

1 AN ACT in relation to 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
5 changing Sections 6-141.1, 6-150, and 6-213 and adding
6 Section 6-210.2 as follows:

7 (40 ILCS 5/6-141.1) (from Ch. 108 1/2, par. 6-141.1)

8 Sec. 6-141.1. Widow's annuity - death on or after June
9 30, 1984.

10 (a) Notwithstanding the other provisions of this
11 Article, the widow of a fireman who dies on or after June 30,
12 1984, while receiving a retirement annuity or while an active
13 fireman with at least 1 1/2 years of creditable service, and
14 the widow of a fireman who dies after separation from service
15 with at least 20 years of service credit, if the separation
16 occurs on or after January 1, 1990 and before attainment of
17 age 50, may elect, in lieu of any other widow's annuity under
18 this Article, to have the amount of widow's annuity
19 calculated in accordance with this Section.

20 (b) If the deceased fireman was an active fireman at the
21 time of his death and had at least 1 1/2 years of creditable
22 service, the widow's annuity shall be the greater of (1) 30%
23 of the salary attached to the rank of first class firefighter
24 in the classified career service at the time of the fireman's
25 death, or (2) 50% of the retirement annuity the deceased
26 fireman would have been eligible to receive if he had retired
27 from service on the day before his death.

28 (c) If the deceased fireman was receiving a retirement
29 annuity at the time of his death, the widow's annuity shall
30 be equal to 50% of the amount of such retirement annuity at
31 the time of the fireman's death.

1 (d) If the deceased fireman dies before beginning to
2 receive a retirement annuity, but after separation from
3 service with at least 20 years of service credit, and if the
4 separation occurs on or after January 1, 1990 and before
5 attainment of age 50, the widow may elect a widow's annuity,
6 payable beginning on the date the deceased fireman would have
7 attained age 50, which shall be equal to 50% of the amount of
8 the retirement annuity the fireman would have been entitled
9 to receive beginning at age 50.

10 (Source: P.A. 84-11.)

11 (40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

12 Sec. 6-150. Death benefit.

13 (a) Effective January 1, 1962, an ordinary death benefit
14 shall be payable on account of any fireman in service and in
15 receipt of salary on or after such date, which benefit shall
16 be in addition to all other annuities and benefits herein
17 provided. This benefit shall be payable upon death of a
18 fireman:

19 (1) occurring in active service while in receipt of
20 salary;

21 (2) on an authorized and approved leave of absence,
22 without salary, beginning on or after January 1, 1962, if
23 the death occurs within 60 days from the date the fireman
24 was in receipt of salary;

25 (3) receiving duty, occupational disease, or
26 ordinary disability benefit;

27 (4) occurring within 60 days from the date of
28 termination of duty disability, occupational disease
29 disability or ordinary disability benefit payments if
30 re-entry into service had not occurred;

31 (5) occurring on retirement and while in receipt of
32 an age and service, prior service annuity or minimum
33 annuity; provided (a) retirement on such annuity occurred

1 on or after January 1, 1962, and (b) such separation from
2 service was effective on or after the fireman's
3 attainment of age 50, and (c) application for such
4 annuity was made within 60 days after separation from
5 service.

6 (b) The ordinary death benefit shall be payable to such
7 beneficiary or beneficiaries as the fireman has nominated by
8 written direction duly signed and acknowledged before an
9 officer authorized to take acknowledgments, and filed with
10 the board. If no such written direction has been filed or if
11 the designated beneficiaries do not survive the fireman,
12 payment of the benefit shall be made to his estate.

13 (c) Beginning July 1, 1983, if death occurs prior to
14 retirement on annuity and before the fireman's attainment of
15 age 50, the amount of the benefit payable shall be \$12,000.
16 Beginning July 1, 1983, if death occurs prior to retirement,
17 at age 50 or over, the benefit of \$12,000 shall be reduced
18 \$400 for each year (commencing on the fireman's attainment of
19 age 50 and thereafter on each succeeding birth date) that the
20 fireman's age, at date of death, is more than age 49, but in
21 no event below the amount of \$6,000.

22 Beginning July 1, 1983, if the fireman's death occurs
23 while he is in receipt of an annuity, the benefit shall be
24 \$6,000.

25 (d) An ordinary death benefit of \$6,000 shall be payable
26 on account of any fireman who dies before beginning to
27 receive a retirement annuity but after separation from
28 service, if that separation occurs (1) on or after January 1,
29 1990 and before the fireman's attainment of age 50, and (2)
30 with at least 20 years of service credit; provided that the
31 fireman must contribute to the Fund a sum equal to an active
32 fireman's monthly death benefit contribution for each full or
33 partial month between separation from service and attainment
34 of age 50. This contribution must be paid in full within 60

1 days after the effective date of this amendatory Act of the
2 92nd General Assembly or within 60 days after separation from
3 service, whichever is later.

