



Rep. Kevin A. McCarthy

Filed: 3/15/2010

09600HB6368ham001

LRB096 20985 AMC 39014 a

1 AMENDMENT TO HOUSE BILL 6368

2 AMENDMENT NO. _____. Amend House Bill 6368 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 2-108.1, 2-119, 2-119.01, 2-119.1, 2-121.1,
6 18-124, 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

1 day of service, for a member of the General Assembly who is
2 not an officer; plus, if the participant was elected or
3 appointed to serve as an officer of the General Assembly
4 for 2 or more years and has made contributions as required
5 under subsection (d) of Section 2-126, the highest
6 additional amount of compensation prescribed by law, at the
7 time of the participant's service as an officer, for
8 members of the General Assembly who serve in that office.

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

14 (3) For a participant who is Clerk or Assistant Clerk
15 of the House of Representatives or Secretary or Assistant
16 Secretary of the Senate on his or her last day of service:
17 the salary received for service in that capacity on the
18 last day of service, but not to exceed the highest salary
19 (including additional compensation for service as an
20 officer) that is prescribed by law on the participant's
21 last day of service for the highest paid officer of the
22 General Assembly.

23 (4) For a participant who is a continuing participant
24 under Section 2-117.1 on his or her last day of service:
25 the salary received for service in that capacity on the
26 last day of service, but not to exceed the highest salary

1 (including additional compensation for service as an
2 officer) that is prescribed by law on the participant's
3 last day of service for the highest paid officer of the
4 General Assembly.

5 For a participant who first becomes a participant of this
6 System on or after August 10, 2009 (the effective date of
7 Public Act 96-207) and before July 1, 2010 ~~this amendatory Act~~
8 ~~of the 96th General Assembly~~, the average monthly salary
9 obtained by dividing the total salary of the participant during
10 the period of: (1) the 48 consecutive months of service within
11 the last 120 months of service in which the total compensation
12 was the highest, or (2) the total period of service, if less
13 than 48 months, by the number of months of service in that
14 period.

15 For a participant who first becomes a participant of this
16 System on or after July 1, 2010, the average monthly salary
17 obtained by dividing the total salary of the participant during
18 the 96 consecutive months of service within the last 120 months
19 of service in which the total compensation was the highest by
20 the number of months of service in that period; however, the
21 highest salary for annuity purposes may not exceed the Social
22 Security Covered Wage Base for 2010, and shall automatically be
23 increased or decreased, as applicable, by a percentage equal to
24 the percentage change in the consumer price index-u during the
25 preceding 12-month calendar year. "Consumer price index-u"
26 means the index published by the Bureau of Labor Statistics of

1 the United States Department of Labor that measures the average
2 change in prices of goods and services purchased by all urban
3 consumers, United States city average, all items, 1982-84 =
4 100. The new amount resulting from each annual adjustment shall
5 be determined by the Public Pension Division of the Department
6 of Insurance and made available to the Board.

7 (b) The earnings limitations of subsection (a) apply to
8 earnings under any other participating system under the
9 Retirement Systems Reciprocal Act that are considered in
10 calculating a proportional annuity under this Article, except
11 in the case of a person who first became a member of this
12 System before August 22, 1994.

13 (c) In calculating the subsection (a) earnings limitation
14 to be applied to earnings under any other participating system
15 under the Retirement Systems Reciprocal Act for the purpose of
16 calculating a proportional annuity under this Article, the
17 participant's last day of service shall be deemed to mean the
18 last day of service in any participating system from which the
19 person has applied for a proportional annuity under the
20 Retirement Systems Reciprocal Act.

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

22 (40 ILCS 5/2-119) (from Ch. 108 1/2, par. 2-119)

23 Sec. 2-119. Retirement annuity - conditions for
24 eligibility.

25 (a) A participant whose service as a member is terminated,

1 regardless of age or cause, is entitled to a retirement annuity
2 beginning on the date specified by the participant in a written
3 application subject to the following conditions:

4 1. The date the annuity begins does not precede the
5 date of final termination of service, or is not more than
6 30 days before the receipt of the application by the board
7 in the case of annuities based on disability or one year
8 before the receipt of the application in the case of
9 annuities based on attained age;

10 2. The participant meets one of the following
11 eligibility requirements:

12 For a participant who first becomes a participant of
13 this System before July 1, 2010:

14 (A) He or she has attained age 55 and has at least
15 8 years of service credit;

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

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

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

25 (a-5) A participant who first becomes a participant of this
26 System on or after July 1, 2010 who has attained age 62 and has

1 at least 8 years of service credit may elect to receive the
2 lower retirement annuity provided in paragraph (c) of Section
3 2-119.01 of this Code.

