

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 Sections 2-108.1, 2-119, 2-119.01, 2-119.1, 2-121.1, 18-124,
6 18-125, 18-125.1, and 18-128.01 as follows:

7 (40 ILCS 5/2-108.1) (from Ch. 108 1/2, par. 2-108.1)

8 Sec. 2-108.1. Highest salary for annuity purposes.

9 (a) "Highest salary for annuity purposes" means whichever
10 of the following is applicable to the participant:

11 For a participant who first becomes a participant of this
12 System before August 10, 2009 (the effective date of Public Act
13 96-207) ~~this amendatory Act of the 96th General Assembly:~~

14 (1) For a participant who is a member of the General
15 Assembly on his or her last day of service: the highest
16 salary that is prescribed by law, on the participant's last
17 day of service, for a member of the General Assembly who is
18 not an officer; plus, if the participant was elected or
19 appointed to serve as an officer of the General Assembly
20 for 2 or more years and has made contributions as required
21 under subsection (d) of Section 2-126, the highest
22 additional amount of compensation prescribed by law, at the
23 time of the participant's service as an officer, for

1 members of the General Assembly who serve in that office.

2 (2) For a participant who holds one of the State
3 executive offices specified in Section 2-105 on his or her
4 last day of service: the highest salary prescribed by law
5 for service in that office on the participant's last day of
6 service.

7 (3) For a participant who is Clerk or Assistant Clerk
8 of the House of Representatives or Secretary or Assistant
9 Secretary of the Senate on his or her last day of service:
10 the salary received for service in that capacity on the
11 last day of service, but not to exceed the highest salary
12 (including additional compensation for service as an
13 officer) that is prescribed by law on the participant's
14 last day of service for the highest paid officer of the
15 General Assembly.

16 (4) For a participant who is a continuing participant
17 under Section 2-117.1 on his or her last day of service:
18 the salary received for service in that capacity on the
19 last day of service, but not to exceed the highest salary
20 (including additional compensation for service as an
21 officer) that is prescribed by law on the participant's
22 last day of service for the highest paid officer of the
23 General Assembly.

24 For a participant who first becomes a participant of this
25 System on or after August 10, 2009 (the effective date of
26 Public Act 96-207) and before July 1, 2010 ~~this amendatory Act~~

1 ~~of the 96th General Assembly~~, the average monthly salary
2 obtained by dividing the total salary of the participant during
3 the period of: (1) the 48 consecutive months of service within
4 the last 120 months of service in which the total compensation
5 was the highest, or (2) the total period of service, if less
6 than 48 months, by the number of months of service in that
7 period.

8 For a participant who first becomes a participant of this
9 System on or after July 1, 2010, the average monthly salary
10 obtained by dividing the total salary of the participant during
11 the 96 consecutive months of service within the last 120 months
12 of service in which the total compensation was the highest by
13 the number of months of service in that period; however, the
14 highest salary for annuity purposes may not exceed the Social
15 Security Covered Wage Base for 2010, and shall automatically be
16 increased or decreased, as applicable, by a percentage equal to
17 the percentage change in the consumer price index-u during the
18 preceding 12-month calendar year. "Consumer price index-u"
19 means the index published by the Bureau of Labor Statistics of
20 the United States Department of Labor that measures the average
21 change in prices of goods and services purchased by all urban
22 consumers, United States city average, all items, 1982-84 =
23 100. The new amount resulting from each annual adjustment shall
24 be determined by the Public Pension Division of the Department
25 of Insurance and made available to the Board.

26 (b) The earnings limitations of subsection (a) apply to

1 earnings under any other participating system under the
2 Retirement Systems Reciprocal Act that are considered in
3 calculating a proportional annuity under this Article, except
4 in the case of a person who first became a member of this
5 System before August 22, 1994.

