

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 18-123 as follows:

6 (40 ILCS 5/18-123) (from Ch. 108 1/2, par. 18-123)

7 Sec. 18-123. Participation in survivor's annuity. A  
8 participant in active service as a judge after July 26, 1949,  
9 is eligible to participate in the survivor's annuity provided  
10 under this Article. A married participant who was in service  
11 on July 27, 1949 is subject to the provisions relating to  
12 survivor's annuities unless he or she filed with the Board  
13 written notice not to participate in such annuity within 30  
14 days of that date.

15 A married judge who becomes a participant after July 27,  
16 1949, an unmarried judge who becomes a participant after  
17 December 31, 1992, and a judge who marries after becoming a  
18 participant shall be subject to the provisions relating to  
19 survivor's annuities unless he or she files with the Board  
20 written notice of his or her election not to participate in  
21 the survivor's annuity within 30 days of the date of being  
22 notified of the option by the System. Once the election  
23 period has expired, a judge may not withdraw from  
24 participation under this Section except as provided in  
25 Section 18-129.

26 A person who became a participant before January 1, 1997  
27 and who is not contributing for survivor's annuity may elect  
28 to make contributions for survivor's annuity by filing  
29 written notice of the election with the Board no later than  
30 April 1, 1998. Such an election may not be rescinded. A  
31 person who has so elected shall be entitled only to partial

1 credit for survivor's annuity under subsection (g) of Section  
2 18-129 unless all of the payments required under subsection  
3 (f) of that Section have been made.

4 A married participant who elects not to participate in  
5 the survivor's annuity provisions shall thereafter be  
6 ineligible to participate in the survivor's annuity unless  
7 the election is rescinded as provided herein.

8 A married participant who elected not to participate in  
9 the survivor's annuity provisions and who is still a judge,  
10 may elect to participate therein by filing with the Board  
11 before April 1, 2002 ~~1998~~ a written rescission of the election  
12 not to participate. The participant and his or her spouse  
13 shall be entitled to all the rights of the survivor's  
14 annuity, except as limited in Section 18-129, upon paying the  
15 System for the survivor's annuity 1 1/2% of each payment of  
16 salary earned between July 27, 1949 and July 12, 1953, and 2  
17 1/2% of each payment of salary earned after July 12, 1953,  
18 together with interest at 4% per annum, compounded annually  
19 from the date the contributions would have been due to the  
20 date of payment. The time and manner of paying the required  
21 contributions and interest shall be prescribed by the Board.  
22 (Source: P.A. 90-507, eff. 8-22-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.