



Rep. Kelly Burke

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09700HB4666ham001

LRB097 15724 EFG 66189 a

1 AMENDMENT TO HOUSE BILL 4666

2 AMENDMENT NO. _____. Amend House Bill 4666 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, 2-126, 18-125,
6 18-125.1, 18-128.01, and 18-133 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) but before the effective date of this
17 amendatory Act of the 97th General Assembly, the average
18 monthly salary obtained by dividing the total salary of the
19 participant during the 96 consecutive months of service within
20 the last 120 months of service in which the total compensation
21 was the highest by the number of months of service in that
22 period; however, beginning January 1, 2011, the highest salary
23 for annuity purposes may not exceed \$106,800, except that that
24 amount shall annually thereafter be increased by the lesser of
25 (i) 3% of that amount, including all previous adjustments, or
26 (ii) the annual unadjusted percentage increase (but not less

1 than zero) in the consumer price index-u for the 12 months
2 ending with the September preceding each November 1.

3 For a participant who first becomes a participant of this
4 System on or after the effective date of this amendatory Act of
5 the 97th General Assembly, the average monthly salary obtained
6 by dividing the total salary of the participant during the 96
7 consecutive months of service within the last 120 months of
8 service in which the total compensation was the highest by the
9 number of months of service in that period; however, the
10 highest salary for annuity purposes may not exceed in any year
11 the salary limitation determined for that year by the Public
12 Pension Division of the Department of Insurance under
13 subsection (b-5) of Section 1-160 of this Code.

14 (a-5) "Consumer price index-u" means the index published by
15 the Bureau of Labor Statistics of the United States Department
16 of Labor that measures the average change in prices of goods
17 and services purchased by all urban consumers, United States
18 city average, all items, 1982-84 = 100.

19 ~~The new amount resulting from each annual adjustment shall~~
20 ~~be determined by the~~ Public Pension Division of the Department
21 of Insurance shall determine in October of each year (i) the
22 annual unadjusted percentage increase (but not less than zero)
23 in the consumer price index-u for the 12 months ending with the
24 preceding September and (ii) the salary limitation under
25 subsection (a) for the following year for the category of
26 participants who first become participants of this System on or

1 after January 1, 2011 but before the effective date of this
2 amendatory Act of the 97th General Assembly. The Division shall
3 make these determinations ~~and made~~ available to the Board by
4 November 1 of each year.

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

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

19 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
20 96-1490, eff. 1-1-11.)

21 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

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

23 (a) Except as otherwise provided in this Section, a A
24 participant who retires after June 30, 1967, and who has not
25 received an initial increase under this Section before the

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

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

26 This subsection (b) does not apply to any person who first

1 becomes a member of the System after the effective date of this
2 amendatory Act of the 93rd General Assembly.

3 (b-5) Notwithstanding any other provision of this Article,
4 a participant who first becomes a participant on or after
5 January 1, 2011 (the effective date of Public Act 96-889) but
6 before the effective date of this amendatory Act of the 97th
7 General Assembly shall, in January or July next following the
8 first anniversary of retirement, whichever occurs first, and in
9 the same month of each year thereafter, but in no event prior
10 to age 67, have the amount of the retirement annuity then being
11 paid increased by 3% or the annual unadjusted percentage
12 increase in the Consumer Price Index for All Urban Consumers as
13 determined by the Public Pension Division of the Department of
14 Insurance under subsection (a-5) ~~(a)~~ of Section 2-108.1,
15 whichever is less.

16 (b-10) Notwithstanding any other provision of this
17 Article, a participant who first becomes a participant on or
18 after the effective date of this amendatory Act of the 97th
19 General Assembly shall, in January or July next following the
20 first anniversary of retirement, whichever occurs first, and in
21 the same month of each year thereafter, but in no event prior
22 to age 67, have the annuity increased by 3% or one-half the
23 annual unadjusted percentage increase (but not less than zero)
24 in the Consumer Price Index for All Urban Consumers as
25 determined by the Public Pension Division of the Department of
26 Insurance under subsection (a-5) of Section 2-108.1, whichever

1 is less, of the originally granted retirement annuity.

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

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

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

24 (e) Except as otherwise provided in this Section, beginning
25 ~~Beginning~~ January 1, 1990, all automatic annual increases
26 payable under this Section shall be calculated as a percentage

1 of the total annuity payable at the time of the increase,
2 including previous increases granted under this Article.