6 (c) In calculating the subsection (a) earnings limitation
7 to be applied to earnings under any other participating system
8 under the Retirement Systems Reciprocal Act for the purpose of
9 calculating a proportional annuity under this Article, the
10 participant's last day of service shall be deemed to mean the
11 last day of service in any participating system from which the
12 person has applied for a proportional annuity under the
13 Retirement Systems Reciprocal Act.

14 (Source: P.A. 96-207, eff. 8-10-09.)

15 (40 ILCS 5/2-119) (from Ch. 108 1/2, par. 2-119)

16 Sec. 2-119. Retirement annuity - conditions for
17 eligibility.

18 (a) A participant whose service as a member is terminated,
19 regardless of age or cause, is entitled to a retirement annuity
20 beginning on the date specified by the participant in a written
21 application subject to the following conditions:

22 1. The date the annuity begins does not precede the
23 date of final termination of service, or is not more than
24 30 days before the receipt of the application by the board
25 in the case of annuities based on disability or one year

1 before the receipt of the application in the case of
2 annuities based on attained age;

3 2. The participant meets one of the following
4 eligibility requirements:

5 For a participant who first becomes a participant of
6 this System before July 1, 2010:

7 (A) He or she has attained age 55 and has at least
8 8 years of service credit;

9 (B) He or she has attained age 62 and terminated
10 service after July 1, 1971 with at least 4 years of
11 service credit; or

12 (C) He or she has completed 8 years of service and
13 has become permanently disabled and as a consequence,
14 is unable to perform the duties of his or her office.

15 For a participant who first becomes a participant of
16 this System on or after July 1, 2010, he or she has
17 attained age 67 and has at least 8 years of service credit.

18 (a-5) A participant who first becomes a participant of this
19 System on or after July 1, 2010 who has attained age 62 and has
20 at least 8 years of service credit may elect to receive the
21 lower retirement annuity provided in paragraph (c) of Section
22 2-119.01 of this Code.

23 (b) A participant shall be considered permanently disabled
24 only if: (1) disability occurs while in service and is of such
25 a nature as to prevent him or her from reasonably performing
26 the duties of his or her office at the time; and (2) the board

1 has received a written certificate by at least 2 licensed
2 physicians appointed by the board stating that the member is
3 disabled and that the disability is likely to be permanent.

4 (Source: P.A. 83-1440.)

5 (40 ILCS 5/2-119.01) (from Ch. 108 1/2, par. 2-119.01)

6 Sec. 2-119.01. Retirement annuities - Amount.

7 (a) For a participant in service after June 30, 1977 who
8 has not made contributions to this System after January 1,
9 1982, the annual retirement annuity is 3% for each of the first
10 8 years of service, plus 4% for each of the next 4 years of
11 service, plus 5% for each year of service in excess of 12
12 years, based on the participant's highest salary for annuity
13 purposes. The maximum retirement annuity payable shall be 80%
14 of the participant's highest salary for annuity purposes.

15 (b) For a participant in service after June 30, 1977 who
16 has made contributions to this System on or after January 1,
17 1982, the annual retirement annuity is 3% for each of the first
18 4 years of service, plus 3 1/2% for each of the next 2 years of
19 service, plus 4% for each of the next 2 years of service, plus
20 4 1/2% for each of the next 4 years of service, plus 5% for each
21 year of service in excess of 12 years, of the participant's
22 highest salary for annuity purposes. The maximum retirement
23 annuity payable shall be 85% of the participant's highest
24 salary for annuity purposes.

25 (c) Notwithstanding any other provision of this Article,

1 for a participant who first becomes a participant on or after
2 July 1, 2010, the annual retirement annuity is 3% of the
3 participant's highest salary for annuity purposes for each year
4 of service. The maximum retirement annuity payable shall be 60%
5 of the participant's highest salary for annuity purposes.

6 (d) Notwithstanding any other provision of this Article,
7 for a participant who first becomes a participant on or after
8 July 1, 2010 and who is retiring after attaining age 62 with at
9 least 8 years of service credit, the retirement annuity shall
10 be reduced by one-half of 1% for each month that the member's
11 age is under age 67.

