

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 2-121, 14-120, 14-128, 15-145, 16-143, and  
6 18-128 as follows:

7 (40 ILCS 5/2-121) (from Ch. 108 1/2, par. 2-121)  
8 Sec. 2-121. Survivor's annuity - conditions for payment.

9 (a) A survivor's annuity shall be payable to a surviving  
10 spouse or eligible child (1) upon the death in service of a  
11 participant with at least 2 years of service credit, or (2)  
12 upon the death of an annuitant in receipt of a retirement  
13 annuity, or (3) upon the death of a participant who  
14 terminated service with at least 4 years of service credit.

15 The change in this subsection (a) made by this amendatory  
16 Act of 1995 applies to survivors of participants who die on  
17 or after December 1, 1994, without regard to whether or not  
18 the participant was in service on or after the effective date  
19 of this amendatory Act of 1995.

20 (b) To be eligible for the survivor's annuity, the  
21 spouse and the participant or annuitant must have been  
22 married for a continuous period of at least one year  
23 immediately preceding the date of death, but need not have  
24 been married on the day of the participant's last termination  
25 of service, regardless of whether such termination occurred  
26 prior to the effective date of this amendatory Act of 1985.

27 (c) The annuity shall be payable beginning on the date  
28 of a participant's death, or the first of the month following  
29 an annuitant's death, if the spouse is then age 50 or over,  
30 or beginning at age 50 if the spouse is then under age 50.  
31 If an eligible child or children of the participant or

1 annuitant (or a child or children of the eligible spouse  
2 meeting the criteria of item (1), (2), or (3) of subsection  
3 (d) of this Section) also survive, and the child or children  
4 are under the care of the eligible spouse, the annuity shall  
5 begin as of the date of a participant's death, or the first  
6 of the month following an annuitant's death, without regard  
7 to the spouse's age.

8 The change to this subsection made by this amendatory Act  
9 of 1998 (relating to children of an eligible spouse) applies  
10 to the eligible spouse of a participant or annuitant who dies  
11 on or after the effective date of this amendatory Act,  
12 without regard to whether the participant or annuitant is in  
13 service on or after that effective date.

14 (d) For the purposes of this Section and Section  
15 2-121.1, "eligible child" means a child of the deceased  
16 participant or annuitant who is at least one of the  
17 following:

- 18 (1) unmarried and under the age of 18;
- 19 (2) unmarried, a full-time student, and under the  
20 age of 22;
- 21 (3) dependent by reason of physical or mental  
22 disability.

23 The inclusion of unmarried students under age 22 in the  
24 calculation of survivor's annuities by this amendatory Act of  
25 1991 shall apply to all eligible students beginning January  
26 1, 1992, without regard to whether the deceased participant  
27 or annuitant was in service on or after the effective date of  
28 this amendatory Act of 1991.

29 Adopted children shall have the same status as children  
30 of the participant or annuitant, but only if the proceedings  
31 for adoption are commenced at least one year prior to the  
32 date of the participant's or annuitant's death.

33 (e) Remarriage of a surviving spouse prior to attainment  
34 of age 55 shall disqualify the surviving spouse from the

1 receipt of a survivor's annuity until July 6, 2000, ~~if the~~  
2 ~~remarriage occurs before the effective date of this~~  
3 ~~amendatory Act of the 91st General Assembly.~~ A surviving  
4 spouse whose survivor's annuity has been terminated due to  
5 remarriage prior to attainment of age 55 may apply for  
6 reinstatement of that annuity. The reinstated annuity shall  
7 begin to accrue on July 6, 2000, except that if, on July 6,  
8 2000, the annuity is payable to an eligible surviving child,  
9 payment of the annuity to the surviving spouse shall not be  
10 reinstated until the annuity is no longer payable to any  
11 eligible surviving child. The reinstated annuity shall  
12 include any one-time or annual increases received prior to  
13 the date of termination, as well as any increases that would  
14 otherwise have accrued from the date of termination to the  
15 date of reinstatement. An eligible surviving spouse whose  
16 expectation of receiving a survivor's annuity was lost due to  
17 remarriage before attainment of age 50 shall also be entitled  
18 to reinstatement under this subsection, but the resulting  
19 survivor's annuity shall not begin to accrue sooner than upon  
20 the surviving spouse's attainment of age 50.

21 The changes made to this subsection by Public Act 91-887  
22 and this amendatory Act of the 92nd 91st General Assembly  
23 (pertaining to remarriage prior to age 55) apply without  
24 regard to whether the deceased participant or annuitant was  
25 in service on or after the effective date of either this  
26 amendatory Act.

