



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0969

Introduced 2/8/2007, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-147

from Ch. 108 1/2, par. 5-147

30 ILCS 805/8.31 new

Amends the Chicago Police Article of the Illinois Pension Fund. Provides that a widow's annuity shall no longer be subject to termination or suspension due to remarriage and any widow's annuity that was previously terminated or suspended by reason of remarriage shall, upon application, be resumed as of the date of the application, but in no event sooner than the effective date. Specifies that the resumption shall not be retroactive. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 06711 AMC 26823 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning 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 5-147 as follows:

6 (40 ILCS 5/5-147) (from Ch. 108 1/2, par. 5-147)

7 Sec. 5-147. Widow's marriage to terminate annuity.

8 (a) Beginning on the effective date of this amendatory Act
9 of the 95th General Assembly, a widow's annuity shall no longer
10 be subject to termination or suspension under this Section due
11 to remarriage. Any widow's annuity that was previously
12 terminated or suspended under this Section by reason of
13 remarriage shall, upon application, be resumed as of the date
14 of the application, but in no event sooner than the effective
15 date of this amendatory Act. The resumption shall not be
16 retroactive. This subsection (a) applies regardless of whether
17 or not the deceased policeman was in service on or after the
18 effective date of this amendatory Act of the 95th General
19 Assembly.

20 (b) This subsection (b) does not apply on or after the
21 effective date of this amendatory Act of the 95th General
22 Assembly.

23 Any annuity granted to a widow shall be suspended when she

1 remarries, unless she remarries after attaining age 60 or the
2 annuity was granted under Section 5-144 and the remarriage
3 takes place after October 31, 1989. Except as otherwise
4 provided by this Section, if a widow remarries before reaching
5 age 60, annuity payment shall be suspended, but the widow's
6 annuity payments shall be resumed if the subsequent marriage
7 ends either by dissolution of marriage, declaration of
8 invalidity of marriage or the death of the husband. If a widow
9 remarries after attaining age 60, or the annuity was granted
10 under Section 5-144 and the remarriage takes place after June
11 1, 1990, regardless of whether or not the deceased policeman
12 was in service on or after the effective date of this
13 amendatory Act of 1991, the widow's annuity shall continue
14 without interruption.

15 If when a widow dies she has not received, in form of
16 annuity, an amount equal to the accumulated employee
17 contributions for widow's annuity, the difference between such
18 accumulated contributions and the sum received by her, along
19 with any part of the accumulated contributions for age and
20 service annuity remaining in the fund at her death shall be
21 refunded to the policemen's children, in equal parts to each;
22 provided, if any child is less than age 18, such part of any
23 such amount required to pay annuities to such children shall be
24 transferred to the child's annuity reserve. If no children or
25 descendants thereof survive the policeman, such refund shall be
26 paid to the estate of the policeman. In making refunds under

1 this Section, no interest shall be considered upon either the
2 total of annuity payments made or the amounts subject to
3 refund.

4 (Source: P.A. 86-1488.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.

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