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

13 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

14 Sec. 2-119.1. Automatic increase in retirement annuity.

15 (a) A participant who retires after June 30, 1967, and who
16 has not received an initial increase under this Section before
17 the effective date of this amendatory Act of 1991, shall, in
18 January or July next following the first anniversary of
19 retirement, whichever occurs first, and in the same month of
20 each year thereafter, but in no event prior to age 60, have the
21 amount of the originally granted retirement annuity increased
22 as follows: for each year through 1971, 1 1/2%; for each year
23 from 1972 through 1979, 2%; and for 1980 and each year
24 thereafter, 3%. Annuitants who have received an initial
25 increase under this subsection prior to the effective date of

1 this amendatory Act of 1991 shall continue to receive their
2 annual increases in the same month as the initial increase.

3 (b) Beginning January 1, 1990, for eligible participants
4 who remain in service after attaining 20 years of creditable
5 service, the 3% increases provided under subsection (a) shall
6 begin to accrue on the January 1 next following the date upon
7 which the participant (1) attains age 55, or (2) attains 20
8 years of creditable service, whichever occurs later, and shall
9 continue to accrue while the participant remains in service;
10 such increases shall become payable on January 1 or July 1,
11 whichever occurs first, next following the first anniversary of
12 retirement. For any person who has service credit in the System
13 for the entire period from January 15, 1969 through December
14 31, 1992, regardless of the date of termination of service, the
15 reference to age 55 in clause (1) of this subsection (b) shall
16 be deemed to mean age 50.

17 This subsection (b) does not apply to any person who first
18 becomes a member of the System after the effective date of this
19 amendatory Act of the 93rd General Assembly.

20 (b-5) Notwithstanding any other provision of this Article,
21 a participant who first becomes a participant on or after July
22 1, 2010 shall, in January or July next following the first
23 anniversary of retirement, whichever occurs first, and in the
24 same month of each year thereafter, but in no event prior to
25 age 67, have the amount of the retirement annuity then being
26 paid increased by 3% or the annual change in the Consumer Price

1 Index for All Urban Consumers, whichever is less.

2 (c) The foregoing provisions relating to automatic
3 increases are not applicable to a participant who retires
4 before having made contributions (at the rate prescribed in
5 Section 2-126) for automatic increases for less than the
6 equivalent of one full year. However, in order to be eligible
7 for the automatic increases, such a participant may make
8 arrangements to pay to the system the amount required to bring
9 the total contributions for the automatic increase to the
10 equivalent of one year's contributions based upon his or her
11 last salary.

12 (d) A participant who terminated service prior to July 1,
13 1967, with at least 14 years of service is entitled to an
14 increase in retirement annuity beginning January, 1976, and to
15 additional increases in January of each year thereafter.

16 The initial increase shall be 1 1/2% of the originally
17 granted retirement annuity multiplied by the number of full
18 years that the annuitant was in receipt of such annuity prior
19 to January 1, 1972, plus 2% of the originally granted
20 retirement annuity for each year after that date. The
21 subsequent annual increases shall be at the rate of 2% of the
22 originally granted retirement annuity for each year through
23 1979 and at the rate of 3% for 1980 and thereafter.

24 (e) Beginning January 1, 1990, all automatic annual
25 increases payable under this Section shall be calculated as a
26 percentage of the total annuity payable at the time of the

1 increase, including previous increases granted under this
2 Article.

3 (Source: P.A. 93-494, eff. 8-8-03.)

