



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB1447

by Rep. Kelly Burke

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/2-108.1	from Ch. 108 1/2, par. 2-108.1
40 ILCS 5/2-119.1	from Ch. 108 1/2, par. 2-119.1
40 ILCS 5/2-121.1	from Ch. 108 1/2, par. 2-121.1
40 ILCS 5/18-125	from Ch. 108 1/2, par. 18-125
40 ILCS 5/18-125.1	from Ch. 108 1/2, par. 18-125.1
40 ILCS 5/18-128.01	from Ch. 108 1/2, par. 18-128.01

Amends the General Assembly and Judges Articles of the Illinois Pension Code. Provides that, for persons who first become participants of either system on or after the effective date of the amendatory Act: (i) the automatic annual increases in participant and survivor annuities shall be at the rate of 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u, whichever is less, of the originally granted retirement annuity (rather than at the rate of 3% or the annual unadjusted percentage increase in the consumer price index-u, whichever is less, of the annuity then being paid) and (ii) the annual increases in highest salary for annuity purposes and final average salary shall be at the rate of the lesser of 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u (rather than at the rate of the lesser of 3% or the annual unadjusted percentage increase in the consumer price index-u).

LRB097 05201 JDS 45250 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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, 2-119.1, 2-121.1, 18-125, 18-125.1, and  
6 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):

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 January 1, 2011 (the effective

1 date of Public Act 96-889), the average monthly salary obtained  
2 by dividing the total salary of the participant during the  
3 period of: (1) the 48 consecutive months of service within the  
4 last 120 months of service in which the total compensation was  
5 the highest, or (2) the total period of service, if less than  
6 48 months, by the number of months of service in that period.

7 For a participant who first becomes a participant of this  
8 System on or after January 1, 2011 (the effective date of  
9 Public Act 96-889), the average monthly salary obtained by  
10 dividing the total salary of the participant during the 96  
11 consecutive months of service within the last 120 months of  
12 service in which the total compensation was the highest by the  
13 number of months of service in that period; however, beginning  
14 January 1, 2011, the highest salary for annuity purposes may  
15 not exceed \$106,800, except that that amount shall annually  
16 thereafter be increased by the lesser of (i) 3% of that amount,  
17 including all previous adjustments, or (ii) the annual  
18 unadjusted percentage increase (but not less than zero) in the  
19 consumer price index-u for the 12 months ending with the  
20 September preceding each November 1.

21 For a participant who first becomes a participant of this  
22 System on or after the effective date of this amendatory Act of  
23 the 97th General Assembly, the average monthly salary obtained  
24 by dividing the total salary of the participant during the 96  
25 consecutive months of service within the last 120 months of  
26 service in which the total compensation was the highest by the

1 number of months of service in that period; however, beginning  
2 on the effective date of this amendatory Act of the 97th  
3 General Assembly, the highest salary for annuity purposes may  
4 not exceed \$106,800, except that that amount shall annually  
5 thereafter be increased by the lesser of (i) 3% of that amount,  
6 including all previous adjustments, or (ii) one-half the annual  
7 unadjusted percentage increase (but not less than zero) in the  
8 consumer price index-u for the 12 months ending with the  
9 September preceding each November 1.

10 "Consumer price index-u" means the index published by the  
11 Bureau of Labor Statistics of the United States Department of  
12 Labor that measures the average change in prices of goods and  
13 services purchased by all urban consumers, United States city  
14 average, all items, 1982-84 = 100. The new amount resulting  
15 from each annual adjustment shall be determined by the Public  
16 Pension Division of the Department of Insurance and made  
17 available to the Board by November 1 of each year.

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

24 (c) In calculating the subsection (a) earnings limitation  
25 to be applied to earnings under any other participating system  
26 under the Retirement Systems Reciprocal Act for the purpose of

1 calculating a proportional annuity under this Article, the  
2 participant's last day of service shall be deemed to mean the  
3 last day of service in any participating system from which the  
4 person has applied for a proportional annuity under the  
5 Retirement Systems Reciprocal Act.

6 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;  
7 96-1490, eff. 1-1-11.)