27 (Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

28 (40 ILCS 5/14-120) (from Ch. 108 1/2, par. 14-120)  
29 Sec. 14-120. Survivors annuities - Conditions for  
30 payments. A survivors annuity is established for all members  
31 of the System. Upon the death of any male person who was a  
32 member on July 19, 1961, however, his widow may have the  
33 option of receiving the widow's annuity provided in this

1 Article, in lieu of the survivors annuity.

2 (a) A survivors annuity beneficiary, as herein defined,  
3 is eligible for a survivors annuity if the deceased member  
4 had completed at least 1 1/2 years of contributing creditable  
5 service if death occurred:

6 (1) while in service;

7 (2) while on an approved or authorized leave of  
8 absence from service, not exceeding one year  
9 continuously; or

10 (3) while in receipt of a non-occupational  
11 disability or an occupational disability benefit.

12 (b) If death of the member occurs after withdrawal, the  
13 survivors annuity beneficiary is eligible for such annuity  
14 only if the member had fulfilled at the date of withdrawal  
15 the prescribed service conditions for establishing a right in  
16 a retirement annuity.

17 (c) Payment of the survivors annuity shall begin  
18 immediately if the beneficiary is 50 years or over, or upon  
19 attainment of age 50 if the beneficiary is under that age at  
20 the date of the member's death. In the case of survivors of a  
21 member whose death occurred between November 1, 1970 and July  
22 15, 1971, the payment of the survivors annuity shall begin  
23 upon October 1, 1977, if the beneficiary is then 50 years of  
24 age or older, or upon the attainment of age 50 if the  
25 beneficiary is under that age on October 1, 1977.

26 If an eligible child or children, under the care of the  
27 spouse also survive the member, the survivors annuity shall  
28 begin immediately without regard to whether the beneficiary  
29 has attained age 50.

30 Benefits under this Section shall accrue and be payable  
31 for whole calendar months, beginning on the first day of the  
32 month after the initiating event occurs and ending on the  
33 last day of the month in which the terminating event occurs.

34 (d) A survivor annuity beneficiary means:

1 (1) A spouse of a member or annuitant if:

2 (i) in the case of a member or annuitant who  
3 dies before the effective date of this amendatory  
4 Act of the 91st General Assembly, the current  
5 marriage with the member or annuitant was in effect  
6 for at least one year at the date of death or  
7 withdrawal, whichever first occurs; or

8 (ii) in the case of a member or annuitant who  
9 dies on or after the effective date of this  
10 amendatory Act of the 91st General Assembly, the  
11 current marriage with the member or annuitant was in  
12 effect for at least one year immediately prior to  
13 the date of death, regardless of the date of  
14 withdrawal.

15 (2) An unmarried child under age 18 (under age 22  
16 if a full-time student) of the member or annuitant; an  
17 unmarried stepchild under age 18 (under age 22 if a  
18 full-time student) who has been such for at least one  
19 year at the date of the member's death or at least one  
20 year at the date of withdrawal, whichever first occurs;  
21 an unmarried adopted child under age 18 (under age 22 if  
22 a full-time student) if the adoption proceedings were  
23 initiated at least one year prior to the death or  
24 withdrawal of the member or annuitant, whichever first  
25 occurs; and an unmarried child over age 18 if he or she  
26 is dependent by reason of a physical or mental  
27 disability, so long as the physical or mental disability  
28 continues. For purposes of this subsection, disability  
29 means inability to engage in any substantial gainful  
30 activity by reason of any medically determinable physical  
31 or mental impairment which can be expected to result in  
32 death or which has lasted or can be expected to last for  
33 a continuous period of not less than 12 months.

34 (3) A dependent parent of the member or annuitant;

1 a dependent step-parent by a marriage contracted before  
2 the member or annuitant attained age 18; or a dependent  
3 adopting parent by whom the member or annuitant was  
4 adopted before he or she attained age 18.

5 (e) Payment of a survivors annuity to a beneficiary  
6 terminates upon: (1) remarriage before age 55 (for periods  
7 prior to July 6, 2000) ~~that-occurs-before-the-effective-date~~  
8 ~~of-this-amendatory-Act-of-the-91st-General-Assembly~~ or death,  
9 if the beneficiary is a spouse; (2) marriage or death, if the  
10 beneficiary is a child; or (3) remarriage before age 55 or  
11 death, if the beneficiary is a parent. Remarriage of a  
12 prospective beneficiary prior to the attainment of age 50  
13 disqualifies the beneficiary for the annuity expectancy  
14 hereunder until July 6, 2000, ~~-if-the-remarriage-occurs-before~~  
15 ~~the-effective-date-of-this-amendatory-Act-of-the-91st-General~~  
16 ~~Assembly.~~ Termination due to marriage or remarriage of a  
17 child or parent shall be permanent, regardless of any future  
18 changes in marital status.