4 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

5 Sec. 2-121.1. Survivor's annuity - amount.

6 (a) A surviving spouse shall be entitled to 66 2/3% of the
7 amount of retirement annuity to which the participant or
8 annuitant was entitled on the date of death, without regard to
9 whether the participant had attained age 55 prior to his or her
10 death, subject to a minimum payment of 10% of salary. If a
11 surviving spouse, regardless of age, has in his or her care at
12 the date of death any eligible child or children of the
13 participant, the survivor's annuity shall be the greater of the
14 following: (1) 66 2/3% of the amount of retirement annuity to
15 which the participant or annuitant was entitled on the date of
16 death, or (2) 30% of the participant's salary increased by 10%
17 of salary on account of each such child, subject to a total
18 payment for the surviving spouse and children of 50% of salary.
19 If eligible children survive but there is no surviving spouse,
20 or if the surviving spouse dies or becomes disqualified by
21 remarriage while eligible children survive, each eligible
22 child shall be entitled to an annuity of 20% of salary, subject
23 to a maximum total payment for all such children of 50% of
24 salary.

25 However, the survivor's annuity payable under this Section

1 shall not be less than 100% of the amount of retirement annuity
2 to which the participant or annuitant was entitled on the date
3 of death, if he or she is survived by a dependent disabled
4 child.

5 The salary to be used for determining these benefits shall
6 be the salary used for determining the amount of retirement
7 annuity as provided in Section 2-119.01.

8 (b) Upon the death of a participant after the termination
9 of service or upon death of an annuitant, the maximum total
10 payment to a surviving spouse and eligible children, or to
11 eligible children alone if there is no surviving spouse, shall
12 be 75% of the retirement annuity to which the participant or
13 annuitant was entitled, unless there is a dependent disabled
14 child among the survivors.

15 (c) When a child ceases to be an eligible child, the
16 annuity to that child, or to the surviving spouse on account of
17 that child, shall thereupon cease, and the annuity payable to
18 the surviving spouse or other eligible children shall be
19 recalculated if necessary.

20 Upon the ineligibility of the last eligible child, the
21 annuity shall immediately revert to the amount payable upon
22 death of a participant or annuitant who leaves no eligible
23 children. If the surviving spouse is then under age 50, the
24 annuity as revised shall be deferred until the attainment of
25 age 50.

26 (d) Beginning January 1, 1990, every survivor's annuity

1 shall be increased (1) on each January 1 occurring on or after
2 the commencement of the annuity if the deceased member died
3 while receiving a retirement annuity, or (2) in other cases, on
4 each January 1 occurring on or after the first anniversary of
5 the commencement of the annuity, by an amount equal to 3% of
6 the current amount of the annuity, including any previous
7 increases under this Article. Such increases shall apply
8 without regard to whether the deceased member was in service on
9 or after the effective date of this amendatory Act of 1991, but
10 shall not accrue for any period prior to January 1, 1990.

11 (d-5) Notwithstanding any other provision of this Article,
12 the initial survivor's annuity of a survivor of a participant
13 who first becomes a participant on or after July 1, 2010 shall
14 be in the amount of 66 2/3% of the amount of the retirement
15 annuity to which the participant or annuitant was entitled on
16 the date of death and shall be increased (1) on each January 1
17 occurring on or after the commencement of the annuity if the
18 deceased member died while receiving a retirement annuity or
19 (2) in other cases, on each January 1 occurring on or after the
20 first anniversary of the commencement of the annuity, by an
21 amount equal to 3% or the annual change in the Consumer Price
22 Index for All Urban Consumers, whichever is less, of the
23 survivor's annuity then being paid.

24 (e) Notwithstanding any other provision of this Article,
25 beginning January 1, 1990, the minimum survivor's annuity
26 payable to any person who is entitled to receive a survivor's

1 annuity under this Article shall be \$300 per month, without
2 regard to whether or not the deceased participant was in
3 service on the effective date of this amendatory Act of 1989.

4 (f) In the case of a proportional survivor's annuity
5 arising under the Retirement Systems Reciprocal Act where the
6 amount payable by the System on January 1, 1993 is less than
7 \$300 per month, the amount payable by the System shall be
8 increased beginning on that date by a monthly amount equal to
9 \$2 for each full year that has expired since the annuity began.
10 (Source: P.A. 91-887, eff. 7-6-00.)

