

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 Section 17-122 as follows:

6 (40 ILCS 5/17-122) (from Ch. 108 1/2, par. 17-122)

7 Sec. 17-122. Survivor's and children's pensions - Amount.
8 Upon the death of a teacher who has completed at least 1 1/2
9 years of contributing service with either this Fund or the
10 State Universities Retirement System or the Teachers'
11 Retirement System of the State of Illinois, provided his
12 death occurred while (a) in active service covered by the
13 Fund or during his first 18 months of continuous employment
14 without a break in service under any other participating
15 system as defined in the Illinois Retirement Systems
16 Reciprocal Act except the State Universities Retirement
17 System and the Teachers' Retirement System of the State of
18 Illinois, (b) on a creditable leave of absence, (c) on a
19 noncreditable leave of absence of no more than one year, or
20 (d) a pension was deferred or pending provided the teacher
21 had at least 10 years of validated service credit, or upon
22 the death of a pensioner otherwise qualified for such
23 benefit, the surviving spouse and unmarried minor children of
24 the deceased teacher under age 18 shall be entitled to
25 pensions, under the conditions stated hereinafter. Such
26 survivor's and children's pensions shall be based on the
27 average of the 4 highest consecutive years of salary in the
28 last 10 years of service or on the average salary for total
29 service, if total service has been less than 4 years,
30 according to the following percentages:

31 30% of average salary or 50% of the retirement pension

1 earned by the teacher, whichever is larger, subject to the
2 prescribed maximum monthly payment, for a surviving spouse
3 alone on attainment of age 50, but, beginning January 1,
4 2003, not less than \$400 per month;

5 60% of average salary for a surviving spouse and
6 eligible minor children of the deceased teacher, but,
7 beginning January 1, 2003, not less than \$400 per month per
8 eligible survivor.

9 If no eligible spouse survives, or the surviving spouse
10 remarries, or the parent of the children of the deceased
11 member is otherwise ineligible for a survivor's pension, a
12 children's pension for eligible minor children under age 18
13 shall be paid to their parent or legal guardian for their
14 benefit according to the following percentages:

15 30% of average salary for one child, but, beginning
16 January 1, 2003, not less than \$400 per month;

17 60% of average salary for 2 or more children, but,
18 beginning January 1, 2003, not less than \$400 per month per
19 eligible survivor.

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

33 Beginning January 1, 1990, every survivor's and
34 children's pension shall be increased (1) on each January 1

1 occurring on or after the commencement of the pension if the
2 deceased teacher died while receiving a retirement pension,
3 or (2) in other cases, on each January 1 occurring on or
4 after the first anniversary of the commencement of the
5 pension, by an amount equal to 3% of the current amount of
6 the pension, including all increases previously granted under
7 this Article, notwithstanding Section 17-157. Such increases
8 shall apply without regard to whether the deceased teacher
9 was in service on or after the effective date of this
10 amendatory Act of 1991, but shall not accrue for any period
11 prior to January 1, 1990.

12 Subject to the minimum established below, the maximum
13 amount of pension for a surviving spouse alone or one minor
14 child shall be \$400 per month, and the maximum combined
15 pensions for a surviving spouse and children of the deceased
16 teacher shall be \$600 per month, with individual pensions
17 adjusted for all beneficiaries pro rata to conform with this
18 limitation. If proration is unnecessary the minimum
19 survivor's and children's pensions shall be \$40 per month.
20 The minimum total survivor's and children's pension payable
21 upon the death of a contributor or annuitant which occurs
22 after December 31, 1986, shall be 50% of the earned
23 retirement pension of such contributor or annuitant,
24 calculated without early retirement discount in the case of
25 death in service. Beginning January 1, 2003, the minimum
26 total survivor's and children's pension payable upon the
27 death of a contributor or annuitant that occurred before
28 January 1, 1987 shall be 50% of the earned retirement pension
29 of the contributor or annuitant, calculated without any early
30 retirement discount in the case of a death in service.

31 On death after retirement, the total survivor's and
32 children's pensions shall not exceed the monthly retirement
33 or disability pension paid to the deceased retirant.
34 Survivor's and children's benefits described in this Section

1 shall apply to all service and disability pensioners eligible
2 for a pension as of July 1, 1981.

3 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.26 as follows:

6 (30 ILCS 805/8.26 new)

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

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