4 (b) A participant shall be considered permanently disabled
5 only if: (1) disability occurs while in service and is of such
6 a nature as to prevent him or her from reasonably performing
7 the duties of his or her office at the time; and (2) the board
8 has received a written certificate by at least 2 licensed
9 physicians appointed by the board stating that the member is
10 disabled and that the disability is likely to be permanent.

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

12 (40 ILCS 5/2-119.01) (from Ch. 108 1/2, par. 2-119.01)

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

14 (a) For a participant in service after June 30, 1977 who
15 has not made contributions to this System after January 1,
16 1982, the annual retirement annuity is 3% for each of the first
17 8 years of service, plus 4% for each of the next 4 years of
18 service, plus 5% for each year of service in excess of 12
19 years, based on the participant's highest salary for annuity
20 purposes. The maximum retirement annuity payable shall be 80%
21 of the participant's highest salary for annuity purposes.

22 (b) For a participant in service after June 30, 1977 who
23 has made contributions to this System on or after January 1,
24 1982, the annual retirement annuity is 3% for each of the first
25 4 years of service, plus 3 1/2% for each of the next 2 years of

1 service, plus 4% for each of the next 2 years of service, plus
2 4 1/2% for each of the next 4 years of service, plus 5% for each
3 year of service in excess of 12 years, of the participant's
4 highest salary for annuity purposes. The maximum retirement
5 annuity payable shall be 85% of the participant's highest
6 salary for annuity purposes.

7 (c) Notwithstanding any other provision of this Article,
8 for a participant who first becomes a participant on or after
9 July 1, 2010, the annual retirement annuity is 3% of the
10 participant's highest salary for annuity purposes for each year
11 of service. The maximum retirement annuity payable shall be 60%
12 of the participant's highest salary for annuity purposes.

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

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

20 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

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

22 (a) A participant who retires after June 30, 1967, and who
23 has not received an initial increase under this Section before
24 the effective date of this amendatory Act of 1991, shall, in
25 January or July next following the first anniversary of

1 retirement, whichever occurs first, and in the same month of
2 each year thereafter, but in no event prior to age 60, have the
3 amount of the originally granted retirement annuity increased
4 as follows: for each year through 1971, 1 1/2%; for each year
5 from 1972 through 1979, 2%; and for 1980 and each year
6 thereafter, 3%. Annuitants who have received an initial
7 increase under this subsection prior to the effective date of
8 this amendatory Act of 1991 shall continue to receive their
9 annual increases in the same month as the initial increase.

10 (b) Beginning January 1, 1990, for eligible participants
11 who remain in service after attaining 20 years of creditable
12 service, the 3% increases provided under subsection (a) shall
13 begin to accrue on the January 1 next following the date upon
14 which the participant (1) attains age 55, or (2) attains 20
15 years of creditable service, whichever occurs later, and shall
16 continue to accrue while the participant remains in service;
17 such increases shall become payable on January 1 or July 1,
18 whichever occurs first, next following the first anniversary of
19 retirement. For any person who has service credit in the System
20 for the entire period from January 15, 1969 through December
21 31, 1992, regardless of the date of termination of service, the
22 reference to age 55 in clause (1) of this subsection (b) shall
23 be deemed to mean age 50.

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

1 (b-5) Notwithstanding any other provision of this Article,
2 a participant who first becomes a participant on or after July
3 1, 2010 shall, in January or July next following the first
4 anniversary of retirement, whichever occurs first, and in the
5 same month of each year thereafter, but in no event prior to
6 age 67, have the amount of the retirement annuity then being
7 paid increased by 3% or the annual change in the Consumer Price
8 Index for All Urban Consumers, whichever is less.

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

19 (d) A participant who terminated service prior to July 1,
20 1967, with at least 14 years of service is entitled to an
21 increase in retirement annuity beginning January, 1976, and to
22 additional increases in January of each year thereafter.

23 The initial increase shall be 1 1/2% of the originally
24 granted retirement annuity multiplied by the number of full
25 years that the annuitant was in receipt of such annuity prior
26 to January 1, 1972, plus 2% of the originally granted

1 retirement annuity for each year after that date. The
2 subsequent annual increases shall be at the rate of 2% of the
3 originally granted retirement annuity for each year through
4 1979 and at the rate of 3% for 1980 and thereafter.

5 (e) Beginning January 1, 1990, all automatic annual
6 increases payable under this Section shall be calculated as a
7 percentage of the total annuity payable at the time of the
8 increase, including previous increases granted under this
9 Article.