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

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

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

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

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

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

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

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

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

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

26 (d) Except as otherwise provided in this Section, beginning

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

12 (d-5) Notwithstanding any other provision of this Article,
13 the initial survivor's annuity of a survivor of a participant
14 who first becomes a participant on or after January 1, 2011
15 (the effective date of Public Act 96-889) but before the
16 effective date of this amendatory Act of the 97th General
17 Assembly shall be in the amount of 66 2/3% of the amount of the
18 retirement annuity to which the participant or annuitant was
19 entitled on the date of death and shall be increased (1) on
20 each January 1 occurring on or after the commencement of the
21 annuity if the deceased member died while receiving a
22 retirement annuity or (2) in other cases, on each January 1
23 occurring on or after the first anniversary of the commencement
24 of the annuity, by an amount equal to 3% or the annual
25 unadjusted percentage increase in the Consumer Price Index for
26 All Urban Consumers as determined by the Public Pension

1 Division of the Department of Insurance under subsection (a-5)
2 ~~(a)~~ of Section 2-108.1, whichever is less, of the survivor's
3 annuity then being paid.

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

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

1 (f) In the case of a proportional survivor's annuity
2 arising under the Retirement Systems Reciprocal Act where the
3 amount payable by the System on January 1, 1993 is less than
4 \$300 per month, the amount payable by the System shall be
5 increased beginning on that date by a monthly amount equal to
6 \$2 for each full year that has expired since the annuity began.
7 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

8 (40 ILCS 5/2-126) (from Ch. 108 1/2, par. 2-126)

9 Sec. 2-126. Contributions by participants.

10 (a) Each participant shall contribute toward the cost of
11 his or her retirement annuity a percentage of each payment of
12 salary received by him or her for service as a member as
13 follows: for service between October 31, 1947 and January 1,
14 1959, 5%; for service between January 1, 1959 and June 30,
15 1969, 6%; for service between July 1, 1969 and January 10,
16 1973, 6 1/2%; for service after January 10, 1973, 7%; for
17 service after December 31, 1981, 8 1/2%.

18 (b) Beginning August 2, 1949, each male participant, and
19 from July 1, 1971, each female participant shall contribute
20 towards the cost of the survivor's annuity 2% of salary.

21 A participant who has no eligible survivor's annuity
22 beneficiary may elect to cease making contributions for
23 survivor's annuity under this subsection. A survivor's annuity
24 shall not be payable upon the death of a person who has made
25 this election, unless prior to that death the election has been

1 revoked and the amount of the contributions that would have
2 been paid under this subsection in the absence of the election
3 is paid to the System, together with interest at the rate of 4%
4 per year from the date the contributions would have been made
5 to the date of payment.

6 (c) Beginning July 1, 1967, each participant shall
7 contribute 1% of salary towards the cost of automatic increase
8 in annuity provided in Section 2-119.1. These contributions
9 shall be made concurrently with contributions for retirement
10 annuity purposes.

11 (d) In addition, each participant serving as an officer of
12 the General Assembly shall contribute, for the same purposes
13 and at the same rates as are required of a regular participant,
14 on each additional payment received as an officer. If the
15 participant serves as an officer for at least 2 but less than 4
16 years, he or she shall contribute an amount equal to the amount
17 that would have been contributed had the participant served as
18 an officer for 4 years. Persons who serve as officers in the
19 87th General Assembly but cannot receive the additional payment
20 to officers because of the ban on increases in salary during
21 their terms may nonetheless make contributions based on those
22 additional payments for the purpose of having the additional
23 payments included in their highest salary for annuity purposes;
24 however, persons electing to make these additional
25 contributions must also pay an amount representing the
26 corresponding employer contributions, as calculated by the

1 System.

2 (e) Notwithstanding any other provision of this Article,
3 the required contribution of a participant who first becomes a
4 participant on or after January 1, 2011 shall not be based on
5 any salary in excess of the applicable annually-adjusted
6 limitation on ~~exceed the contribution that would be due under~~
7 ~~this Article if~~ that participant's highest salary for annuity
8 purposes ~~were \$106,800, plus any increases in that amount~~ under
9 Section 2-108.1.

10 (Source: P.A. 96-1490, eff. 1-1-11.)

11 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)
12 Sec. 18-125. Retirement annuity amount.

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

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

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

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

4 (2) for a participant who terminates service after June
5 30, 1975 and before July 1, 1982, the salary on the last
6 day of employment as a judge.