19 A surviving spouse whose survivor's annuity has been  
20 terminated due to remarriage prior to attainment of age 55  
21 may apply for reinstatement of that annuity. The reinstated  
22 annuity shall begin to accrue on July 6, 2000, except that  
23 if, on July 6, 2000, the annuity is payable to an eligible  
24 surviving child or parent, payment of the annuity to the  
25 surviving spouse shall not be reinstated until the annuity is  
26 no longer payable to any eligible surviving child or parent.  
27 The reinstated annuity shall include any one-time or annual  
28 increases received prior to the date of termination, as well  
29 as any increases that would otherwise have accrued from the  
30 date of termination to the date of reinstatement. An  
31 eligible surviving spouse whose expectation of receiving a  
32 survivor's annuity was lost due to remarriage before  
33 attainment of age 50 shall also be entitled to reinstatement  
34 under this subsection, but the resulting survivor's annuity

1 shall not begin to accrue sooner than upon the surviving  
2 spouse's attainment of age 50.

3 The substantive changes made to this subsection by Public  
4 Act 91-887 and this amendatory Act of the 92nd ~~91st~~ General  
5 Assembly (pertaining to remarriage prior to age 55 or 50)  
6 apply without regard to whether the deceased participant or  
7 annuitant was in service on or after the effective date of  
8 either this amendatory Act.

9 Any person whose survivors annuity was terminated during  
10 1978 or 1979 due to remarriage at age 55 or over shall be  
11 eligible to apply, not later than July 1, 1990, for a  
12 resumption of that annuity, to begin on July 1, 1990.

13 (f) The term "dependent" relating to a survivors annuity  
14 means a beneficiary of a survivors annuity who was receiving  
15 from the member at the date of the member's death at least  
16 1/2 of the support for maintenance including board, lodging,  
17 medical care and like living costs.

18 (g) If there is no eligible spouse surviving the member,  
19 or if a survivors annuity beneficiary includes a spouse who  
20 dies or is disqualified by remarriage, the annuity is payable  
21 to an unmarried child or children. If at the date of death  
22 of the member there is no spouse or unmarried child, payments  
23 shall be made to a dependent parent or parents. If no  
24 eligible survivors annuity beneficiary survives the member,  
25 the non-occupational death benefit is payable in the manner  
26 provided in this Article.

27 (h) Survivor benefits do not affect any reversionary  
28 annuity.

29 (i) If a survivors annuity beneficiary becomes entitled  
30 to a widow's annuity or one or more survivors annuities or  
31 both such annuities, the beneficiary shall elect to receive  
32 only one of such annuities.

33 (j) Contributing creditable service under the State  
34 Universities Retirement System and the Teachers' Retirement

1 System of the State of Illinois shall be considered in  
2 determining whether the member has met the contributing  
3 service requirements of this Section.

4 (k) In lieu of the Survivor's Annuity described in this  
5 Section, the spouse of the member has the option to select  
6 the Nonoccupational Death Benefit described in this Article,  
7 provided the spouse is the sole survivor and the sole  
8 nominated beneficiary of the member.

9 (l) The changes made to this Section and Sections  
10 14-118, 14-119, and 14-128 by this amendatory Act of 1997,  
11 relating to benefits for certain unmarried children who are  
12 full-time students under age 22, apply without regard to  
13 whether the deceased member was in service on or after the  
14 effective date of this amendatory Act of 1997. These changes  
15 do not authorize the repayment of a refund or a re-election  
16 of benefits, and any benefit or increase in benefits  
17 resulting from these changes is not payable retroactively for  
18 any period before the effective date of this amendatory Act  
19 of 1997.

20 (Source: P.A. 90-448, eff. 8-16-97; 91-357, eff. 7-29-99;  
21 91-887, eff. 7-6-00.)

22 (40 ILCS 5/14-128) (from Ch. 108 1/2, par. 14-128)

23 Sec. 14-128. Occupational death benefit. An  
24 occupational death benefit is provided for a member of the  
25 System whose death, prior to retirement, is the proximate  
26 result of bodily injuries sustained or a hazard undergone  
27 while in the performance and within the scope of the member's  
28 duties.

29 (a) Conditions for payment.

30 Exclusive of the lump sum payment provided for herein,  
31 all annuities under this Section shall accrue and be payable  
32 for complete calendar months, beginning on the first day of  
33 the month next following the month in which the initiating



1 event occurs and ending on the last day of the month in which  
2 the terminating event occurs.

3 The following named survivors of the member may be  
4 eligible for an annuity under this Section:

5 (i) The member's spouse.

6 (ii) An unmarried child of the member under age 18  
7 (under age 22 if a full-time student); an unmarried  
8 stepchild under age 18 (under age 22 if a full-time  
9 student) who has been such for at least one year at the  
10 date of the member's death; an unmarried adopted child  
11 under age 18 (under age 22 if a full-time student) if the  
12 adoption proceedings were initiated at least one year  
13 prior to the death of the member; and an unmarried child  
14 over age 18 who is dependent by reason of a physical or  
15 mental disability, for so long as such physical or mental  
16 disability continues. For the purposes of this Section  
17 disability means inability to engage in any substantial  
18 gainful activity by reason of any medically determinable  
19 physical or mental impairment which can be expected to  
20 result in death or which has lasted or can be expected to  
21 last for a continuous period of not less than 12 months.

