



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0305**

Introduced 1/19/2005, by Rep. Robert S. Molaro

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/17-122  
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 17-122

Amends the Chicago Teacher Article of the Pension Code to increase the minimum total survivor's pension to 50% of the earned retirement pension for survivors of members who died before January 1, 1987. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 03446 LRD 33449 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 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 death  
12 occurred while (a) in active service covered by the Fund or  
13 during his first 18 months of continuous employment without a  
14 break in service under any other participating system as  
15 defined in the Illinois Retirement Systems Reciprocal Act  
16 except the State Universities Retirement System and the  
17 Teachers' Retirement System of the State of Illinois, (b) on a  
18 creditable leave of absence, (c) on a noncreditable leave of  
19 absence of no more than one year, or (d) a pension was deferred  
20 or pending provided the teacher had at least 10 years of  
21 validated service credit, or upon the death of a pensioner  
22 otherwise qualified for such benefit, the surviving spouse and  
23 unmarried minor children of the deceased teacher under age 18  
24 shall be entitled to pensions, under the conditions stated  
25 hereinafter. Such survivor's and children's pensions shall be  
26 based on the average of the 4 highest consecutive years of  
27 salary in the last 10 years of service or on the average salary  
28 for total service, if total service has been less than 4 years,  
29 according to the following percentages:

30 30% of average salary or 50% of the retirement pension  
31 earned by the teacher, whichever is larger, subject to the  
32 prescribed maximum monthly payment, for a surviving spouse

1 alone on attainment of age 50;

2 60% of average salary for a surviving spouse and eligible  
3 minor children of the deceased teacher.

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

10 30% of average salary for one child;

11 60% of average salary for 2 or more children.

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

25 Beginning January 1, 1990, every survivor's and children's  
26 pension shall be increased (1) on each January 1 occurring on  
27 or after the commencement of the pension if the deceased  
28 teacher died while receiving a retirement pension, or (2) in  
29 other cases, on each January 1 occurring on or after the first  
30 anniversary of the commencement of the pension, by an amount  
31 equal to 3% of the current amount of the pension, including all  
32 increases previously granted under this Article,  
33 notwithstanding Section 17-157. Such increases shall apply  
34 without regard to whether the deceased teacher was in service  
35 on or after the effective date of this amendatory Act of 1991,  
36 but shall not accrue for any period prior to January 1, 1990.

1 Subject to the minimum established below, the maximum  
2 amount of pension for a surviving spouse alone or one minor  
3 child shall be \$400 per month, and the maximum combined  
4 pensions for a surviving spouse and children of the deceased  
5 teacher shall be \$600 per month, with individual pensions  
6 adjusted for all beneficiaries pro rata to conform with this  
7 limitation. If proration is unnecessary the minimum survivor's  
8 and children's pensions shall be \$40 per month. The minimum  
9 total survivor's and children's pension payable upon the death  
10 of a contributor or annuitant which occurs after December 31,  
11 1986, shall be 50% of the earned retirement pension of such  
12 contributor or annuitant, calculated without early retirement  
13 discount in the case of death in service. Beginning January 1,  
14 2006, the minimum total survivor's pension payable upon the  
15 death of a contributor or annuitant that occurred before  
16 January 1, 1987 shall be 50% of the earned retirement pension  
17 of the contributor or annuitant, calculated without early  
18 retirement discount in the case of death in service, and  
19 notwithstanding Section 17-157.

20 On death after retirement, the total survivor's and  
21 children's pensions shall not exceed the monthly retirement or  
22 disability pension paid to the deceased retirant. Survivor's  
23 and children's benefits described in this Section shall apply  
24 to all service and disability pensioners eligible for a pension  
25 as of July 1, 1981.

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

27 Section 90. The State Mandates Act is amended by adding  
28 Section 8.29 as follows:

29 (30 ILCS 805/8.29 new)

30 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
31 of this Act, no reimbursement by the State is required for the  
32 implementation of any mandate created by this amendatory Act of  
33 the 94th General Assembly.

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.