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

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

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

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

25 For a participant who first serves as a judge on or after
26 August 10, 2009 (the effective date of Public Act 96-207) and

1 before January 1, 2011 (the effective date of Public Act
2 96-889), final average salary shall be the average monthly
3 salary obtained by dividing the total salary of the participant
4 during the period of: (1) the 48 consecutive months of service
5 within the last 120 months of service in which the total
6 compensation was the highest, or (2) the total period of
7 service, if less than 48 months, by the number of months of
8 service in that period.

9 The maximum retirement annuity for any participant shall be
10 85% of final average salary.

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

18 For a participant who first serves as a judge on or after
19 January 1, 2011 (the effective date of Public Act 96-889) but
20 before the effective date of this amendatory Act of the 97th
21 General Assembly, final average salary shall be the average
22 monthly salary obtained by dividing the total salary of the
23 judge during the 96 consecutive months of service within the
24 last 120 months of service in which the total salary was the
25 highest by the number of months of service in that period;
26 however, beginning January 1, 2011, the annual salary may not

1 exceed \$106,800, except that that amount shall annually
2 thereafter be increased by the lesser of (i) 3% of that amount,
3 including all previous adjustments, or (ii) the annual
4 unadjusted percentage increase (but not less than zero) in the
5 consumer price index-u for the 12 months ending with the
6 September preceding each November 1.

7 For a participant who first serves as a judge on or after
8 the effective date of this amendatory Act of the 97th General
9 Assembly, final average salary shall be the average monthly
10 salary obtained by dividing the total salary of the judge
11 during the 96 consecutive months of service within the last 120
12 months of service in which the total salary was the highest by
13 the number of months of service in that period; however, the
14 annual salary may not exceed in any year the salary limitation
15 determined for that year by the Public Pension Division of the
16 Department of Insurance under subsection (b-5) of Section 1-160
17 of this Code.

18 (b-10) "Consumer price index-u" means the index published
19 by the Bureau of Labor Statistics of the United States
20 Department of Labor that measures the average change in prices
21 of goods and services purchased by all urban consumers, United
22 States city average, all items, 1982-84 = 100.

23 ~~The new amount resulting from each annual adjustment shall~~
24 ~~be determined by the~~ Public Pension Division of the Department
25 of Insurance shall determine in October of each year (i) the
26 annual unadjusted percentage increase (but not less than zero)

1 in the consumer price index-u for the 12 months ending with the
2 preceding September and (ii) the salary limitation under
3 subsection (b-5) of this Section for the following year for the
4 category of participants who first serve as a judge on or after
5 January 1, 2011 but before the effective date of this
6 amendatory Act of the 97th General Assembly. The Division shall
7 make these determinations ~~and made~~ available to the Board by
8 November 1st of each year.

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

21 The reduction in retirement annuity imposed by this
22 subsection shall not apply in the case of retirement on account
23 of disability.

24 (d) Notwithstanding any other provision of this Article,
25 for a participant who first serves as a judge on or after
26 January 1, 2011 (the effective date of Public Act 96-889) and

1 who is retiring after attaining age 62, the retirement annuity
2 shall be reduced by 1/2 of 1% for each month that the
3 participant's age is under age 67 at the time the annuity
4 commences.

5 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
6 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

7 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

8 Sec. 18-125.1. Automatic increase in retirement annuity.

9 Except as otherwise provided in this Section, a participant
10 who retires from service after June 30, 1969, shall, in January
11 of the year next following the year in which the first
12 anniversary of retirement occurs, and in January of each year
13 thereafter, have the amount of his or her originally granted
14 retirement annuity increased as follows: for each year up to
15 and including 1971, 1 1/2%; for each year from 1972 through
16 1979 inclusive, 2%; and for 1980 and each year thereafter, 3%.

17 Notwithstanding any other provision of this Article, a
18 retirement annuity for a participant who first serves as a
19 judge on or after January 1, 2011 (the effective date of Public
20 Act 96-889) but before the effective date of this amendatory
21 Act of the 97th General Assembly shall be increased in January
22 of the year next following the year in which the first
23 anniversary of retirement occurs, but in no event prior to age
24 67, and in January of each year thereafter, by an amount equal
25 to 3% or the annual percentage increase in the consumer price

1 index-u as determined by the Public Pension Division of the
2 Department of Insurance under subsection (b-10) ~~(b-5)~~ of
3 Section 18-125, whichever is less, of the retirement annuity
4 then being paid.