22 (iii) If no spouse or eligible children survive: a  
23 dependent parent of the member; a dependent step-parent  
24 by a marriage contracted before the member attained age  
25 18; or a dependent adopting parent by whom the member was  
26 adopted before he or she attained age 18.

27 The term "dependent" relating to an occupational death  
28 benefit means a survivor of the member who was receiving from  
29 the member at the date of the member's death at least 1/2 of  
30 the support for maintenance including board, lodging, medical  
31 care and like living costs.

32 Payment of the annuity shall continue until the  
33 occurrence of the following:

34 (1) remarriage before age 55 (for periods prior to

1 July 6, 2000) ~~that-occurs-before-the-effective-date-of~~  
2 ~~this-amendatory-Act--of--the--91st--General--Assembly~~ or  
3 death, in the case of a surviving spouse;

4 (2) attainment of age 18 or termination of  
5 disability, death, or marriage, in the case of an  
6 eligible child;

7 (3) remarriage before age 55 or death, in the case  
8 of a dependent parent.

9 If none of the aforementioned beneficiaries is living at  
10 the date of death of the member, no occupational death  
11 benefit shall be payable, but the nonoccupational death  
12 benefit shall be payable as provided in this Article.

13 A surviving spouse whose occupational death benefit  
14 annuity has been terminated due to remarriage prior to  
15 attainment of age 55 may apply for reinstatement of that  
16 annuity. The reinstated annuity shall begin to accrue on  
17 July 6, 2000, except that if, on July 6, 2000, the annuity is  
18 payable to an eligible surviving child or parent, payment of  
19 the annuity to the surviving spouse shall not be reinstated  
20 until the annuity is no longer payable to any eligible  
21 surviving child or parent. The reinstated annuity shall  
22 include any one-time or annual increases received prior to  
23 the date of termination, as well as any increases that would  
24 otherwise have accrued from the date of termination to the  
25 date of reinstatement.

26 The changes echange made to this subsection by Public Act  
27 91-887 and this amendatory Act of the 92nd 91st General  
28 Assembly (pertaining to remarriage prior to age 55) apply  
29 applies without regard to whether the deceased member was in  
30 service on or after the effective date of either this  
31 amendatory Act.

32 (b) Amount of benefit.

33 The member's accumulated contributions plus credited  
34 interest shall be payable in a lump sum to such person as the

1 member has nominated by written direction, duly acknowledged  
2 and filed with the Board, or if no such nomination to the  
3 estate of the member. When an annuitant is re-employed by a  
4 Department, the accumulated contributions plus credited  
5 interest payable on the member's account shall, if the member  
6 has not previously elected a reversionary annuity, consist of  
7 the excess, if any, of the member's total accumulated  
8 contributions plus credited interest for all creditable  
9 service over the total amount of all retirement annuity  
10 payments received by the member prior to death.

11 In addition to the foregoing payment, an annuity is  
12 provided for eligible survivors as follows:

13 (1) If the survivor is a spouse only, the annuity  
14 shall be 50% of the member's final average compensation.

15 (2) If the spouse has in his or her care an  
16 eligible child or children, the annuity shall be  
17 increased by an amount equal to 15% of the final average  
18 compensation on account of each such child, subject to a  
19 limitation on the combined annuities to a surviving  
20 spouse and children of 75% of final average compensation.

21 (3) If there is no surviving spouse, or if the  
22 surviving spouse dies or remarries while a child remains  
23 eligible, then each such child shall be entitled to an  
24 annuity of 15% of the deceased member's final average  
25 compensation, subject to a limitation of 50% of final  
26 average compensation to all such children.

27 (4) If there is no surviving spouse or eligible  
28 children, then an annuity shall be payable to the  
29 member's dependent parents, equal to 25% of final average  
30 compensation to each such beneficiary.

31 If any annuity payable under this Section is less than  
32 the corresponding survivors annuity, the beneficiary or  
33 beneficiaries of the annuity under this Section may elect to  
34 receive the survivors annuity and the nonoccupational death

1 benefit provided for in this Article in lieu of the annuity  
2 provided under this Section.

3 (c) Occupational death claims pending adjudication by  
4 the Industrial Commission or a ruling by the agency  
5 responsible for determining the liability of the State under  
6 the "Workers' Compensation Act" or "Workers' Occupational  
7 Diseases Act" shall be payable under Sections 14-120 and  
8 14-121 until a ruling or adjudication occurs, if the  
9 beneficiary or beneficiaries: (1) meet all conditions for  
10 payment as prescribed in this Article; and (2) execute an  
11 assignment of benefits payable as a result of adjudication by  
12 the Industrial Commission or a ruling by the agency  
13 responsible for determining the liability of the State under  
14 such Acts. The assignment shall be made to the System and  
15 shall be for an amount equal to the excess of benefits paid  
16 under Sections 14-120 and 14-121 over benefits payable as a  
17 result of adjudication of the workers' compensation claim  
18 computed from the date of death of the member.