11 (40 ILCS 5/18-124) (from Ch. 108 1/2, par. 18-124)
12 Sec. 18-124. Retirement annuities - conditions for
13 eligibility.

14 (a) This subsection (a) applies to a participant who first
15 serves as a judge before July 1, 2010.

16 A participant whose employment as a judge is terminated,
17 regardless of age or cause is entitled to a retirement annuity
18 beginning on the date specified in a written application
19 subject to the following:

20 (1) the date the annuity begins is subsequent to the
21 date of final termination of employment, or the date 30
22 days prior to the receipt of the application by the board
23 for annuities based on disability, or one year before the
24 receipt of the application by the board for annuities based
25 on attained age;

1 (2) the participant is at least age 55, or has become
2 permanently disabled and as a consequence is unable to
3 perform the duties of his or her office;

4 (3) the participant has at least 10 years of service
5 credit except that a participant terminating service after
6 June 30 1975, with at least 6 years of service credit,
7 shall be entitled to a retirement annuity at age 62 or
8 over;

9 (4) the participant is not receiving or entitled to
10 receive, at the date of retirement, any salary from an
11 employer for service currently performed.

12 (b) This subsection (b) applies to a participant who first
13 serves as a judge on or after July 1, 2010.

14 A participant who has at least 8 years of creditable
15 service is entitled to a retirement annuity when he or she has
16 attained age 67.

17 A member who has attained age 62 and has at least 8 years
18 of service credit may elect to receive the lower retirement
19 annuity provided in subsection (d) of Section 18-125 of this
20 Code.

21 (Source: P.A. 83-1440.)

22 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)
23 Sec. 18-125. Retirement annuity amount.

24 (a) The annual retirement annuity for a participant who
25 terminated service as a judge prior to July 1, 1971 shall be

1 based on the law in effect at the time of termination of
2 service.

3 (b) Except as provided in subsection (b-5), effective
4 ~~Effective~~ July 1, 1971, the retirement annuity for any
5 participant in service on or after such date shall be 3 1/2% of
6 final average salary, as defined in this Section, for each of
7 the first 10 years of service, and 5% of such final average
8 salary for each year of service on excess of 10.

9 For purposes of this Section, final average salary for a
10 participant who first serves as a judge before August 10, 2009
11 (the effective date of Public Act 96-207) ~~this amendatory Act~~
12 ~~of the 96th General Assembly~~ shall be:

13 (1) the average salary for the last 4 years of credited
14 service as a judge for a participant who terminates service
15 before July 1, 1975.

16 (2) for a participant who terminates service after June
17 30, 1975 and before July 1, 1982, the salary on the last
18 day of employment as a judge.

19 (3) for any participant who terminates service after
20 June 30, 1982 and before January 1, 1990, the average
21 salary for the final year of service as a judge.

22 (4) for a participant who terminates service on or
23 after January 1, 1990 but before the effective date of this
24 amendatory Act of 1995, the salary on the last day of
25 employment as a judge.

26 (5) for a participant who terminates service on or

1 after the effective date of this amendatory Act of 1995,
2 the salary on the last day of employment as a judge, or the
3 highest salary received by the participant for employment
4 as a judge in a position held by the participant for at
5 least 4 consecutive years, whichever is greater.

6 However, in the case of a participant who elects to
7 discontinue contributions as provided in subdivision (a) (2) of
8 Section 18-133, the time of such election shall be considered
9 the last day of employment in the determination of final
10 average salary under this subsection.

11 For a participant who first serves as a judge on or after
12 August 10, 2009 (the effective date of Public Act 96-207) and
13 before July 1, 2010 ~~this amendatory Act of the 96th General~~
14 ~~Assembly,~~ final average salary shall be the average monthly
15 salary obtained by dividing the total salary of the participant
16 during the period of: (1) the 48 consecutive months of service
17 within the last 120 months of service in which the total
18 compensation was the highest, or (2) the total period of
19 service, if less than 48 months, by the number of months of
20 service in that period.