4 (Source: P.A. 83-152.)

5 (40 ILCS 5/6-210.2 new)

6 Sec. 6-210.2. Payments and rollovers.

7 (a) The Board may adopt rules prescribing the manner of
8 repaying refunds and purchasing any other credits permitted
9 under this Article. The rules may prescribe the manner of
10 calculating interest when payments or repayments are made in
11 installments.

12 (b) Rollover contributions from other retirement plans
13 qualified under the Internal Revenue Code of 1986 may be used
14 to purchase any optional credit or repay any refund permitted
15 under this Article.

16 (40 ILCS 5/6-213) (from Ch. 108 1/2, par. 6-213)

17 Sec. 6-213. Annuities, etc., exempt. All pensions,
18 annuities, refunds and disability benefits granted under this
19 Article and every portion thereof, are exempt from attachment
20 or garnishment process and shall not be seized, taken,
21 subjected to, detained, or levied upon by virtue of any
22 judgment or any process or proceeding whatsoever entered or
23 issued by or out of any court in this State, for the payment
24 and satisfaction in whole or in part of any debt, damage,
25 claim, demand, or judgment against any pensioner, annuitant,
26 applicant for a refund or other beneficiary hereunder.

27 No pensioner, annuitant, applicant for a refund,
28 disability beneficiary or other beneficiary has a right to
29 transfer or assign his or her pension, annuity, refund or
30 disability benefit or any part thereof by mortgage or
31 otherwise, except that (1) an annuitant or disability
32 beneficiary may direct in writing that a monthly payment be

1 made to such association or organization with which he or his
2 widow may be affiliated by virtue of his fire service, or for
3 hospitalization insurance purposes and (2) in the case of
4 refunds, a participant may pledge by assignment, power of
5 attorney, or otherwise, as security for a loan from a legally
6 operating credit union making loans only to participants in
7 certain public employee pension funds described in the
8 Illinois Pension Code, all or part of any refund which may
9 become payable to him in the event of his separation from
10 service.

11 An annuitant may execute under oath a written waiver of
12 his right to receive all or any part of his annuity. The
13 waiver shall take effect upon being filed with the board and
14 shall be irrevocable. The annuity shall thereupon be
15 permanently reduced by the amount waived.

16 The board, in its discretion, however, may pay to the
17 wife of any above stated person, such proportion of her
18 husband's annuity, pension, refund or disability benefit as a
19 court may order, or such an amount as the board may consider
20 necessary for her support or for the support of herself and
21 the children, in the event of his failure to provide such
22 support. The board may also retain out of any future
23 annuity, pension, refund or disability benefit payment such
24 amount or amounts, as it may in its discretion set for the
25 purpose of repayment into this fund of any moneys paid to
26 such person through misrepresentation, fraud or error. Any
27 action herein provided to be taken by the board shall, when
28 taken, release the board and the fund from any liability for
29 any moneys retained or paid out as herein provided.

30 Whenever any annuity, pension, refund or disability
31 benefit is payable to a minor or to a person adjudged to be
32 under legal disability, the board in its discretion when to
33 the apparent interest of such minor or person under legal
34 disability may waive guardianship proceedings and pay such

1 money to the person providing for or caring for such minor
2 and to the wife, parent or blood relative providing or caring
3 for such person under legal disability.

4 Whenever a pensioner, annuitant, applicant for refund or
5 disability beneficiary disappears or his whereabouts are
6 unknown and it cannot be ascertained whether or not he is
7 living, there shall be paid to his wife under this section
8 the amount which would be payable to her in the event her
9 fireman husband had died on the date of his disappearance. In
10 the event of his subsequent return, or upon satisfactory
11 proof of his being alive, the amount theretofore paid to his
12 wife shall be charged against any moneys payable to him under
13 any of the provisions of this Article as though such payment
14 to his wife had been an allowance to her out of the moneys
15 payable to him as such pensioner, annuitant, applicant for
16 refund or disability beneficiary.

17 (Source: P.A. 87-1265.)

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.26 as follows:

20 (30 ILCS 805/8.26 new)

21 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
22 and 8 of this Act, no reimbursement by the State is required
23 for the implementation of any mandate created by this
24 amendatory Act of the 92nd General Assembly.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.