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

11 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

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

13 (a) A surviving spouse shall be entitled to 66 2/3% of the
14 amount of retirement annuity to which the participant or
15 annuitant was entitled on the date of death, without regard to
16 whether the participant had attained age 55 prior to his or her
17 death, subject to a minimum payment of 10% of salary. If a
18 surviving spouse, regardless of age, has in his or her care at
19 the date of death any eligible child or children of the
20 participant, the survivor's annuity shall be the greater of the
21 following: (1) 66 2/3% of the amount of retirement annuity to
22 which the participant or annuitant was entitled on the date of
23 death, or (2) 30% of the participant's salary increased by 10%
24 of salary on account of each such child, subject to a total
25 payment for the surviving spouse and children of 50% of salary.

1 If eligible children survive but there is no surviving spouse,
2 or if the surviving spouse dies or becomes disqualified by
3 remarriage while eligible children survive, each eligible
4 child shall be entitled to an annuity of 20% of salary, subject
5 to a maximum total payment for all such children of 50% of
6 salary.

7 However, the survivor's annuity payable under this Section
8 shall not be less than 100% of the amount of retirement annuity
9 to which the participant or annuitant was entitled on the date
10 of death, if he or she is survived by a dependent disabled
11 child.

12 The salary to be used for determining these benefits shall
13 be the salary used for determining the amount of retirement
14 annuity as provided in Section 2-119.01.

15 (b) Upon the death of a participant after the termination
16 of service or upon death of an annuitant, the maximum total
17 payment to a surviving spouse and eligible children, or to
18 eligible children alone if there is no surviving spouse, shall
19 be 75% of the retirement annuity to which the participant or
20 annuitant was entitled, unless there is a dependent disabled
21 child among the survivors.

22 (c) When a child ceases to be an eligible child, the
23 annuity to that child, or to the surviving spouse on account of
24 that child, shall thereupon cease, and the annuity payable to
25 the surviving spouse or other eligible children shall be
26 recalculated if necessary.

1 Upon the ineligibility of the last eligible child, the
2 annuity shall immediately revert to the amount payable upon
3 death of a participant or annuitant who leaves no eligible
4 children. If the surviving spouse is then under age 50, the
5 annuity as revised shall be deferred until the attainment of
6 age 50.

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

18 (e) Notwithstanding any other provision of this Article,
19 the initial survivor's annuity of a survivor of a participant
20 who first becomes a participant on or after July 1, 2010 shall
21 be in the amount of 66 2/3% of the amount of the retirement
22 annuity to which the participant or annuitant was entitled on
23 the date of death and shall be increased (1) on each January 1
24 occurring on or after the commencement of the annuity if the
25 deceased member died while receiving a retirement annuity or
26 (2) in other cases, on each January 1 occurring on or after the

1 first anniversary of the commencement of the annuity, by an
2 amount equal to 3% or the annual change in the Consumer Price
3 Index for All Urban Consumers, whichever is less, of the
4 survivor's annuity then being paid.

5 (e) Notwithstanding any other provision of this Article,
6 beginning January 1, 1990, the minimum survivor's annuity
7 payable to any person who is entitled to receive a survivor's
8 annuity under this Article shall be \$300 per month, without
9 regard to whether or not the deceased participant was in
10 service on the effective date of this amendatory Act of 1989.

11 (f) In the case of a proportional survivor's annuity
12 arising under the Retirement Systems Reciprocal Act where the
13 amount payable by the System on January 1, 1993 is less than
14 \$300 per month, the amount payable by the System shall be
15 increased beginning on that date by a monthly amount equal to
16 \$2 for each full year that has expired since the annuity began.

17 (Source: P.A. 91-887, eff. 7-6-00.)

18 (40 ILCS 5/18-124) (from Ch. 108 1/2, par. 18-124)

19 Sec. 18-124. Retirement annuities - conditions for
20 eligibility.

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

23 A participant whose employment as a judge is terminated,
24 regardless of age or cause is entitled to a retirement annuity
25 beginning on the date specified in a written application

1 subject to the following:

2 (1) the date the annuity begins is subsequent to the
3 date of final termination of employment, or the date 30
4 days prior to the receipt of the application by the board
5 for annuities based on disability, or one year before the
6 receipt of the application by the board for annuities based
7 on attained age;

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

11 (3) the participant has at least 10 years of service
12 credit except that a participant terminating service after
13 June 30 1975, with at least 6 years of service credit,
14 shall be entitled to a retirement annuity at age 62 or
15 over;

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

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

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

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

1 Code.

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

3 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

4 Sec. 18-125. Retirement annuity amount.

5 (a) The annual retirement annuity for a participant who
6 terminated service as a judge prior to July 1, 1971 shall be
7 based on the law in effect at the time of termination of
8 service.

