



Rep. Kelly Burke

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LRB097 05201 JDS 51914 a

1 AMENDMENT TO HOUSE BILL 1447

2 AMENDMENT NO. _____. Amend House Bill 1447 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, 2-119.1, 2-121.1, 18-125, 18-125.1,
6 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):

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 January 1, 2011 (the effective
8 date of Public Act 96-889), the average monthly salary obtained
9 by dividing the total salary of the participant during the
10 period of: (1) the 48 consecutive months of service within the
11 last 120 months of service in which the total compensation was
12 the highest, or (2) the total period of service, if less than
13 48 months, by the number of months of service in that period.

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

1 September preceding each November 1.

2 For a participant who is a participant on the effective
3 date of this amendatory Act of the 97th General Assembly and
4 who irrevocably elects the reduced benefits under this
5 paragraph and for a participant who first becomes a participant
6 of this System after the effective date of this amendatory Act
7 of the 97th General Assembly, the average monthly salary
8 obtained by dividing the total salary of the participant during
9 the 96 consecutive months of service within the last 120 months
10 of service in which the total compensation was the highest by
11 the number of months of service in that period; however,
12 beginning on the effective date of this amendatory Act of the
13 97th General Assembly, the highest salary for annuity purposes
14 may not, for the affected persons, exceed \$106,800, except that
15 that amount shall annually thereafter be increased by the
16 lesser of (i) 3% of that amount, including all previous
17 adjustments, or (ii) one-half the annual unadjusted percentage
18 increase (but not less than zero) in the consumer price index-u
19 for the 12 months ending with the September preceding each
20 November 1.

21 "Consumer price index-u" means the index published by the
22 Bureau of Labor Statistics of the United States Department of
23 Labor that measures the average change in prices of goods and
24 services purchased by all urban consumers, United States city
25 average, all items, 1982-84 = 100. The new amount resulting
26 from each annual adjustment shall be determined by the Public

1 Pension Division of the Department of Insurance and made
2 available to the Board by November 1 of each year.

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

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

17 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
18 96-1490, eff. 1-1-11.)

19 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

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

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

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

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

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

26 (b-5) Notwithstanding any other provision of this Article,

1 a participant who first becomes a participant on or after
2 January 1, 2011 (the effective date of Public Act 96-889)
3 shall, in January or July next following the first anniversary
4 of retirement, whichever occurs first, and in the same month of
5 each year thereafter, but in no event prior to age 67, have the
6 amount of the retirement annuity then being paid increased by
7 3% or the annual unadjusted percentage increase in the Consumer
8 Price Index for All Urban Consumers as determined by the Public
9 Pension Division of the Department of Insurance under
10 subsection (a) of Section 2-108.1, whichever is less.

11 (b-10) Notwithstanding any other provision of this
12 Article, a participant who is a participant on the effective
13 date of this amendatory Act of the 97th General Assembly and
14 who irrevocably elects the reduced benefits under this
15 subsection (b-10) and a participant who first becomes a
16 participant after the effective date of this amendatory Act of
17 the 97th General Assembly shall, in January or July next
18 following the first anniversary of retirement, whichever
19 occurs first, and in the same month of each year thereafter,
20 but in no event prior to age 67, have the annuity increased by
21 3% or one-half the annual unadjusted percentage increase (but
22 not less than zero) in the Consumer Price Index for All Urban
23 Consumers as determined by the Public Pension Division of the
24 Department of Insurance under subsection (a) of Section
25 2-108.1, whichever is less, of the originally granted
26 retirement annuity.

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

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

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

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

1 Article.

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

3 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

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

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

24 However, the survivor's annuity payable under this Section
25 shall not be less than 100% of the amount of retirement annuity

1 to which the participant or annuitant was entitled on the date
2 of death, if he or she is survived by a dependent disabled
3 child.

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

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

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

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

25 (d) 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 (d-5) Notwithstanding any other provision of this Article,
11 the initial survivor's annuity of a survivor of a participant
12 who first becomes a participant on or after January 1, 2011
13 (the effective date of Public Act 96-889) shall be in the
14 amount of 66 2/3% of the amount of the retirement annuity to
15 which the participant or annuitant was entitled on the date of
16 death and shall be increased (1) on each January 1 occurring on
17 or after the commencement of the annuity if the deceased member
18 died while receiving a retirement annuity or (2) in other
19 cases, on each January 1 occurring on or after the first
20 anniversary of the commencement of the annuity, by an amount
21 equal to 3% or the annual unadjusted percentage increase in the
22 Consumer Price Index for All Urban Consumers as determined by
23 the Public Pension Division of the Department of Insurance
24 under subsection (a) of Section 2-108.1, whichever is less, of
25 the survivor's annuity then being paid.

