving spouse
13 annuity equals at least \$5 per month, provided:

14 (1) The surviving spouse (i) was married to the
15 participating employee for at least one year on the date of
16 death, or (ii) was married to the annuitant or person
17 entitled to a retirement annuity for at least one year
18 prior to the date of termination of service, or (iii) was
19 married to the deceased annuitant for at least one year on
20 the date of the deceased annuitant's death, if at the time
21 of termination of service the deceased annuitant was
22 married for at least one year to a spouse who does not
23 survive the deceased annuitant. (Item (iii) applies to the
24 spouses of annuitants who die on or after the effective
25 date of this amendatory Act of the 93rd General Assembly,
26 notwithstanding whether the annuitant was in service on or
27 after that effective date or the effective date of Public
28 Act 87-850.)

29 (2) The male deceased employee annuitant or such other
30 person entitled to a retirement annuity had contributed to
31 this fund for surviving spouse annuity purposes for at
32 least 1 year or continuously since the effective date of

1 the participating municipality or participating
2 instrumentality.

3 (3) The female deceased employee annuitant or such
4 other person entitled to a retirement annuity was in
5 service on or after July 27, 1972, provided that the
6 annuity shall not be computed on the basis of any
7 retirement annuity effective before that date.

8 (4) If the employee dies before termination of service,
9 the employee did not exclude the spouse from any death
10 benefit or surviving spouse annuity pursuant to subsection
11 (b) of Section 7-118. A designation of beneficiary naming a
12 spouse and children jointly or a trust pursuant to
13 subsection (b) of Section 7-118 shall preclude payment of a
14 surviving spouse annuity.

15 (b) If a person is the spouse of a retiring participating
16 employee on the date of the initial payment of a retirement
17 annuity and is qualified to receive a surviving spouse annuity
18 upon the death of the employee and the surviving spouse
19 contributions are not refunded to the employee, then a
20 surviving spouse annuity shall be payable to that person even
21 if the marriage to the employee is dissolved after that date.

22 (c) Eligibility of a surviving spouse shall be determined
23 as of the date of death. Only one surviving spouse annuity
24 shall be paid on account of the death of any employee.

25 (Source: P.A. 87-740; 87-850.)

26 Section 90. The State Mandates Act is amended by adding
27 Section 8.28 as follows:

28 (30 ILCS 805/8.28 new)

29 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and
30 8 of this Act, no reimbursement by the State is required for
31 the implementation of any mandate created by this amendatory
32 Act of the 93rd General Assembly.

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.