8 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

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

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

23 (b) Beginning January 1, 1990, for eligible participants  
24 who remain in service after attaining 20 years of creditable  
25 service, the 3% increases provided under subsection (a) shall

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

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

15 (b-5) Notwithstanding any other provision of this Article,  
16 a participant who first becomes a participant on or after  
17 January 1, 2011 (the effective date of Public Act 96-889)  
18 shall, in January or July next following the first anniversary  
19 of retirement, whichever occurs first, and in the same month of  
20 each year thereafter, but in no event prior to age 67, have the  
21 amount of the retirement annuity then being paid increased by  
22 3% or the annual unadjusted percentage increase in the Consumer  
23 Price Index for All Urban Consumers as determined by the Public  
24 Pension Division of the Department of Insurance under  
25 subsection (a) of Section 2-108.1, whichever is less.

26 (b-10) Notwithstanding any other provision of this

1 Article, a participant who first becomes a participant on or  
2 after the effective date of this amendatory Act of the 97th  
3 General Assembly shall, in January or July next following the  
4 first anniversary of retirement, whichever occurs first, and in  
5 the same month of each year thereafter, but in no event prior  
6 to age 67, have the annuity increased by 3% or one-half the  
7 annual unadjusted percentage increase (but not less than zero)  
8 in the Consumer Price Index for All Urban Consumers as  
9 determined by the Public Pension Division of the Department of  
10 Insurance under subsection (a) of Section 2-108.1, whichever is  
11 less, of the originally granted retirement annuity.

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

22 (d) A participant who terminated service prior to July 1,  
23 1967, with at least 14 years of service is entitled to an  
24 increase in retirement annuity beginning January, 1976, and to  
25 additional increases in January of each year thereafter.

26 The initial increase shall be 1 1/2% of the originally



1 granted retirement annuity multiplied by the number of full  
2 years that the annuitant was in receipt of such annuity prior  
3 to January 1, 1972, plus 2% of the originally granted  
4 retirement annuity for each year after that date. The  
5 subsequent annual increases shall be at the rate of 2% of the  
6 originally granted retirement annuity for each year through  
7 1979 and at the rate of 3% for 1980 and thereafter.

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

13 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

14 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

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

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

1 death, or (2) 30% of the participant's salary increased by 10%  
2 of salary on account of each such child, subject to a total  
3 payment for the surviving spouse and children of 50% of salary.  
4 If eligible children survive but there is no surviving spouse,  
5 or if the surviving spouse dies or becomes disqualified by  
6 remarriage while eligible children survive, each eligible  
7 child shall be entitled to an annuity of 20% of salary, subject  
8 to a maximum total payment for all such children of 50% of  
9 salary.

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

15 The salary to be used for determining these benefits shall  
16 be the salary used for determining the amount of retirement  
17 annuity as provided in Section 2-119.01.

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

25 (c) When a child ceases to be an eligible child, the  
26 annuity to that child, or to the surviving spouse on account of

1 that child, shall thereupon cease, and the annuity payable to  
2 the surviving spouse or other eligible children shall be  
3 recalculated if necessary.

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

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

21 (d-5) Notwithstanding any other provision of this Article,  
22 the initial survivor's annuity of a survivor of a participant  
23 who first becomes a participant on or after January 1, 2011  
24 (the effective date of Public Act 96-889) shall be in the  
25 amount of 66 2/3% of the amount of the retirement annuity to  
26 which the participant or annuitant was entitled on the date of

1 death and shall be increased (1) on each January 1 occurring on  
2 or after the commencement of the annuity if the deceased member  
3 died while receiving a retirement annuity or (2) in other  
4 cases, on each January 1 occurring on or after the first  
5 anniversary of the commencement of the annuity, by an amount  
6 equal to 3% or the annual unadjusted percentage increase in the  
7 Consumer Price Index for All Urban Consumers as determined by  
8 the Public Pension Division of the Department of Insurance  
9 under subsection (a) of Section 2-108.1, whichever is less, of  
10 the survivor's annuity then being paid.

11 (d-10) Notwithstanding any other provision of this  
12 Article, the initial survivor's annuity of a survivor of a  
13 participant who first becomes a participant on or after the  
14 effective date of this amendatory Act of the 97th General  
15 Assembly shall be in the amount of 66 2/3% of the amount of the  
16 retirement annuity to which the participant or annuitant was  
17 entitled on the date of death and shall be increased (1) on  
18 each January 1 occurring on or after the commencement of the  
19 annuity if the deceased member died while receiving a  
20 retirement annuity or (2) in other cases, on each January 1  
21 occurring on or after the first anniversary of the commencement  
22 of the annuity, by an amount equal to 3% or one-half the annual  
23 unadjusted percentage increase (but not less than zero) in the  
24 Consumer Price Index for All Urban Consumers as determined by  
25 the Public Pension Division of the Department of Insurance  
26 under subsection (a) of Section 2-108.1, whichever is less, of

1 the originally granted survivor's annuity.