19 (d) Every occupational death annuity payable under this  
20 Section shall be increased on each January 1 occurring on or  
21 after (i) January 1, 1990, or (ii) the first anniversary of  
22 the commencement of the annuity, whichever occurs later, by  
23 an amount equal to 3% of the current amount of the annuity,  
24 including any previous increases under this Article, without  
25 regard to whether the deceased member was in service on the  
26 effective date of this amendatory Act of 1991.

27 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

28 (40 ILCS 5/15-145) (from Ch. 108 1/2, par. 15-145)  
29 Sec. 15-145. Survivors insurance benefits; conditions  
30 and amounts.

31 (a) The survivors insurance benefits provided under this  
32 Section shall be payable to the eligible survivors of a  
33 participant covered under the traditional benefit package

1 upon the death of (1) a participating employee with at least  
2 1 1/2 years of service, (2) a participant who terminated  
3 employment with at least 10 years of service, and (3) an  
4 annuitant in receipt of a retirement annuity or disability  
5 retirement annuity under this Article.

6 Service under the State Employees' Retirement System of  
7 Illinois, the Teachers' Retirement System of the State of  
8 Illinois and the Public School Teachers' Pension and  
9 Retirement Fund of Chicago shall be considered in determining  
10 eligibility for survivors benefits under this Section.

11 If by law, a function of a governmental unit, as defined  
12 by Section 20-107, is transferred in whole or in part to an  
13 employer, and an employee transfers employment from this  
14 governmental unit to such employer within 6 months after the  
15 transfer of this function, the service credits in the  
16 governmental unit's retirement system which have been  
17 validated under Section 20-109 shall be considered in  
18 determining eligibility for survivors benefits under this  
19 Section.

20 (b) A surviving spouse of a deceased participant, or of  
21 a deceased annuitant who did not take a refund or additional  
22 annuity consisting of accumulated survivors insurance  
23 contributions, shall receive a survivors annuity of 30% of  
24 the final rate of earnings. Payments shall begin on the day  
25 following the participant's or annuitant's death or the date  
26 the surviving spouse attains age 50, whichever is later, and  
27 continue until the death of the surviving spouse. The  
28 annuity shall be payable to the surviving spouse prior to  
29 attainment of age 50 if the surviving spouse has in his or  
30 her care a deceased participant's or annuitant's dependent  
31 unmarried child under age 18 (under age 22 if a full-time  
32 student) who is eligible for a survivors annuity.

33 Remarriage of a surviving spouse prior to attainment of  
34 age 55 that occurs before the effective date of this

1 amendatory Act of the 91st General Assembly shall disqualify  
2 him or her for the receipt of a survivors annuity until July  
3 6, 2000.

4 A surviving spouse whose survivors annuity has been  
5 terminated due to remarriage prior to attainment of age 55  
6 may apply for reinstatement of that annuity. The reinstated  
7 annuity shall begin to accrue on July 6, 2000, except that  
8 if, on July 6, 2000, the annuity is payable to an eligible  
9 surviving child or parent, payment of the annuity to the  
10 surviving spouse shall not be reinstated until the annuity is  
11 no longer payable to any eligible surviving child or parent.  
12 The reinstated annuity shall include any one-time or annual  
13 increases received prior to the date of termination, as well  
14 as any increases that would otherwise have accrued from the  
15 date of termination to the date of reinstatement. An  
16 eligible surviving spouse whose expectation of receiving a  
17 survivors annuity was lost due to remarriage before  
18 attainment of age 50 shall also be entitled to reinstatement  
19 under this subsection, but the resulting survivors annuity  
20 shall not begin to accrue sooner than upon the surviving  
21 spouse's attainment of age 50.

22 The changes made to this subsection by this amendatory  
23 Act of the 92nd General Assembly (pertaining to remarriage  
24 prior to age 55 or 50) apply without regard to whether the  
25 deceased participant or annuitant was in service on or after  
26 the effective date of this amendatory Act.

27 (c) Each dependent unmarried child under age 18 (under  
28 age 22 if a full-time student) of a deceased participant, or  
29 of a deceased annuitant who did not take a refund or  
30 additional annuity consisting of accumulated survivors  
31 insurance contributions, shall receive a survivors annuity  
32 equal to the sum of (1) 20% of the final rate of earnings,  
33 and (2) 10% of the final rate of earnings divided by the  
34 number of children entitled to this benefit. Payments shall

1 begin on the day following the participant's or annuitant's  
2 death and continue until the child marries, dies, or attains  
3 age 18 (age 22 if a full-time student). If the child is in  
4 the care of a surviving spouse who is eligible for survivors  
5 insurance benefits, the child's benefit shall be paid to the  
6 surviving spouse.

