

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 Sections 8-152 and 14-104 and adding Section 8-152.1 as
6 follows:

7 (40 ILCS 5/8-152) (from Ch. 108 1/2, par. 8-152)

8 Sec. 8-152. Widows or former wives not entitled to annuity.
9 Except as provided in Section 8-152.1, the following widows or
10 former wives of employees have no right to annuity from the
11 fund:

12 (a) The widow, married subsequent to the effective date, of
13 an employee who dies in service if she was not married to him
14 before he attained age 65;

15 (b) The widow, married subsequent to the effective date, of
16 an employee who withdraws from service whether or not he enters
17 upon annuity, and who dies while out of service, if she was not
18 his wife while he was in service and before he attained age 65;

19 (c) The widow of an employee with 10 or more years of
20 service whose death occurs out of and after he has withdrawn
21 from service, and who has received a refund of his
22 contributions for annuity purposes;

23 (d) The widow of an employee with less than 10 years of
24 service who dies out of service after he has withdrawn from
25 service before he attained age 60;

26 (e) The former wife of an employee whose judgment of
27 dissolution of marriage has been vacated or set aside after the
28 employee's death, unless the proceedings to vacate or set aside
29 the judgment were filed in court within 5 years after the entry
30 thereof and within one year after the employee's death, and
31 unless the board is made a party defendant to such proceedings.

32 (Source: P.A. 81-1536.)

1 (40 ILCS 5/8-152.1 new)

2 Sec. 8-152.1. Widow's annuity for widow married to member
3 for at least 10 years. Notwithstanding Section 8-152 or any
4 other provision of this Code to the contrary, if (1) a member
5 has a spouse who would have qualified for a minimum annuity for
6 widows under Section 8-150.1 at the time of the member's
7 retirement, (2) the qualifying spouse dies, (3) the member
8 subsequently remarries, and (4) the member does not receive a
9 refund under Section 8-169, then the member's widow shall be
10 entitled to a widow's annuity if (i) the member dies after May
11 1, 2004 and before November 1, 2004 and (ii) the widow was
12 married to the member for at least the last 10 years prior to
13 the member's death. A widow who elects to receive a widow's
14 annuity under this Section is thereafter ineligible to receive
15 any other survivor's benefit under this Article. A widow who is
16 receiving any survivor's benefit under this Article is
17 thereafter ineligible to receive a widow's annuity under this
18 Section. If a widow who is receiving a widow's annuity under
19 this Section remarries, then the benefits paid to that widow
20 shall be terminated effective on the last day of the month in
21 which the widow remarries. To establish credit under this
22 Section, the widow must apply to the Fund on or before July 1,
23 2006.

24 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

25 Sec. 14-104. Service for which contributions permitted.
26 Contributions provided for in this Section shall cover the
27 period of service granted. Except as otherwise provided in this
28 Section, the contributions shall be based upon the employee's
29 compensation and contribution rate in effect on the date he
30 last became a member of the System; provided that for all
31 employment prior to January 1, 1969 the contribution rate shall
32 be that in effect for a noncovered employee on the date he last
33 became a member of the System. Except as otherwise provided in
34 this Section, contributions permitted under this Section shall

1 include regular interest from the date an employee last became
2 a member of the System to the date of payment.

3 These contributions must be paid in full before retirement
4 either in a lump sum or in installment payments in accordance
5 with such rules as may be adopted by the board.

6 (a) Any member may make contributions as required in this
7 Section for any period of service, subsequent to the date of
8 establishment, but prior to the date of membership.

9 (b) Any employee who had been previously excluded from
10 membership because of age at entry and subsequently became
11 eligible may elect to make contributions as required in this
12 Section for the period of service during which he was
13 ineligible.

14 (c) An employee of the Department of Insurance who, after
15 January 1, 1944 but prior to becoming eligible for membership,
16 received salary from funds of insurance companies in the
17 process of rehabilitation, liquidation, conservation or
18 dissolution, may elect to make contributions as required in
19 this Section for such service.

20 (d) Any employee who rendered service in a State office to
21 which he was elected, or rendered service in the elective
22 office of Clerk of the Appellate Court prior to the date he
23 became a member, may make contributions for such service as
24 required in this Section. Any member who served by appointment
25 of the Governor under the Civil Administrative Code of Illinois
26 and did not participate in this System may make contributions
27 as required in this Section for such service.

28 (e) Any person employed by the United States government or
29 any instrumentality or agency thereof from January 1, 1942
30 through November 15, 1946 as the result of a transfer from
31 State service by executive order of the President of the United
32 States shall be entitled to prior service credit covering the
33 period from January 1, 1942 through December 31, 1943 as
34 provided for in this Article and to membership service credit
35 for the period from January 1, 1944 through November 15, 1946
36 by making the contributions required in this Section. A person

1 so employed on January 1, 1944 but whose employment began after
2 January 1, 1942 may qualify for prior service and membership
3 service credit under the same conditions.

4 (f) An employee of the Department of Labor of the State of
5 Illinois who performed services for and under the supervision
6 of that Department prior to January 1, 1944 but who was
7 compensated for those services directly by federal funds and
8 not by a warrant of the Auditor of Public Accounts paid by the
9 State Treasurer may establish credit for such employment by
10 making the contributions required in this Section. An employee
11 of the Department of Agriculture of the State of Illinois, who
12 performed services for and under the supervision of that
13 Department prior to June 1, 1963, but was compensated for those
14 services directly by federal funds and not paid by a warrant of
15 the Auditor of Public Accounts paid by the State Treasurer, and
16 who did not contribute to any other public employee retirement
17 system for such service, may establish credit for such
18 employment by making the contributions required in this
19 Section.