21 The maximum retirement annuity for any participant shall be
22 85% of final average salary.

23 (b-5) Notwithstanding any other provision of this Article,
24 for a participant who first serves as a judge on or after July
25 1, 2010, the annual retirement annuity is 3% of the
26 participant's final average salary for each year of service.

1 The maximum retirement annuity payable shall be 60% of the
2 participant's final average salary.

3 For a participant who first serves as a judge on or after
4 July 1, 2010, final average salary shall be the average monthly
5 salary obtained by dividing the total salary of the judge
6 during the 96 consecutive months of service within the last 120
7 months of service in which the total salary was the highest by
8 the number of months of service in that period; however, the
9 final average salary may not exceed the Social Security Covered
10 Wage Base for 2010, and shall automatically be increased or
11 decreased, as applicable, by a percentage equal to the
12 percentage change in the consumer price index-u during the
13 preceding 12-month calendar year. "Consumer price index-u"
14 means the index published by the Bureau of Labor Statistics of
15 the United States Department of Labor that measures the average
16 change in prices of goods and services purchased by all urban
17 consumers, United States city average, all items, 1982-84 =
18 100. The new amount resulting from each annual adjustment shall
19 be determined by the Public Pension Division of the Department
20 of Insurance and made available to the Board.

21 (c) The retirement annuity for a participant who retires
22 prior to age 60 with less than 28 years of service in the
23 System shall be reduced 1/2 of 1% for each month that the
24 participant's age is under 60 years at the time the annuity
25 commences. However, for a participant who retires on or after
26 the effective date of this amendatory Act of the 91st General

1 Assembly, the percentage reduction in retirement annuity
2 imposed under this subsection shall be reduced by 5/12 of 1%
3 for every month of service in this System in excess of 20
4 years, and therefore a participant with at least 26 years of
5 service in this System may retire at age 55 without any
6 reduction in annuity.

7 The reduction in retirement annuity imposed by this
8 subsection shall not apply in the case of retirement on account
9 of disability.

10 (d) Notwithstanding any other provision of this Article,
11 for a participant who first serves as a judge on or after July
12 1, 2010 and who is retiring after attaining age 62, the
13 retirement annuity shall be reduced by 1/2 of 1% for each month
14 that the participant's age is under age 67 at the time the
15 annuity commences.

16 (Source: P.A. 96-207, eff. 8-10-09; revised 10-30-09.)

17 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

18 Sec. 18-125.1. Automatic increase in retirement annuity. A
19 participant who retires from service after June 30, 1969,
20 shall, in January of the year next following the year in which
21 the first anniversary of retirement occurs, and in January of
22 each year thereafter, have the amount of his or her originally
23 granted retirement annuity increased as follows: for each year
24 up to and including 1971, 1 1/2%; for each year from 1972
25 through 1979 inclusive, 2%; and for 1980 and each year

1 thereafter, 3%.

2 Notwithstanding any other provision of this Article, a
3 retirement annuity for a participant who first serves as a
4 judge on or after July 1, 2010 shall be increased in January of
5 the year next following the year in which the first anniversary
6 of retirement occurs, and in January of each year thereafter,
7 by an amount equal to 3% or the annual change in the Consumer
8 Price Index for All Urban Consumers, whichever is less, of the
9 retirement annuity then being paid.

10 This Section is not applicable to a participant who retires
11 before he or she has made contributions at the rate prescribed
12 in Section 18-133 for automatic increases for not less than the
13 equivalent of one full year, unless such a participant arranges
14 to pay the system the amount required to bring the total
15 contributions for the automatic increase to the equivalent of
16 one year's contribution based upon his or her last year's
17 salary.

18 This Section is applicable to all participants in service
19 after June 30, 1969 unless a participant has elected, prior to
20 September 1, 1969, in a written direction filed with the board
21 not to be subject to the provisions of this Section. Any
22 participant in service on or after July 1, 1992 shall have the
23 option of electing prior to April 1, 1993, in a written
24 direction filed with the board, to be covered by the provisions
25 of the 1969 amendatory Act. Such participant shall be required
26 to make the aforesaid additional contributions with compound

1 interest at 4% per annum.

