

1                                    AMENDMENT TO SENATE BILL 1151

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1151 by replacing  
3 everything after the enacting clause with the following:

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 1.5 ~~1~~  
9 ~~1/2~~ years of contributing service with either this Fund or  
10 the 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

1 benefit, the surviving spouse and unmarried minor children of  
2 the deceased teacher under age 18 shall be entitled to  
3 pensions, under the conditions stated hereinafter. Such  
4 survivor's and children's pensions shall be based on the  
5 average of the 4 highest consecutive years of salary in the  
6 last 10 years of service or on the average salary for total  
7 service, if total service has been less than 4 years,  
8 according to the following percentages:

9 30% of average salary or 50% of the retirement pension  
10 earned by the teacher, whichever is larger, subject to the  
11 prescribed maximum monthly payment, for a surviving spouse  
12 alone on attainment of age 50;

13 60% of average salary for a surviving spouse and  
14 eligible minor children of the deceased teacher.

15 If no eligible spouse survives, or the surviving spouse  
16 remarries, or the parent of the children of the deceased  
17 member is otherwise ineligible for a survivor's pension, a  
18 children's pension for eligible minor children under age 18  
19 shall be paid to their parent or legal guardian for their  
20 benefit according to the following percentages:

21 30% of average salary for one child;

22 60% of average salary for 2 or more children.

23 On January 1, 1981, any survivor or child who was  
24 receiving a survivor's or children's pension on or before  
25 January 1, 1971, shall have his survivor's or children's  
26 pension then being paid increased by 1% for each full year  
27 which has elapsed from the date the pension began. On January  
28 1, 1982, any survivor or child whose pension began after  
29 January 1, 1971, but before January 1, 1981, shall have his  
30 survivor's or children's pension then being paid increased 1%  
31 for each full year which has elapsed from the date the  
32 pension began. On January 1, 1987, any survivor or child  
33 whose pension began on or before January 1, 1977, shall have  
34 the monthly survivor's or children's pension increased by \$1

1 for each full year which has elapsed since the pension began.

2 Beginning January 1, 1990, every survivor's and  
3 children's pension shall be increased (1) on each January 1  
4 occurring on or after the commencement of the pension if the  
5 deceased teacher died while receiving a retirement pension,  
6 or (2) in other cases, on each January 1 occurring on or  
7 after the first anniversary of the commencement of the  
8 pension, by an amount equal to 3% of the current amount of  
9 the pension, including all increases previously granted under  
10 this Article, notwithstanding Section 17-157. Such increases  
11 shall apply without regard to whether the deceased teacher  
12 was in service on or after the effective date of this  
13 amendatory Act of 1991, but shall not accrue for any period  
14 prior to January 1, 1990.

15 Subject to the minimum established below, the maximum  
16 amount of pension for a surviving spouse alone or one minor  
17 child shall be \$400 per month, and the maximum combined  
18 pensions for a surviving spouse and children of the deceased  
19 teacher shall be \$600 per month, with individual pensions  
20 adjusted for all beneficiaries pro rata to conform with this  
21 limitation. If proration is unnecessary the minimum  
22 survivor's and children's pensions shall be \$40 per month.  
23 The minimum total survivor's and children's pension payable  
24 upon the death of a contributor or annuitant which occurs  
25 after December 31, 1986, shall be 50% of the earned  
26 retirement pension of such contributor or annuitant,  
27 calculated without early retirement discount in the case of  
28 death in service.

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

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