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

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

14 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

15 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

16 Sec. 18-125. Retirement annuity amount.

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

21 (b) Except as provided in subsection (b-5), effective July  
22 1, 1971, the retirement annuity for any participant in service  
23 on or after such date shall be 3 1/2% of final average salary,  
24 as defined in this Section, for each of the first 10 years of  
25 service, and 5% of such final average salary for each year of

1 service on excess of 10.

2 For purposes of this Section, final average salary for a  
3 participant who first serves as a judge before August 10, 2009  
4 (the effective date of Public Act 96-207) shall be:

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

8 (2) for a participant who terminates service after June  
9 30, 1975 and before July 1, 1982, the salary on the last  
10 day of employment as a judge.

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

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

18 (5) for a participant who terminates service on or  
19 after the effective date of this amendatory Act of 1995,  
20 the salary on the last day of employment as a judge, or the  
21 highest salary received by the participant for employment  
22 as a judge in a position held by the participant for at  
23 least 4 consecutive years, whichever is greater.

24 However, in the case of a participant who elects to  
25 discontinue contributions as provided in subdivision (a)(2) of  
26 Section 18-133, the time of such election shall be considered

1 the last day of employment in the determination of final  
2 average salary under this subsection.

3 For a participant who first serves as a judge on or after  
4 August 10, 2009 (the effective date of Public Act 96-207) and  
5 before January 1, 2011 (the effective date of Public Act  
6 96-889), final average salary shall be the average monthly  
7 salary obtained by dividing the total salary of the participant  
8 during the period of: (1) the 48 consecutive months of service  
9 within the last 120 months of service in which the total  
10 compensation was the highest, or (2) the total period of  
11 service, if less than 48 months, by the number of months of  
12 service in that period.

13 The maximum retirement annuity for any participant shall be  
14 85% of final average salary.

15 (b-5) Notwithstanding any other provision of this Article,  
16 for a participant who first serves as a judge on or after  
17 January 1, 2011 (the effective date of Public Act 96-889), the  
18 annual retirement annuity is 3% of the participant's final  
19 average salary for each year of service. The maximum retirement  
20 annuity payable shall be 60% of the participant's final average  
21 salary.

22 For a participant who first serves as a judge on or after  
23 January 1, 2011 (the effective date of Public Act 96-889),  
24 final average salary shall be the average monthly salary  
25 obtained by dividing the total salary of the judge during the  
26 96 consecutive months of service within the last 120 months of

1 service in which the total salary was the highest by the number  
2 of months of service in that period; however, beginning January  
3 1, 2011, the annual salary may not exceed \$106,800, except that  
4 that amount shall annually thereafter be increased by the  
5 lesser of (i) 3% of that amount, including all previous  
6 adjustments, or (ii) the annual unadjusted percentage increase  
7 (but not less than zero) in the consumer price index-u for the  
8 12 months ending with the September preceding each November 1.

9 For a participant who first serves as a judge on or after  
10 the effective date of this amendatory Act of the 97th General  
11 Assembly, 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,  
16 beginning on the effective date of this amendatory Act of the  
17 97th General Assembly, the annual salary may not exceed  
18 \$106,800, except that that amount shall annually thereafter be  
19 increased by the lesser of (i) 3% of that amount, including all  
20 previous adjustments, or (ii) one-half the annual unadjusted  
21 percentage increase (but not less than zero) in the consumer  
22 price index-u for the 12 months ending with the September  
23 preceding each November 1.

24 "Consumer price index-u" means the index published by the  
25 Bureau of Labor Statistics of the United States Department of  
26 Labor that measures the average change in prices of goods and



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

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

18 The reduction in retirement annuity imposed by this  
19 subsection shall not apply in the case of retirement on account  
20 of disability.

21 (d) Notwithstanding any other provision of this Article,  
22 for a participant who first serves as a judge on or after  
23 January 1, 2011 (the effective date of Public Act 96-889) and  
24 who is retiring after attaining age 62, the retirement annuity  
25 shall be reduced by  $1/2$  of 1% for each month that the  
26 participant's age is under age 67 at the time the annuity

1 commences.

