

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19 or more years, (2) dies out of service after he has withdrawn
20 from service, and (3) has withdrawn or applied for refund of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24 after he has withdrawn before age 63, and who has not served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 8.26 as follows:

31 (30 ILCS 805/8.26 new)

1 Sec. 8.26. 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.