7 Each unmarried child over age 18 of a deceased  
8 participant or of a deceased annuitant who had a survivor's  
9 insurance beneficiary at the time of his or her retirement,  
10 and who was dependent upon the participant or annuitant by  
11 reason of a physical or mental disability which began prior  
12 to the date the child attained age 18 (age 22 if a full-time  
13 student), shall receive a survivor's annuity equal to the sum  
14 of (1) 20% of the final rate of earnings, and (2) 10% of the  
15 final rate of earnings divided by the number of children  
16 entitled to survivors benefits. Payments shall begin on the  
17 day following the participant's or annuitant's death and  
18 continue until the child marries, dies, or is no longer  
19 disabled. If the child is in the care of a surviving spouse  
20 who is eligible for survivors insurance benefits, the child's  
21 benefit may be paid to the surviving spouse. For the  
22 purposes of this Section, disability means inability to  
23 engage in any substantial gainful activity by reason of any  
24 medically determinable physical or mental impairment that can  
25 be expected to result in death or that has lasted or can be  
26 expected to last for a continuous period of at least one  
27 year.

28 (d) Each dependent parent of a deceased participant, or  
29 of a deceased annuitant who did not take a refund or  
30 additional annuity consisting of accumulated survivors  
31 insurance contributions, shall receive a survivors annuity  
32 equal to the sum of (1) 20% of final rate of earnings, and  
33 (2) 10% of final rate of earnings divided by the number of  
34 parents who qualify for the benefit. Payments shall begin

1 when the parent reaches age 55 or the day following the  
2 participant's or annuitant's death, whichever is later, and  
3 continue until the parent dies. Remarriage of a parent prior  
4 to attainment of age 55 shall disqualify the parent for the  
5 receipt of a survivors annuity.

6 (e) In addition to the survivors annuity provided above,  
7 each survivors insurance beneficiary shall, upon death of the  
8 participant or annuitant, receive a lump sum payment of  
9 \$1,000 divided by the number of such beneficiaries.

10 (f) The changes made in this Section by Public Act  
11 81-712 pertaining to survivors annuities in cases of  
12 remarriage prior to age 55 shall apply to each survivors  
13 insurance beneficiary who remarries after June 30, 1979,  
14 regardless of the date that the participant or annuitant  
15 terminated his employment or died.

16 The change made to this Section by this amendatory Act of  
17 the 91st General Assembly, pertaining to remarriage prior to  
18 age 55, applies without regard to whether the deceased  
19 participant or annuitant was in service on or after the  
20 effective date of this amendatory Act of the 91st General  
21 Assembly.

22 (g) On January 1, 1981, any person who was receiving a  
23 survivors annuity on or before January 1, 1971 shall have the  
24 survivors annuity then being paid increased by 1% for each  
25 full year which has elapsed from the date the annuity began.  
26 On January 1, 1982, any survivor whose annuity began after  
27 January 1, 1971, but before January 1, 1981, shall have the  
28 survivor's annuity then being paid increased by 1% for each  
29 year which has elapsed from the date the survivor's annuity  
30 began. On January 1, 1987, any survivor who began receiving a  
31 survivor's annuity on or before January 1, 1977, shall have  
32 the monthly survivor's annuity increased by \$1 for each full  
33 year which has elapsed since the date the survivor's annuity  
34 began.



1 (h) If the sum of the lump sum and total monthly  
2 survivor benefits payable under this Section upon the death  
3 of a participant amounts to less than the sum of the death  
4 benefits payable under items (2) and (3) of Section 15-141,  
5 the difference shall be paid in a lump sum to the beneficiary  
6 of the participant who is living on the date that this  
7 additional amount becomes payable.

8 (i) If the sum of the lump sum and total monthly  
9 survivor benefits payable under this Section upon the death  
10 of an annuitant receiving a retirement annuity or disability  
11 retirement annuity amounts to less than the death benefit  
12 payable under Section 15-142, the difference shall be paid to  
13 the beneficiary of the annuitant who is living on the date  
14 that this additional amount becomes payable.

15 (j) Effective on the later of (1) January 1, 1990, or  
16 (2) the January 1 on or next after the date on which the  
17 survivor annuity begins, if the deceased member died while  
18 receiving a retirement annuity, or in all other cases the  
19 January 1 nearest the first anniversary of the date the  
20 survivor annuity payments begin, every survivors insurance  
21 beneficiary shall receive an increase in his or her monthly  
22 survivors annuity of 3%. On each January 1 after the initial  
23 increase, the monthly survivors annuity shall be increased by  
24 3% of the total survivors annuity provided under this  
25 Article, including previous increases provided by this  
26 subsection. Such increases shall apply to the survivors  
27 insurance beneficiaries of each participant and annuitant,  
28 whether or not the employment status of the participant or  
29 annuitant terminates before the effective date of this  
30 amendatory Act of 1990. This subsection (j) also applies to  
31 persons receiving a survivor annuity under the portable  
32 benefit package.

