



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1669

Introduced 2/22/2007, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-146

from Ch. 108 1/2, par. 5-146

30 ILCS 805/8.31 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that language denying an annuity to a wife or widow, married subsequent to the effective date, of a policeman who dies in service, if the marriage occurred less than one year prior to the policeman's death, does not apply to the widow of a policeman who dies in the performance of an act of duty. Provides that, for (i) a wife or widow, married subsequent to the effective date, of a policeman who dies in service, if the marriage occurred less than one year prior to the policeman's death and (ii) a wife or widow of a policeman who withdraws, whether or not he enters upon annuity, and dies out of service, if the marriage occurred after the effective date and less than one year prior to the policeman's death, and the widow was not his wife while he was in service, if after an evidentiary hearing, the Board of Trustees, at its sole discretion determines that special circumstances exist warranting payment of a widow's annuity, then and only then shall the Board have authority to grant and award the annuity that would have been otherwise available. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 06681 AMC 26793 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 5-146 as follows:

6 (40 ILCS 5/5-146) (from Ch. 108 1/2, par. 5-146)

7 Sec. 5-146. Wives and widows not entitled to annuities. The
8 following wives or widows have no right to annuity from the
9 fund:

10 (a) A wife or widow, married subsequent to the effective
11 date, of a policeman who dies in service, if the marriage
12 occurred less than one year prior to the policeman's death,
13 except with respect to a policeman who dies in the performance
14 of an act of duty, as provided in Section 5-147 in cases where
15 a widow entitled to an annuity remarries after age 60, or when
16 a widow entitled to an annuity remarries prior to attaining age
17 60 and the marriage is terminated, at any time thereafter, by
18 dissolution of marriage, declaration of invalidity of marriage
19 or the death of the husband; if after an evidentiary hearing,
20 however, the Board, at its sole discretion determines that
21 special circumstances exist warranting payment of a widow's
22 annuity, then and only then shall the Board have authority to
23 grant and award the annuity that would have been otherwise

1 available;

2 (b) A wife or widow of a policeman who withdraws, whether
3 or not he enters upon annuity, and dies out of service, if the
4 marriage occurred after the effective date and less than one
5 year prior to the policeman's death, and the widow was not his
6 wife while he was in service; if after an evidentiary hearing,
7 however, the Board, at its sole discretion determines that
8 special circumstances exist warranting payment of a widow's
9 annuity, then and only then shall the Board have authority to
10 grant and award the annuity that would have been otherwise
11 available;

12 (c) A wife or widow of a policeman who (1) has served 10 or
13 more years, (2) dies out of service after he has withdrawn, and
14 (3) has received a refund of the sums to his credit for
15 annuity, and such refund has not been repaid in accordance with
16 the other provisions of this Article;

17 (d) A wife or widow of a policeman who dies out of service
18 after he has withdrawn, and who has not served at least 10
19 years;

20 (e) A former wife of a policeman who has had a judgment of
21 dissolution of marriage from her policeman husband annulled,
22 vacated or set aside by court proceedings subsequent to the
23 policeman's death, unless (1) the proceedings were filed within
24 5 years after the date of dissolution of marriage, and within 1
25 year after the policeman's death, and (2) the board was made a
26 party to the proceedings;

1 (f) A widow of a policeman who died prior to January 1,
2 1922, if she had been denied a pension by the board of trustees
3 of any police pension fund existing in the city by operation of
4 any other law;

5 (g) A widow of a policeman who has been denied a pension or
6 annuity by the board created by this Article and who files a
7 petition for a rehearing, or files a second application for
8 annuity, unless the petition for rehearing or second
9 application is filed within 1 year from the date upon which the
10 annuity was denied by the board; provided, that in the case of
11 legal disability, the year of limitation shall begin on the day
12 after the termination of such disability.

13 (Source: P.A. 86-272.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.31 as follows:

16 (30 ILCS 805/8.31 new)

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.