

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 Section 17-122 as follows:

6 (40 ILCS 5/17-122) (from Ch. 108 1/2, par. 17-122)

7 Sec. 17-122. Survivor's and children's pensions - Amount.

8 Upon the death of a teacher who has completed at least 1 1/2  
9 years of contributing service with either this Fund or the  
10 State Universities Retirement System or the Teachers'  
11 Retirement System of the State of Illinois, provided his  
12 death occurred while (a) in active service covered by the  
13 Fund or during his first 18 months of continuous employment  
14 without a break in service under any other participating  
15 system as defined in the Illinois Retirement Systems  
16 Reciprocal Act except the State Universities Retirement  
17 System and the Teachers' Retirement System of the State of  
18 Illinois, (b) on a creditable leave of absence, (c) on a  
19 noncreditable leave of absence of no more than one year, or  
20 (d) a pension was deferred or pending provided the teacher  
21 had at least 10 years of validated service credit, or upon  
22 the death of a pensioner otherwise qualified for such  
23 benefit, the surviving spouse and unmarried minor children of  
24 the deceased teacher under age 18 shall be entitled to  
25 pensions, under the conditions stated hereinafter. Such  
26 survivor's and children's pensions shall be based on the  
27 average of the 4 highest consecutive years of salary in the  
28 last 10 years of service or on the average salary for total  
29 service, if total service has been less than 4 years,  
30 according to the following percentages:

31 30% of average salary or 50% of the retirement pension

1 earned by the teacher, whichever is larger, subject to the  
2 prescribed maximum monthly payment, for a surviving spouse  
3 alone on attainment of age 50;

4 60% of average salary for a surviving spouse and  
5 eligible minor children of the deceased teacher.

6 If no eligible spouse survives, or the surviving spouse  
7 remarries, or the parent of the children of the deceased  
8 member is otherwise ineligible for a survivor's pension, a  
9 children's pension for eligible minor children under age 18  
10 shall be paid to their parent or legal guardian for their  
11 benefit according to the following percentages:

12 30% of average salary for one child;

13 60% of average salary for 2 or more children.

14 On January 1, 1981, any survivor or child who was  
15 receiving a survivor's or children's pension on or before  
16 January 1, 1971, shall have his survivor's or children's  
17 pension then being paid increased by 1% for each full year  
18 which has elapsed from the date the pension began. On January  
19 1, 1982, any survivor or child whose pension began after  
20 January 1, 1971, but before January 1, 1981, shall have his  
21 survivor's or children's pension then being paid increased 1%  
22 for each full year which has elapsed from the date the  
23 pension began. On January 1, 1987, any survivor or child  
24 whose pension began on or before January 1, 1977, shall have  
25 the monthly survivor's or children's pension increased by \$1  
26 for each full year which has elapsed since the pension began.

27 Beginning January 1, 1990, every survivor's and  
28 children's pension shall be increased (1) on each January 1  
29 occurring on or after the commencement of the pension if the  
30 deceased teacher died while receiving a retirement pension,  
31 or (2) in other cases, on each January 1 occurring on or  
32 after the first anniversary of the commencement of the  
33 pension, by an amount equal to 3% of the current amount of  
34 the pension, including all increases previously granted under

1 this Article, notwithstanding Section 17-157. Such increases  
2 shall apply without regard to whether the deceased teacher  
3 was in service on or after the effective date of this  
4 amendatory Act of 1991, but shall not accrue for any period  
5 prior to January 1, 1990.

6 Subject to the minimum established below, the maximum  
7 amount of pension for a surviving spouse alone or one minor  
8 child shall be \$400 per month, and the maximum combined  
9 pensions for a surviving spouse and children of the deceased  
10 teacher shall be \$600 per month, with individual pensions  
11 adjusted for all beneficiaries pro rata to conform with this  
12 limitation. If proration is unnecessary the minimum  
13 survivor's and children's pensions shall be \$40 per month.  
14 The minimum total survivor's and children's pension payable  
15 upon the death of a contributor or annuitant which occurs  
16 after December 31, 1986, shall be 50% of the earned  
17 retirement pension of such contributor or annuitant,  
18 calculated without early retirement discount in the case of  
19 death in service. Beginning January 1, 2004, the minimum  
20 total survivor's pension payable upon the death of a  
21 contributor or annuitant that occurred before January 1, 1987  
22 shall be 50% of the earned retirement pension of the  
23 contributor or annuitant, calculated without early retirement  
24 discount in the case of death in service, and notwithstanding  
25 Section 17-157.

26 On death after retirement, the total survivor's and  
27 children's pensions shall not exceed the monthly retirement  
28 or disability pension paid to the deceased retirant.  
29 Survivor's and children's benefits described in this Section  
30 shall apply to all service and disability pensioners eligible  
31 for a pension as of July 1, 1981.

32 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

33 Section 90. The State Mandates Act is amended by adding

1 Section 8.27 as follows:

2 (30 ILCS 805/8.27 new)

3 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
4 and 8 of this Act, no reimbursement by the State is required  
5 for the implementation of any mandate created by this  
6 amendatory Act of the 93rd General Assembly.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.