

# HB4870



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4870**

Introduced 1/15/2010, by Rep. Deborah Mell

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-121.1 new  
30 ILCS 805/8.34 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.

LRB096 16365 AMC 31629 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 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, 2010, 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

1 be deemed the equivalent of termination of the marriage.  
2 References in this Article and other applicable Articles of  
3 this Code to a surviving spouse shall be deemed to include a  
4 surviving designated domestic partner.

5 (c) "Domestic partner" means an individual of the same or  
6 opposite gender as an unmarried teacher who (1) is involved  
7 with the teacher in a long-term relationship of indefinite  
8 duration; (2) has resided together with the teacher at the same  
9 address for at least 12 months; (3) is not related to the  
10 teacher by blood to a degree of closeness that would prohibit  
11 legal marriage in the state in which they legally reside; (4)  
12 is not married to any other person; and (5) has an exclusive  
13 mutual commitment to the teacher in which they agree to be  
14 jointly responsible for each other's common welfare and to  
15 share financial obligations.

16 Section 90. The State Mandates Act is amended by adding  
17 Section 8.34 as follows:

18 (30 ILCS 805/8.34 new)

19 Sec. 8.34. 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 96th General Assembly.

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