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

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

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

26 (f) In the case of a proportional survivor's annuity

1 arising under the Retirement Systems Reciprocal Act where the
2 amount payable by the System on January 1, 1993 is less than
3 \$300 per month, the amount payable by the System shall be
4 increased beginning on that date by a monthly amount equal to
5 \$2 for each full year that has expired since the annuity began.

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

7 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

8 Sec. 18-125. Retirement annuity amount.

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

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

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

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

25 (2) for a participant who terminates service after June

1 30, 1975 and before July 1, 1982, the salary on the last
2 day of employment as a judge.

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

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

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

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

21 For a participant who first serves as a judge on or after
22 August 10, 2009 (the effective date of Public Act 96-207) and
23 before January 1, 2011 (the effective date of Public Act
24 96-889), final average salary shall be the average monthly
25 salary obtained by dividing the total salary of the participant
26 during the period of: (1) the 48 consecutive months of service

1 within the last 120 months of service in which the total
2 compensation was the highest, or (2) the total period of
3 service, if less than 48 months, by the number of months of
4 service in that period.

5 The maximum retirement annuity for any participant shall be
6 85% of final average salary.

7 (b-5) Notwithstanding any other provision of this Article,
8 for a participant who first serves as a judge on or after
9 January 1, 2011 (the effective date of Public Act 96-889), the
10 annual retirement annuity is 3% of the participant's final
11 average salary for each year of service. The maximum retirement
12 annuity payable shall be 60% of the participant's final average
13 salary.

14 For a participant who first serves as a judge on or after
15 January 1, 2011 (the effective date of Public Act 96-889),
16 final average salary shall be the average monthly salary
17 obtained by dividing the total salary of the judge during the
18 96 consecutive months of service within the last 120 months of
19 service in which the total salary was the highest by the number
20 of months of service in that period; however, beginning January
21 1, 2011, the annual salary may not exceed \$106,800, except that
22 that amount shall annually thereafter be increased by the
23 lesser of (i) 3% of that amount, including all previous
24 adjustments, or (ii) the annual unadjusted percentage increase
25 (but not less than zero) in the consumer price index-u for the
26 12 months ending with the September preceding each November 1.

1 For a participant who serves as a judge on the effective
2 date of this amendatory Act of the 97th General Assembly and
3 who irrevocably elects the reduced benefits under this
4 paragraph and for a participant who first serves as a judge
5 after the effective date of this amendatory Act of the 97th
6 General Assembly, final average salary shall be the average
7 monthly salary obtained by dividing the total salary of the
8 judge during the 96 consecutive months of service within the
9 last 120 months of service in which the total salary was the
10 highest by the number of months of service in that period;
11 however, beginning on the effective date of this amendatory Act
12 of the 97th General Assembly, the annual salary may not, for
13 affected judges, exceed \$106,800, except that that amount shall
14 annually thereafter be increased by the lesser of (1) 3% of
15 that amount, including all previous adjustments, or (2)
16 one-half the annual unadjusted percentage increase (but not
17 less than zero) in the consumer price index-u for the 12 months
18 ending with the September preceding each November 1.

19 "Consumer price index-u" means the index published by the
20 Bureau of Labor Statistics of the United States Department of
21 Labor that measures the average change in prices of goods and
22 services purchased by all urban consumers, United States city
23 average, all items, 1982-84 = 100. The new amount resulting
24 from each annual adjustment shall be determined by the Public
25 Pension Division of the Department of Insurance and made
26 available to the Board by November 1st of each year.

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

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

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

23 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
24 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

25 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

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

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

21 Notwithstanding any other provision of this Article, a
22 retirement annuity for a participant who serves as a judge on
23 the effective date of this amendatory Act of the 97th General
24 Assembly and who irrevocably elects the reduced benefits under
25 this paragraph and for a participant who first serves as a
26 judge after the effective date of this amendatory Act of the

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

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. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

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

23 (h) Notwithstanding any other provision of this Article,
24 the initial survivor's annuity for (i) a participant who serves
25 as a judge on the effective date of this amendatory Act of the
26 97th General Assembly and who irrevocably elects the reduced

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

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