33 (k) If the Internal Revenue Code of 1986, as amended,  
34 requires that the survivors benefits be payable at an age

1 earlier than that specified in this Section the benefits  
2 shall begin at the earlier age, in which event, the  
3 survivor's beneficiary shall be entitled only to that amount  
4 which is equal to the actuarial equivalent of the benefits  
5 provided by this Section.

6 (1) The changes made to this Section and Section 15-131  
7 by this amendatory Act of 1997, relating to benefits for  
8 certain unmarried children who are full-time students under  
9 age 22, apply without regard to whether the deceased member  
10 was in service on or after the effective date of this  
11 amendatory Act of 1997. These changes do not authorize the  
12 repayment of a refund or a re-election of benefits, and any  
13 benefit or increase in benefits resulting from these changes  
14 is not payable retroactively for any period before the  
15 effective date of this amendatory Act of 1997.

16 (Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98;  
17 91-887, eff. 7-6-00.)

18 (40 ILCS 5/16-143) (from Ch. 108 1/2, par. 16-143)  
19 Sec. 16-143. Survivors' benefits - other conditions and  
20 limitations. The benefits provided under Sections 16-141 and  
21 16-142, shall be subject to the following further conditions  
22 and limitations:

23 (1) The period during which a member was in receipt of a  
24 disability or occupational disability benefit shall be  
25 considered as creditable service at the annual salary rate on  
26 which the member last made contributions.

27 (2) All service prior to July 24, 1959, for which  
28 creditable service is granted towards a retirement annuity  
29 shall be considered as creditable service.

30 (3) No benefits shall be payable unless a member, or a  
31 disabled member, returning to service, has made contributions  
32 to the system for at least one month after July 24, 1959,  
33 except that an annuitant must have contributed to the system

1 for at least 1 year of creditable service after July 24,  
2 1959.

3 (4) Creditable service under the State Employees'  
4 Retirement System of Illinois, the State Universities  
5 Retirement System and the Public School Teachers' Pension and  
6 Retirement Fund of Chicago shall be considered in determining  
7 whether the member has met the creditable service  
8 requirement.

9 (5) If an eligible beneficiary qualifies for a  
10 survivors' benefit because of pension credits established by  
11 the participant or annuitant in another system covered by  
12 Article 20, and the combined survivors' benefits exceed the  
13 highest survivors' benefit payable by either system based  
14 upon the combined pension credits, the survivors' benefit  
15 payable by this system shall be reduced to that amount which  
16 when added to the survivors' benefit payable by the other  
17 system would equal this highest survivors' benefit. If the  
18 other system has a similar provision for adjustment of the  
19 survivors' benefit, the respective proportional survivors'  
20 benefits shall be reduced proportionately according to the  
21 ratio which the amount of each proportional survivors'  
22 benefit bears to the aggregate of all proportional survivors'  
23 benefits. If a survivors' benefit is payable by another  
24 system covered by Article 20, and the survivor elects to  
25 waive the monthly survivors' benefit and accept a lump sum  
26 payment or death benefit in lieu of the monthly survivors'  
27 benefit, this system shall, for the purpose of adjusting the  
28 monthly survivors' benefit under this paragraph, assume that  
29 the survivor had been entitled to a monthly survivors'  
30 benefit which, in accordance with actuarial tables of this  
31 system, is the actuarial equivalent of the amount of the lump  
32 sum payment or death benefit.

33 (6) Remarriage of a surviving spouse prior to attainment  
34 of age 55 that occurs before the effective date of this

1 amendatory Act of the 91st General Assembly shall terminate  
2 his or her survivors' benefits until July 6, 2000.

3 A surviving spouse whose survivors' benefit has been  
4 terminated due to remarriage prior to attainment of age 55  
5 may apply for reinstatement of that benefit. The reinstated  
6 benefit shall begin to accrue on July 6, 2000, except that  
7 if, on July 6, 2000, the benefit is payable to an eligible  
8 surviving child or parent, payment of the benefit to the  
9 surviving spouse shall not be reinstated until the benefit is  
10 no longer payable to any eligible surviving child or parent.  
11 The reinstated benefit shall include any one-time or annual  
12 increases received prior to the date of termination, as well  
13 as any increases that would otherwise have accrued from the  
14 date of termination to the date of reinstatement. An  
15 eligible surviving spouse whose expectation of receiving a  
16 survivors' benefit was lost due to remarriage before  
17 attainment of age 50 shall also be entitled to reinstatement  
18 under this subsection, but the resulting survivors' benefit  
19 shall not begin to accrue sooner than upon the surviving  
20 spouse's attainment of age 50.