2 Any participant who has become eligible to receive the
3 maximum rate of annuity and who resumes service as a judge
4 after receiving a retirement annuity under this Article shall
5 have the amount of his or her retirement annuity increased by
6 3% of the originally granted annuity amount for each year of
7 such resumed service, beginning in January of the year next
8 following the date of such resumed service, upon subsequent
9 termination of such resumed service.

10 Beginning January 1, 1990, all automatic annual increases
11 payable under this Section shall be calculated as a percentage
12 of the total annuity payable at the time of the increase,
13 including previous increases granted under this Article.

14 (Source: P.A. 86-273; 87-1265.)

15 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)
16 Sec. 18-128.01. Amount of survivor's annuity.

17 (a) Upon the death of an annuitant, his or her surviving
18 spouse shall be entitled to a survivor's annuity of 66 2/3% of
19 the annuity the annuitant was receiving immediately prior to
20 his or her death, inclusive of annual increases in the
21 retirement annuity to the date of death.

22 (b) Upon the death of an active participant, his or her
23 surviving spouse shall receive a survivor's annuity of 66 2/3%
24 of the annuity earned by the participant as of the date of his
25 or her death, determined without regard to whether the

1 participant had attained age 60 as of that time, or 7 1/2% of
2 the last salary of the decedent, whichever is greater.

3 (c) Upon the death of a participant who had terminated
4 service with at least 10 years of service, his or her surviving
5 spouse shall be entitled to a survivor's annuity of 66 2/3% of
6 the annuity earned by the deceased participant at the date of
7 death.

8 (d) Upon the death of an annuitant, active participant, or
9 participant who had terminated service with at least 10 years
10 of service, each surviving child under the age of 18 or
11 disabled as defined in Section 18-128 shall be entitled to a
12 child's annuity in an amount equal to 5% of the decedent's
13 final salary, not to exceed in total for all such children the
14 greater of 20% of the decedent's last salary or 66 2/3% of the
15 annuity received or earned by the decedent as provided under
16 subsections (a) and (b) of this Section. This child's annuity
17 shall be paid whether or not a survivor's annuity was elected
18 under Section 18-123.

19 (e) The changes made in the survivor's annuity provisions
20 by Public Act 82-306 shall apply to the survivors of a deceased
21 participant or annuitant whose death occurs on or after August
22 21, 1981.

23 (f) Beginning January 1, 1990, every survivor's annuity
24 shall be increased (1) on each January 1 occurring on or after
25 the commencement of the annuity if the deceased member died
26 while receiving a retirement annuity, or (2) in other cases, on

1 each January 1 occurring on or after the first anniversary of
2 the commencement of the annuity, by an amount equal to 3% of
3 the current amount of the annuity, including any previous
4 increases under this Article. Such increases shall apply
5 without regard to whether the deceased member was in service on
6 or after the effective date of this amendatory Act of 1991, but
7 shall not accrue for any period prior to January 1, 1990.

8 (g) Notwithstanding any other provision of this Article,
9 the initial survivor's annuity for a survivor of a participant
10 who first serves as a judge after July 1, 2010 shall be in the
11 amount of 66 2/3% of the annuity received or earned by the
12 decedent as provided under subsections (a) or (b) of this
13 Section, and shall be increased (1) on each January 1 occurring
14 on or after the commencement of the annuity if the deceased
15 participant died while receiving a retirement annuity, or (2)
16 in other cases, on each January 1 occurring on or after the
17 first anniversary of the commencement of the annuity, by an
18 amount equal to 3% or the annual change in the Consumer Price
19 Index for All Urban Consumers, whichever is less, of the
20 survivor's annuity then being paid.

21 (Source: P.A. 86-273; 86-1488.)

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