2 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;  
3 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

4 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

5 Sec. 18-125.1. Automatic increase in retirement annuity. A  
6 participant who retires from service after June 30, 1969,  
7 shall, in January of the year next following the year in which  
8 the first anniversary of retirement occurs, and in January of  
9 each year thereafter, have the amount of his or her originally  
10 granted retirement annuity increased as follows: for each year  
11 up to and including 1971, 1 1/2%; for each year from 1972  
12 through 1979 inclusive, 2%; and for 1980 and each year  
13 thereafter, 3%.

14 Notwithstanding any other provision of this Article, a  
15 retirement annuity for a participant who first serves as a  
16 judge on or after January 1, 2011 (the effective date of Public  
17 Act 96-889) shall be increased in January of the year next  
18 following the year in which the first anniversary of retirement  
19 occurs, but in no event prior to age 67, and in January of each  
20 year thereafter, by an amount equal to 3% or the annual  
21 percentage increase in the consumer price index-u as determined  
22 by the Public Pension Division of the Department of Insurance  
23 under subsection (b-5) of Section 18-125, whichever is less, of  
24 the retirement annuity then being paid.

25 Notwithstanding any other provision of this Article, a

1 retirement annuity for a participant who first serves as a  
2 judge on or after the effective date of this amendatory Act of  
3 the 97th General Assembly shall be increased in January of the  
4 year next following the year in which the first anniversary of  
5 retirement occurs, but in no event prior to age 67, and in  
6 January of each year thereafter, by an amount equal to 3% or  
7 one-half the annual unadjusted percentage increase (but not  
8 less than zero) in the consumer price index-u as determined by  
9 the Public Pension Division of the Department of Insurance  
10 under subsection (b-5) of Section 18-125, whichever is less, of  
11 the originally granted retirement annuity.

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

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

1 of the 1969 amendatory Act. Such participant shall be required  
2 to make the aforesaid additional contributions with compound  
3 interest at 4% per annum.

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

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

16 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

17 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)

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

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

24 (b) Upon the death of an active participant, his or her  
25 surviving spouse shall receive a survivor's annuity of 66 2/3%

1 of the annuity earned by the participant as of the date of his  
2 or her death, determined without regard to whether the  
3 participant had attained age 60 as of that time, or 7 1/2% of  
4 the last salary of the decedent, whichever is greater.

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

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

21 (e) The changes made in the survivor's annuity provisions  
22 by Public Act 82-306 shall apply to the survivors of a deceased  
23 participant or annuitant whose death occurs on or after August  
24 21, 1981.

25 (f) Beginning January 1, 1990, every survivor's annuity  
26 shall be increased (1) on each January 1 occurring on or after

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

10 (g) Notwithstanding any other provision of this Article,  
11 the initial survivor's annuity for a survivor of a participant  
12 who first serves as a judge after January 1, 2011 (the  
13 effective date of Public Act 96-889) shall be in the amount of  
14 66 2/3% of the annuity received or earned by the decedent, and  
15 shall be increased (1) on each January 1 occurring on or after  
16 the commencement of the annuity if the deceased participant  
17 died while receiving a retirement annuity, or (2) in other  
18 cases, on each January 1 occurring on or after the first  
19 anniversary of the commencement of the annuity, but in no event  
20 prior to age 67, by an amount equal to 3% or the annual  
21 unadjusted percentage increase in the consumer price index-u as  
22 determined by the Public Pension Division of the Department of  
23 Insurance under subsection (b-5) of Section 18-125, whichever  
24 is less, of the survivor's annuity then being paid.

25 (h) Notwithstanding any other provision of this Article,  
26 the initial survivor's annuity for a survivor of a participant

1 who first serves as a judge on or after the effective date of  
2 this amendatory Act of the 97th General Assembly shall be in  
3 the amount of 66 2/3% of the annuity received or earned by the  
4 decedent, and shall be increased (1) on each January 1  
5 occurring on or after the commencement of the annuity if the  
6 deceased participant died while receiving a retirement  
7 annuity, or (2) in other cases, on each January 1 occurring on  
8 or after the first anniversary of the commencement of the  
9 annuity, but in no event prior to age 67, by an amount equal to  
10 3% or one-half the annual unadjusted percentage increase (but  
11 not less than zero) in the consumer price index-u as determined  
12 by the Public Pension Division of the Department of Insurance  
13 under subsection (b-5) of Section 18-125, whichever is less, of  
14 the originally granted survivor's annuity.

15 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)