

SB0245



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0245

Introduced 2/4/2009, by Sen. Heather Steans - David Koehler

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-143.3 new
40 ILCS 5/17-121.1 new

Amends the Downstate Teacher and the Chicago Teacher Articles of the Illinois Pension Code. Allows a designated domestic partner to qualify as a surviving spouse for purposes of survivor and death benefits. Effective immediately.

LRB096 04389 AMC 14438 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning 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 adding
5 Sections 16-143.3 and 17-121.1 as follows:

6 (40 ILCS 5/16-143.3 new)

7 Sec. 16-143.3. Domestic partner eligibility.

8 (a) Beginning July 1, 2009, an unmarried teacher may
9 designate a domestic partner by filing a written designation
10 with the System in the manner prescribed by the System. The
11 System may require reasonable evidence that the person
12 designated meets the qualifications set forth in subsection
13 (c). Such a designation is revocable at any time, but may not
14 be made or changed more than once in any 24-month period. The
15 marriage of a teacher automatically revokes any designation of
16 a domestic partner previously made by that teacher.

17 (b) The designated domestic partner of a teacher shall be
18 eligible to receive survivor and death benefits under this
19 Article in the same manner and subject to the same conditions
20 as a surviving spouse. For the purposes of determining
21 eligibility for those benefits, the date of designation of a
22 domestic partner shall be deemed the equivalent of the date of
23 marriage, and the revocation or change of a designation shall

1 be deemed the equivalent of termination of the marriage.
2 References in this Article and other applicable Articles of
3 this Code to a surviving spouse shall be deemed to include a
4 surviving designated domestic partner.

5 (c) "Domestic partner" means an individual of the same
6 gender as an unmarried teacher who (1) is involved with the
7 teacher in a long-term relationship of indefinite duration; (2)
8 has resided together with the teacher at the same address for
9 at least 12 months; (3) is not related to the teacher by blood
10 to a degree of closeness that would prohibit legal marriage in
11 the state in which they legally reside; (4) is not married to
12 any other person; and (5) has an exclusive mutual commitment to
13 the teacher in which they agree to be jointly responsible for
14 each other's common welfare and to share financial obligations.

15 (40 ILCS 5/17-121.1 new)

16 Sec. 17-121.1. Domestic partner eligibility.

17 (a) Beginning July 1, 2009, an unmarried teacher may
18 designate a domestic partner by filing a written designation
19 with the Fund in the manner prescribed by the Fund. The Fund
20 may require reasonable evidence that the person designated
21 meets the qualifications set forth in subsection (c). Such a
22 designation is revocable at any time, but may not be made or
23 changed more than once in any 24-month period. The marriage of
24 a teacher automatically revokes any designation of a domestic
25 partner previously made by that teacher.

1 (b) The designated domestic partner of a teacher shall be
2 eligible to receive survivor and death benefits under this
3 Article in the same manner and subject to the same conditions
4 as a surviving spouse. For the purposes of determining
5 eligibility for those benefits, the date of designation of a
6 domestic partner shall be deemed the equivalent of the date of
7 marriage, and the revocation or change of a designation shall
8 be deemed the equivalent of termination of the marriage.
9 References in this Article and other applicable Articles of
10 this Code to a surviving spouse shall be deemed to include a
11 surviving designated domestic partner.

12 (c) "Domestic partner" means an individual of the same
13 gender as an unmarried teacher who (1) is involved with the
14 teacher in a long-term relationship of indefinite duration; (2)
15 has resided together with the teacher at the same address for
16 at least 12 months; (3) is not related to the teacher by blood
17 to a degree of closeness that would prohibit legal marriage in
18 the state in which they legally reside; (4) is not married to
19 any other person; and (5) has an exclusive mutual commitment to
20 the teacher in which they agree to be jointly responsible for
21 each other's common welfare and to share financial obligations.

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