20 (g) Any employee who executed a waiver of membership within
21 60 days prior to January 1, 1944 may, at any time while in the
22 service of a department, file with the board a rescission of
23 such waiver. Upon making the contributions required by this
24 Section, the member shall be granted the creditable service
25 that would have been received if the waiver had not been
26 executed.

27 (h) Until May 1, 1990, an employee who was employed on a
28 full-time basis by a regional planning commission for at least
29 5 continuous years may establish creditable service for such
30 employment by making the contributions required under this
31 Section, provided that any credits earned by the employee in
32 the commission's retirement plan have been terminated.

33 (i) Any person who rendered full time contractual services
34 to the General Assembly as a member of a legislative staff may
35 establish service credit for up to 8 years of such services by
36 making the contributions required under this Section, provided

1 that application therefor is made not later than July 1, 1991.

2 (j) By paying the contributions otherwise required under
3 this Section, plus an amount determined by the Board to be
4 equal to the employer's normal cost of the benefit plus
5 interest, but with all of the interest calculated from the date
6 the employee last became a member of the System or November 19,
7 1991, whichever is later, to the date of payment, an employee
8 may establish service credit for a period of up to 2 years
9 spent in active military service for which he does not qualify
10 for credit under Section 14-105, provided that (1) he was not
11 dishonorably discharged from such military service, and (2) the
12 amount of service credit established by a member under this
13 subsection (j), when added to the amount of military service
14 credit granted to the member under subsection (b) of Section
15 14-105, shall not exceed 5 years. The change in the manner of
16 calculating interest under this subsection (j) made by this
17 amendatory Act of the 92nd General Assembly applies to credit
18 purchased by an employee on or after its effective date and
19 does not entitle any person to a refund of contributions or
20 interest already paid.

21 (k) An employee who was employed on a full-time basis by
22 the Illinois State's Attorneys Association Statewide Appellate
23 Assistance Service LEAA-ILEC grant project prior to the time
24 that project became the State's Attorneys Appellate Service
25 Commission, now the Office of the State's Attorneys Appellate
26 Prosecutor, an agency of State government, may establish
27 creditable service for not more than 60 months service for such
28 employment by making contributions required under this
29 Section.

30 (l) By paying the contributions otherwise required under
31 this Section, plus an amount determined by the Board to be
32 equal to the employer's normal cost of the benefit plus
33 interest, a member may establish service credit for periods of
34 less than one year spent on authorized leave of absence from
35 service, provided that (1) the period of leave began on or
36 after January 1, 1982 and (2) any credit established by the

1 member for the period of leave in any other public employee
2 retirement system has been terminated. A member may establish
3 service credit under this subsection for more than one period
4 of authorized leave, and in that case the total period of
5 service credit established by the member under this subsection
6 may exceed one year. In determining the contributions required
7 for establishing service credit under this subsection, the
8 interest shall be calculated from the beginning of the leave of
9 absence to the date of payment.

10 (m) Any person who rendered contractual services to a
11 member of the General Assembly as a worker in the member's
12 district office may establish creditable service for up to 3
13 years of those contractual services by making the contributions
14 required under this Section. The System shall determine a
15 full-time salary equivalent for the purpose of calculating the
16 required contribution. To establish credit under this
17 subsection, the applicant must apply to the System by March 1,
18 1998.

19 (n) Any person who rendered contractual services to a
20 member of the General Assembly as a worker providing
21 constituent services to persons in the member's district may
22 establish creditable service for up to 8 years of those
23 contractual services by making the contributions required
24 under this Section. The System shall determine a full-time
25 salary equivalent for the purpose of calculating the required
26 contribution. To establish credit under this subsection, the
27 applicant must apply to the System by March 1, 1998.

28 (o) A member who participated in the Illinois Legislative
29 Staff Internship Program may establish creditable service for
30 up to one year of that participation by making the contribution
31 required under this Section. The System shall determine a
32 full-time salary equivalent for the purpose of calculating the
33 required contribution. Credit may not be established under this
34 subsection for any period for which service credit is
35 established under any other provision of this Code.

36 (p) By paying the contributions otherwise required under

1 this Section, plus an amount determined by the Board to be
2 equal to the employer's normal cost of the benefit plus
3 interest, a member may establish service credit for a period of
4 up to 8 years during which he or she was employed by the
5 Visually Handicapped Managers of Illinois in a vending program
6 operated under a contractual agreement with the Department of
7 Rehabilitation Services or its successor agency.

8 This subsection (p) applies without regard to whether the
9 person was in service on or after the effective date of this
10 amendatory Act of the 94th General Assembly. In the case of a
11 person who is receiving a retirement annuity on that effective
12 date, the increase, if any, shall begin to accrue on the first
13 annuity payment date following receipt by the System of the
14 contributions required under this subsection (p).

15 (Source: P.A. 92-54, eff. 7-12-01.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.29 as follows:

18 (30 ILCS 805/8.29 new)

19 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 94th General Assembly.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.