



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5335

Introduced 01/26/06, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-121.1 new
30 ILCS 805/8.30 new

Amends the Chicago Teacher Article of the Illinois Pension Code. Allows a designated domestic partner to qualify as a surviving spouse for purposes of survivor and death benefits. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 16350 AMC 51601 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 adding
5 Section 17-121.1 as follows:

6 (40 ILCS 5/17-121.1 new)

7 Sec. 17-121.1. Domestic partner eligibility.

8 (a) Beginning July 1, 2006, an unmarried teacher may
9 designate a domestic partner by filing a written designation
10 with the Fund in the manner prescribed by the Fund. The Fund
11 may require reasonable evidence that the person designated
12 meets the qualifications set forth in subsection (c). Such a
13 designation is revocable at any time, but may not be made or
14 changed more than once in any 24-month period. The marriage of
15 a teacher automatically revokes any designation of a domestic
16 partner previously made by that teacher.

17 (b) The designated domestic partner of a teacher shall be
18 eligible to receive survivor and death benefits under this
19 Article in the same manner and subject to the same conditions
20 as a surviving spouse. For the purposes of determining
21 eligibility for those benefits, the date of designation of a
22 domestic partner shall be deemed the equivalent of the date of
23 marriage, and the revocation or change of a designation shall
24 be deemed the equivalent of termination of the marriage.
25 References in this Article and other applicable Articles of
26 this Code to a surviving spouse shall be deemed to include a
27 surviving designated domestic partner.

28 (c) "Domestic partner" means an individual of the same
29 gender as an unmarried teacher who (1) is involved with the
30 teacher in a long-term relationship of indefinite duration; (2)
31 has resided together with the teacher at the same address for
32 at least 12 months; (3) is not related to the teacher by blood

1 to a degree of closeness that would prohibit legal marriage in
2 the state in which they legally reside; (4) is not married to
3 any other person; and (5) has an exclusive mutual commitment to
4 the teacher in which they agree to be jointly responsible for
5 each other's common welfare and to share financial obligations.

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.30 as follows:

8 (30 ILCS 805/8.30 new)

9 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 94th General Assembly.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.