

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 6-142, 6-143, and 6-160 as follows:

6 (40 ILCS 5/6-142) (from Ch. 108 1/2, par. 6-142)

7 Sec. 6-142. Wives and widows not entitled to annuities.

8 (A) Except as provided in subsection (B), the following  
9 wives or widows have no right to annuity from the fund:

10 (a) A wife or widow married subsequent to the effective  
11 date of a fireman who dies in service if she was not married  
12 to him before he attained age 63;

13 (b) A wife or widow of a fireman who withdraws, whether  
14 or not he enters upon annuity, and dies while out of service,  
15 if the marriage occurred after the effective date and she was  
16 not his wife while he was in service and before he attained  
17 age 63;

18 (c) A wife or widow of a fireman who (1) has served 10  
19 or more years, (2) dies out of service after he has withdrawn  
20 from service, and (3) has withdrawn or applied for refund of  
21 the sums to his credit for annuity to which he had a right to  
22 refund;

23 (d) A wife or widow of a fireman who dies out of service  
24 after he has withdrawn before age 63, and who has not served  
25 at least 10 years;

26 (e) A wife whose marriage was dissolved or widow of a  
27 fireman whose judgment of dissolution of marriage from her  
28 fireman husband is annulled, vacated or set aside by  
29 proceedings in court subsequent to the death of the fireman,  
30 unless (1) such proceedings are filed within 5 years after  
31 the date of the dissolution of marriage and within one year

1 after the death of the fireman and (2) the board is made a  
2 party to the proceedings;

3 (f) A wife or widow who married the fireman while he was  
4 in receipt of disability benefit or disability pension from  
5 this fund, unless he returned to the service subsequent to  
6 the marriage and remained therein for a period or periods  
7 aggregating one year, or died while in service.

8 (B) Beginning on the effective date of this amendatory  
9 Act of the 92nd General Assembly, the limitation on marriage  
10 after withdrawal under subdivision (A)(b) and the limitation  
11 on marriage during disability under subdivision (A)(f) no  
12 longer apply to a widow who was married to the deceased  
13 fireman before the fireman begins to receive a retirement  
14 annuity and for at least one year immediately preceding the  
15 date of death, regardless of whether the deceased fireman is  
16 in service on or after the effective date of this amendatory  
17 Act of the 92nd General Assembly; except that this subsection  
18 (B) does not apply to the widow of a fireman who received a  
19 refund of contributions for widow's annuity under Section  
20 6-160, unless the refund is repaid to the Fund, with interest  
21 at the rate of 4% per year, compounded annually, from the  
22 date of the refund to the date of repayment. If the widow of  
23 a fireman who died before the effective date of this  
24 amendatory Act becomes eligible for a widow's annuity because  
25 of this amendatory Act, the annuity shall begin to accrue on  
26 the date of application for the annuity, but in no event  
27 sooner than the effective date of this amendatory Act.

28 (Source: P.A. 81-230.)

29 (40 ILCS 5/6-143) (from Ch. 108 1/2, par. 6-143)  
30 Sec. 6-143. Widow's remarriage.

31 (a) Beginning on the effective date of this amendatory  
32 Act of the 92nd General Assembly, a widow's annuity shall no  
33 longer be subject to termination or suspension under this

1 Section due to remarriage. Any widow's annuity that was  
2 previously terminated or suspended under this Section by  
3 reason of remarriage shall, upon application, be resumed as  
4 of the date of the application, but in no event sooner than  
5 the effective date of this amendatory Act. The resumption  
6 shall not be retroactive. This subsection (a) applies  
7 regardless of whether or not the deceased fireman was in  
8 service on or after the effective date of this amendatory  
9 Act.

10 (b) This subsection (b) does not apply on or after the  
11 effective date of this amendatory Act of the 92nd General  
12 Assembly.

13 Any annuity granted to a widow who remarries on or after  
14 December 31, 1989 shall be suspended when she remarries,  
15 unless (i) she remarries after attaining the age of 60  
16 regardless of whether or not the deceased fireman was in  
17 service on or after the effective date of this amendatory Act  
18 of 1995 or (ii) she has been granted a Section 6-140 annuity  
19 as the widow of a fireman killed in performance of duty. An  
20 annuity suspended under this Section shall, upon application,  
21 be resumed if the subsequent marriage ends by dissolution of  
22 marriage, declaration of invalidity of marriage, or the death  
23 of the husband; this resumption shall not be retroactive.

24 If a widow remarries after attaining age 60 or after she  
25 has been granted an annuity under Section 6-140 and the  
26 remarriage takes place after December 31, 1989, regardless of  
27 whether or not the deceased fireman was in service on or  
28 after the effective date of this amendatory Act of 1995, the  
29 widow's annuity shall continue without interruption.

30 Any widow's annuity that was previously terminated by  
31 reason of remarriage prior to December 31, 1989 or suspended  
32 shall, upon application, be resumed, as of the date of the  
33 application, if the subsequent marriage ended by dissolution  
34 of marriage, declaration of invalidity of marriage, or the

1 death of the husband, regardless of whether or not the  
2 deceased fireman was in service on the effective date of this  
3 amendatory Act of 1995; this resumption shall not be  
4 retroactive.

5 When a widow dies, if she has not received, in the form  
6 of an annuity, an amount equal to the accumulated employee  
7 contributions for widow's annuity, the difference between  
8 such accumulated contributions and the sum received by her,  
9 along with any part of the accumulated contributions for age  
10 and service annuity remaining in the fund at her death, shall  
11 be refunded to the fireman's children, in equal parts to  
12 each; except that if a child is less than age 18, the part of  
13 any such amount that is required to pay an annuity to the  
14 child shall be transferred to the child's annuity reserve.  
15 If no children or descendants thereof survive the fireman,  
16 the refund shall be paid to the estate of the fireman. In  
17 making refunds under this Section, no interest shall be  
18 considered upon either the total of annuity payments made or  
19 the amounts subject to refund.

20 (Source: P.A. 89-136, eff. 7-14-95.)

21 (40 ILCS 5/6-160) (from Ch. 108 1/2, par. 6-160)

22 Sec. 6-160. Refund - Widow's annuity contributions. When  
23 a fireman attains age 63 in service and is not then married,  
24 or when an unmarried fireman withdraws before age 63 and  
25 enters upon annuity, his contributions for widow's annuity  
26 shall then be refunded to him, upon request. A refund under  
27 this Section may be repaid as provided in Section 6-142(B).

28 (Source: P.A. 81-1536.)

29 Section 90. The State Mandates Act is amended by adding  
30 Section 8.25 as follows:

31 (30 ILCS 805/8.25 new)

1       Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
2       and 8 of this Act, no reimbursement by the State is required  
3       for the implementation of any mandate created by this  
4       amendatory Act of the 92nd General Assembly.

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.