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

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

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

22 (2) for a participant who terminates service after June
23 30, 1975 and before July 1, 1982, the salary on the last
24 day of employment as a judge.

25 (3) for any participant who terminates service after

1 June 30, 1982 and before January 1, 1990, the average
2 salary for the final year of service as a judge.

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

7 (5) for a participant who terminates service on or
8 after the effective date of this amendatory Act of 1995,
9 the salary on the last day of employment as a judge, or the
10 highest salary received by the participant for employment
11 as a judge in a position held by the participant for at
12 least 4 consecutive years, whichever is greater.

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

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

1 service in that period.

2 The maximum retirement annuity for any participant shall be
3 85% of final average salary.

4 (b-5) Notwithstanding any other provision of this Article,
5 for a participant who first serves as a judge on or after July
6 1, 2010, the annual retirement annuity is 3% of the
7 participant's final average salary for each year of service.
8 The maximum retirement annuity payable shall be 60% of the
9 participant's final average salary.

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

1 of Insurance and made available to the Board.

2 (c) The retirement annuity for a participant who retires
3 prior to age 60 with less than 28 years of service in the
4 System shall be reduced 1/2 of 1% for each month that the
5 participant's age is under 60 years at the time the annuity
6 commences. However, for a participant who retires on or after
7 the effective date of this amendatory Act of the 91st General
8 Assembly, the percentage reduction in retirement annuity
9 imposed under this subsection shall be reduced by 5/12 of 1%
10 for every month of service in this System in excess of 20
11 years, and therefore a participant with at least 26 years of
12 service in this System may retire at age 55 without any
13 reduction in annuity.

14 The reduction in retirement annuity imposed by this
15 subsection shall not apply in the case of retirement on account
16 of disability.

17 (d) Notwithstanding any other provision of this Article,
18 for a participant who first serves as a judge on or after July
19 1, 2010 and who is retiring after attaining age 62, the
20 retirement annuity shall be reduced by 1/2 of 1% for each month
21 that the participant's age is under age 67 at the time of the
22 annuity commences.

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

24 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

25 Sec. 18-125.1. Automatic increase in retirement annuity. A

1 participant who retires from service after June 30, 1969,
2 shall, in January of the year next following the year in which
3 the first anniversary of retirement occurs, and in January of
4 each year thereafter, have the amount of his or her originally
5 granted retirement annuity increased as follows: for each year
6 up to and including 1971, 1 1/2%; for each year from 1972
7 through 1979 inclusive, 2%; and for 1980 and each year
8 thereafter, 3%.

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

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

25 This Section is applicable to all participants in service
26 after June 30, 1969 unless a participant has elected, prior to

1 September 1, 1969, in a written direction filed with the board
2 not to be subject to the provisions of this Section. Any
3 participant in service on or after July 1, 1992 shall have the
4 option of electing prior to April 1, 1993, in a written
5 direction filed with the board, to be covered by the provisions
6 of the 1969 amendatory Act. Such participant shall be required
7 to make the aforesaid additional contributions with compound
8 interest at 4% per annum.

9 Any participant who has become eligible to receive the
10 maximum rate of annuity and who resumes service as a judge
11 after receiving a retirement annuity under this Article shall
12 have the amount of his or her retirement annuity increased by
13 3% of the originally granted annuity amount for each year of
14 such resumed service, beginning in January of the year next
15 following the date of such resumed service, upon subsequent
16 termination of such resumed service.

17 Beginning January 1, 1990, all automatic annual increases
18 payable under this Section shall be calculated as a percentage
19 of the total annuity payable at the time of the increase,
20 including previous increases granted under this Article.

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

22 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)

23 Sec. 18-128.01. Amount of survivor's annuity.

24 (a) Upon the death of an annuitant, his or her surviving
25 spouse shall be entitled to a survivor's annuity of 66 2/3% of

1 the annuity the annuitant was receiving immediately prior to
2 his or her death, inclusive of annual increases in the
3 retirement annuity to the date of death.

4 (b) Upon the death of an active participant, his or her
5 surviving spouse shall receive a survivor's annuity of 66 2/3%
6 of the annuity earned by the participant as of the date of his
7 or her death, determined without regard to whether the
8 participant had attained age 60 as of that time, or 7 1/2% of
9 the last salary of the decedent, whichever is greater.

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

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

26 (e) The changes made in the survivor's annuity provisions

1 by Public Act 82-306 shall apply to the survivors of a deceased
2 participant or annuitant whose death occurs on or after August
3 21, 1981.

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

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

1 survivor's annuity then being paid.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".