21 The changes echange made to this item (6) by Public Act  
22 91-887 and this amendatory Act of the 92nd ~~91st~~ General  
23 Assembly apply ~~applies~~ without regard to whether the deceased  
24 member or annuitant was in service on or after the effective  
25 date of either this amendatory Act ~~of--the-91st-General~~  
26 Assembly.

27 (7) The benefits payable to an eligible child shall  
28 terminate when the eligible child marries, dies, or attains  
29 age 18 (age 22 if a full-time student); except that benefits  
30 payable to a dependent disabled eligible child shall  
31 terminate only when the eligible child dies or ceases to be  
32 disabled.

33 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

1 (40 ILCS 5/18-128) (from Ch. 108 1/2, par. 18-128)  
2 Sec. 18-128. Survivor's annuities; Conditions for  
3 payment.

4 (a) A survivor's annuity shall be payable upon the death  
5 of a participant while in service after June 30, 1967 if the  
6 participant had at least 1 1/2 years of service credit as a  
7 judge, or upon death of an inactive participant who had  
8 terminated service as a judge on or after June 30, 1967 with  
9 at least 10 years of service credit, or upon the death of an  
10 annuitant whose retirement becomes effective after June 30,  
11 1967.

12 (b) The surviving spouse of a deceased participant or  
13 annuitant is entitled to a survivor's annuity beginning at  
14 the date of death if the surviving spouse (1) has been  
15 married to the participant or annuitant for a continuous  
16 period of at least one year immediately preceding the date of  
17 death, and (2) has attained age 50, or, regardless of age,  
18 has in his or her care an eligible child or children of the  
19 decedent as provided under subsections (c) and (d) of this  
20 Section. If the surviving spouse has no such child in his or  
21 her care and has not attained age 50, the survivor's annuity  
22 shall begin upon attainment of age 50. When all such  
23 children of the deceased who are in the care of the surviving  
24 spouse no longer qualify for benefits and the surviving  
25 spouse is under 50 years of age, the surviving spouse's  
26 annuity shall be suspended until he or she attains age 50.

27 (c) A child's annuity is payable for an unmarried child  
28 of an annuitant or participant so long as the child is (i)  
29 under age 18, (ii) under age 22 and a full time student, or  
30 (iii) age 18 or over if dependent by reason of physical or  
31 mental disability. Disability means inability to engage in  
32 any substantial gainful activity by reason of any medically  
33 determinable physical or mental impairment which can expected  
34 to result in death or which has lasted or can be expected to

1 last for a continuous period of not less than 12 months.

2 (d) Adopted children shall have the same status as  
3 natural children, but only if the proceedings for adoption  
4 were commenced at least 6 months prior to the death of the  
5 annuitant or participant.

6 (e) Remarriage prior to attainment of age 50 that occurs  
7 before the effective date of this amendatory Act of the 91st  
8 General Assembly shall disqualify a surviving spouse for the  
9 receipt of a survivor's annuity until July 6, 2000.

10 A surviving spouse whose survivor's annuity has been  
11 terminated due to remarriage prior to attainment of age 50  
12 may apply for reinstatement of that annuity. The reinstated  
13 annuity shall begin to accrue on July 6, 2000, except that  
14 if, on July 6, 2000, the annuity is payable to an eligible  
15 surviving child, payment of the annuity to the surviving  
16 spouse shall not be reinstated until the annuity is no longer  
17 payable to any eligible surviving child. The reinstated  
18 annuity shall include any one-time or annual increases  
19 received prior to the date of termination, as well as any  
20 increases that would otherwise have accrued from the date of  
21 termination to the date of reinstatement. An eligible  
22 surviving spouse whose expectation of receiving a survivor's  
23 annuity was lost due to remarriage before attainment of age  
24 50 shall also be entitled to reinstatement under this  
25 subsection, but the resulting survivor's annuity shall not  
26 begin to accrue sooner than upon the surviving spouse's  
27 attainment of age 50.

28 The changes echange made to this subsection by Public Act  
29 91-887 and this amendatory Act of the 92nd 91st General  
30 Assembly apply ~~applies~~ without regard to whether the deceased  
31 judge was in service on or after the effective date of either  
32 ~~this amendatory Act of the 91st General Assembly.~~

33 (f) The changes made in survivor's annuity provisions by  
34 Public Act 82-306 shall apply to the survivors of a deceased

1 participant or annuitant whose death occurs on or after  
2 August 21, 1981 and whose service as a judge terminates on or  
3 after July 1, 1967.

4 The provision of child's annuities for dependent students  
5 under age 22 by this amendatory Act of 1991 shall apply to  
6 all eligible students beginning January 1, 1992, without  
7 regard to whether the deceased judge was in service on or  
8 after the effective date of this amendatory Act.

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.