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

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

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

16 (g) Notwithstanding any other provision of this Article,
17 the initial survivor's annuity for a survivor of a participant
18 who first serves as a judge after January 1, 2011 (the
19 effective date of Public Act 96-889) but before the effective
20 date of this amendatory Act of the 97th General Assembly shall
21 be in the amount of 66 2/3% of the annuity received or earned
22 by the decedent, and shall be increased (1) on each January 1
23 occurring on or after the commencement of the annuity if the
24 deceased participant died while receiving a retirement
25 annuity, or (2) in other cases, on each January 1 occurring on
26 or after the first anniversary of the commencement of the

1 annuity, but in no event prior to age 67, by an amount equal to
2 3% or the annual unadjusted percentage increase in the consumer
3 price index-u as determined by the Public Pension Division of
4 the Department of Insurance under subsection (b-10) ~~(b-5)~~ of
5 Section 18-125, whichever is less, of the survivor's annuity
6 then being paid.

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

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

24 (40 ILCS 5/18-133) (from Ch. 108 1/2, par. 18-133)

25 Sec. 18-133. Financing; employee contributions.

1 (a) Effective July 1, 1967, each participant is required to
2 contribute 7 1/2% of each payment of salary toward the
3 retirement annuity. Such contributions shall continue during
4 the entire time the participant is in service, with the
5 following exceptions:

6 (1) Contributions for the retirement annuity are not
7 required on salary received after 18 years of service by
8 persons who were participants before January 2, 1954.

9 (2) A participant who continues to serve as a judge
10 after becoming eligible to receive the maximum rate of
11 annuity may elect, through a written direction filed with
12 the Board, to discontinue contributing to the System. Any
13 such option elected by a judge shall be irrevocable unless
14 prior to January 1, 2000, and while continuing to serve as
15 judge, the judge (A) files with the Board a letter
16 cancelling the direction to discontinue contributing to
17 the System and requesting that such contributing resume,
18 and (B) pays into the System an amount equal to the total
19 of the discontinued contributions plus interest thereon at
20 5% per annum. Service credits earned in any other
21 "participating system" as defined in Article 20 of this
22 Code shall be considered for purposes of determining a
23 judge's eligibility to discontinue contributions under
24 this subdivision (a) (2).

25 (3) A participant who (i) has attained age 60, (ii)
26 continues to serve as a judge after becoming eligible to

1 receive the maximum rate of annuity, and (iii) has not
2 elected to discontinue contributing to the System under
3 subdivision (a)(2) of this Section (or has revoked any such
4 election) may elect, through a written direction filed with
5 the Board, to make contributions to the System based only
6 on the amount of the increases in salary received by the
7 judge on or after the date of the election, rather than the
8 total salary received. If a judge who is making
9 contributions to the System on the effective date of this
10 amendatory Act of the 91st General Assembly makes an
11 election to limit contributions under this subdivision
12 (a)(3) within 90 days after that effective date, the
13 election shall be deemed to become effective on that
14 effective date and the judge shall be entitled to receive a
15 refund of any excess contributions paid to the System
16 during that 90-day period; any other election under this
17 subdivision (a)(3) becomes effective on the first of the
18 month following the date of the election. An election to
19 limit contributions under this subdivision (a)(3) is
20 irrevocable. Service credits earned in any other
21 participating system as defined in Article 20 of this Code
22 shall be considered for purposes of determining a judge's
23 eligibility to make an election under this subdivision
24 (a)(3).

25 (b) Beginning July 1, 1969, each participant is required to
26 contribute 1% of each payment of salary towards the automatic

1 increase in annuity provided in Section 18-125.1. However, such
2 contributions need not be made by any participant who has
3 elected prior to September 15, 1969, not to be subject to the
4 automatic increase in annuity provisions.

5 (c) Effective July 13, 1953, each married participant
6 subject to the survivor's annuity provisions is required to
7 contribute 2 1/2% of each payment of salary, whether or not he
8 or she is required to make any other contributions under this
9 Section. Such contributions shall be made concurrently with the
10 contributions made for annuity purposes.

11 (d) Notwithstanding any other provision of this Article,
12 the required contributions for a participant who first becomes
13 a participant on or after January 1, 2011 shall not be based on
14 any salary in excess of the applicable annually-adjusted
15 limitation on salary used for determining ~~exceed the~~
16 ~~contributions that would be due under this Article if that~~
17 participant's final average salary ~~highest salary for annuity~~
18 ~~purposes were \$106,800, plus any increase in that amount~~ under
19 Section 18-125.

20 (Source: P.A. 96-1490, eff. 1-1-11.)".